

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)
STATE HIGHWAY COMMISSION OF COLORADO, A)
BODY CORPORATE, FOR THE USE AND BENEFIT)
OF THE PEOPLE OF THE STATE OF COLORADO,)
FOR AUTHORITY TO CONSTRUCT HIGHWAY-RAIL-)
ROAD GRADE SEPARATION ON STATE HIGHWAY)
NO. 1 (U. S. 85 & 87) IN THE SE¹/₄ SECTION)
6, T. 13-S., R. 66-W., ON THE ATCHISON,)
TOPEKA AND SANTA FE RAILWAY COMPANY AT)
COMPANY STATION 2684 ¹/₂ 56.0, MILE POST)
671 ¹/₂ 429 ALL SITUATED IN EL PASO COUNTY,)
STATE OF COLORADO.)
-----)

APPLICATION NO. 12831

November 22, 1954

Appearances: J. P. Holloway, Assistant Attorney
General, Denver, Colorado, for
Colorado Department of Highways;
Douglas McHendrie, Esq., Denver,
Colorado, for Atchison, Topeka
& Santa Fe Railway Company;
J. L. McNeill, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On March 22, 1954, the Colorado Department of Highways, by
Mark U. Watrous, Chief Engineer, filed an application with this Com-
mission, seeking authority to construct the highway-railroad grade
separation structure as captioned above.

The matter was set for hearing on Monday, May 3, 1954, at
ten o'clock A. M., in the Hearing Room of the Commission, 330 State
Office Building, Denver, Colorado. Appropriate notice of the hearing
was forwarded to interested parties, including also the owners of
adjacent property and the Chairman, Board of El Paso County Commissioners.
Pursuant to said notice, the matter was there heard by the Commission
and taken under advisement.

Mr. E. L. King, Assistant to the Surveys and Plans Engineer of the Department of Highways, gave explanatory testimony relative to the proposed work and the following exhibits:

Exhibit A: General area map to show location of present roads and proposed highway improvements near the village of Breed, Colorado.

Exhibit B: Portion of Plan Sheet No. 4 to show plan and profile of proposed underpass site, ownership of adjacent property, vertical and horizontal clearances of proposed underpass structure.

Exhibit C: (Was offered for late-filing and has been received). Copy of Agreement, dated Jan. 8, 1954 between The Atchison, Topeka & Santa Fe Railway Company and Department of Highways.

It appears that the Colorado Department of Highways has been engaged in a series of construction projects designed to improve the whole highway facility extending between Denver and Colorado Springs, Colorado. The instant application is in regard to a proposed improvement designated as Colorado Project No. I 002-2 (27), for the relocation and construction of a short section of State Highway No. 1 (U. S. 85-87) through the unincorporated Village of Breed, being north of Colorado Springs in El Paso County, Colorado. Involved also in the proposed improvements will be the construction of a two-span railroad overpass structure for the separation of highway and rail traffic. Purpose of the application is to secure authority from this Commission for construction of the proposed separation structure to be known as the "Breed Underpass."

According to testimony of Mr. King, the proposed highway reconstruction provides for a four-lane highway with a median section dividing opposing traffic, hence the necessity for a two-span, single-track railroad structure to serve as the highway underpass. Current highway traffic in this area is now handled through an existing underpass structure which has a poor safety record due to its location on a curved section of the present highway and the narrow width of the single span which accommodates

only two lanes of traffic or a single lane in each direction. It is proposed, however, that the present underpass will remain in service for local use and as a means of access to the new four-lane divided highway.

With reference to Exhibit "B" where it appears that two tracks would be involved in the proposed improvements, namely, Track No. 1 and the main line, Mr. King explained that Track No. 1 would be shortened by moving the existing switch point some 250 feet northwesterly in order to fully clear the proposed structure.

He also referred to Exhibit C, being the Agreement of January 8, 1954, covering right-of-way across railroad property, construction and maintenance of the underpass. In accordance with the agreement, he stated that the railroad company has designed and furnished plans to the Department for the separation structure and proposed track changes. In addition to the engineering and inspection services performed by the Highway Department, the railway will furnish their own inspectors and engineers as a precautionary measure. In addition, the railway forces will construct and maintain the temporary trackage necessary during construction, they will do the permanent track work, adjust signal and communication lines, relocate their own rights-of-way fences and relocate the switch point for Siding Track No. 1.

With further reference to the agreement Exhibit C, it is noted that liability for protection of the traveling public is provided for in the following insurance requirements:

Protective Public Liability Insurance.

To provide not less than \$200,000 for damages due to death or bodily injury of one person, and a total limit of \$1,000,000 similarly affecting two or more persons in any one accident.

Protective Property Damage Insurance.

To Provide for a limit of not less than \$50,000 for property damage in any one accident, and a total limit of \$500,000 for property damages developed during the policy period.

In this regard, it is further provided that no work shall be commenced within the Santa Fe right-of-way by any contractor until the above insurance requirements have been provided for in behalf of Santa Fe, The Colorado & Southern Railway Company, and The Denver & Rio Grande Western Railroad Company as users of the main line trackage.

In further testimony, Mr. King indicated that all improvements at this underpass will be in accordance with the Commission's requirements and shall conform to the specifications of the Department of Highways. With reference to Exhibit B, it is noted that the minimum vertical clearance of 16' 0" coincides with the Commission's requirement. In the case of a two-span railroad structure over State Highways, a minimum width of 30 feet is specified for each opening. Reference to the plan reveals this requirement is exceeded, since each opening is 35' 3" in width and provides a roadway of 29' 9" and two sidewalks 3' 0" and 2' 6" wide, respectively.

Further investigation by the Commission reveals that daily rail traffic over the underpass site consists of 6 scheduled passenger trains at speeds of 40 to 45 miles per hour and an average of 8 freight trains at 30 miles per hour. Highway traffic is estimated at 10,000 vehicles per day operating at maximum speed of 60 miles per hour. Since there can be no contact, the proposed separation structure at this crossing offers the highest type of protection. Contrasted to the old curved underpass, the new installation will be on straight roadway with tangent approaches to provide ample view of the supporting pier and abutments. Since the principal function of the overpass will be the support of the railroad trackage and trains, it appears quite properly that the structure as designed by the railroad company will be adequate to meet every requirement of loading and safety.

The estimated cost of the completed structure and payment thereof is as follows:

| | |
|---------------------------|------------------|
| By Bureau of Public Roads | \$86,931.30 |
| By Department of Highways | <u>67,093.00</u> |
| Total cost - | \$154,024.30 |

Continuing maintenance of the whole structure will be by the Railroad Company, in accordance with Exhibit C.

No objections to the proposed work were presented at the hearing. Reference to the files of the Commission reveals that two adjacent property owners, namely: Levi J. and Lucy D. Stark and American Machine & Foundry Company have signified their approval of the proposed work.

FINDINGS

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the construction of a new highway-railroad grade separation structure on State Highway No. 1, to be known as the "Breed Underpass," all as set forth in the preceding Statement, which Statement, by reference, is made a part hereof.

ORDER

THE COMMISSION ORDERS:

That the State Highway Commission of Colorado, a public corporation, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing it to establish and construct a new highway-railroad grade separation structure involving State Highway No. 1 (U. S. 85 & 87), in the SE $\frac{1}{4}$ Section 6, T. 13-S., R. 66-W., and the rights of way and trackage of The Atchison, Topeka and Santa Fe Railway Company at Railroad Mile Post 671 / 429, all located in El Paso County, Colorado.


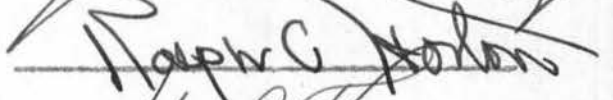
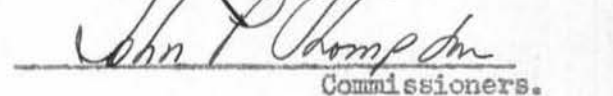
That the work to be done, method of payment, and maintenance, shall be in accordance with the agreement marked "Exhibit C."

That materials and construction of the proposed structure, to be known as the "Breed Underpass," shall conform with standard specifications for quality and workmanship with the whole installation to be made as indicated in the preceding Statement, said Statement and Exhibits "A", "B" and "C", all by reference, being made a part hereof.

That signing and any other pertinent details of the separation structure shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1954.

ea

original

(Decision No. 43686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF }
LA JUNTA AVIATION ENTERPRISES, INC., }
LA JUNTA, COLORADO, FOR AUTHORITY }
TO TRANSFER OPERATING RIGHTS }
GRANTED IN APPLICATION NO. 8870 }
(DECISION NO. 30445) TO G & K AIR- }
CRAFT SERVICE, MUNICIPAL AIRPORT, }
LA JUNTA, COLORADO. }

APPLICATION NO. 13166-Transfer

November 22, 1954

S T A T E M E N T

By the Commission:

On May 10, 1948, by Decision No. 30445, in Application No. 8870, La Junta Aviation Enterprises, Inc., La Junta, Colorado, was granted a certificate of public convenience and necessity authorizing it to operate as a non-scheduled common carrier, by airplane, in interstate and intra-state commerce, for the transportation of:

passengers and property, not on schedule, but on call and demand, in irregular service, between all points in the State of Colorado; applicant not to establish an office or branch for the purpose of developing business at any town, place, or city other than La Junta, Colorado, and nearby airports.

By the instant application, said La Junta Aviation Enterprises, Inc., La Junta, Colorado, seeks authority to transfer said operating rights to G & K Aircraft Service, La Junta, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that there are no outstanding unpaid operating obligations against said operating rights; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be

served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

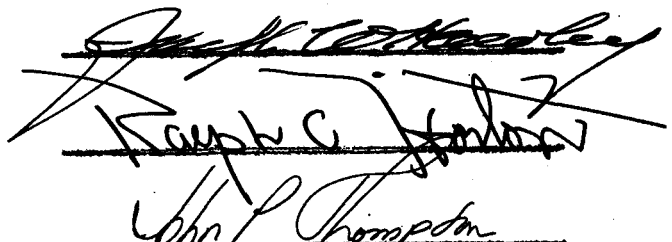
THE COMMISSION ORDERS:

That La Junta Aviation Enterprises, Inc., La Junta, Colorado, should be, and it hereby is, authorized to transfer all its right, title, and interest in and to certificate of public convenience and necessity granted to it by Decision No. 30445, in Application No. 8870, under date of May 10, 1948, to G & K Aircraft Service, La Junta, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee, until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1954.

original

(Decision No. 43687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. R. FARMER, DOING BUSINESS AS)
"DELTA COAL AND TRANSFER COMPANY,")
P. O. BOX 521, DELTA, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-1305 TO J. R. FARMER, MARY D.)
FARMER, AND EVELYN S. FARMER, CO-)
PARTNERS, DOING BUSINESS AS "DELTA)
BRICK & TILE CO.," P. O. BOX 523,)
DELTA, COLORADO.)
.....

APPLICATION NO. 1316)-PP-Transfer

.....
November 22, 1954
.....

STATEMENT

By the Commission:

By Decision No. 21116, of date July 6, 1943, J. R. Farmer,
doing business as "Delta Coal and Transfer Company," Delta, Colorado,
acquired from H. E. Tyler Transfer Company, Delta, Colorado, Permit No.
B-1305, being the right to operate as a Class "B" private carrier by
motor vehicle for hire, for the transportation of:

coal and household goods from point to point
within a radius of fifty miles of Delta, Colo-
rado, including the right to deliver general
freight from railroad depot in Delta to points
within a radius of fifty miles of Delta; pro-
vided, however, that the authority does not
include the right to deliver general freight
between points now served by any motor vehicle
common carrier.

Subsequently, and on May 4, 1949, pursuant to request from
permittee so to do, the Commission entered its Decision No. 32523, amending
and restricting operating rights under said Permit No. B-1305 to authorize:

transportation of household goods, only, from
point to point within a radius of fifty miles
of Delta, Colorado.

By the instant application, J. R. Farmer, doing business as

"Delta Coal and Transfer Company," Delta, Colorado, seeks authority to transfer Permit No. B-1305 to J. R. Farmer, Mary D. Farmer, and Evelyn S. Farmer, co-partners, doing business as "Delta Brick & Tile Co.," Delta, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that transferees will assume and pay any operating obligations of transferor on account of operations under said permit; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operations, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said application, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That J. R. Farmer, doing business as "Delta Coal and Transfer Company," Delta, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1305 -- being the operating rights acquired by him pursuant to authority contained in Decision No. 21116, as amended by Decision No. 32523 -- to J. R. Farmer, Mary D. Farmer, and Evelyn S. Farmer, co-partners, doing business as "Delta Brick & Tile Co.," Delta, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but

but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

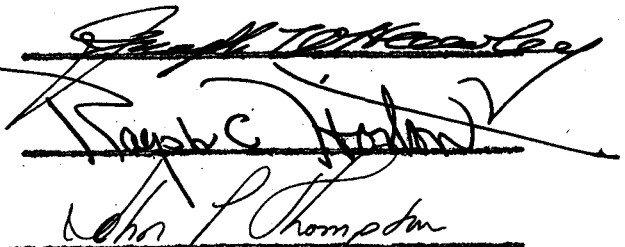
The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit, and payment by him or transferees of all unpaid ton-mile tax.

This Order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferees herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1954.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THURBER P. GOFF, 3919 WEST)
74TH, WESTMINSTER, COLORADO.)

PUC NO. 2733-I

November 23, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Thurber P. Goff, Westminster, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2733-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

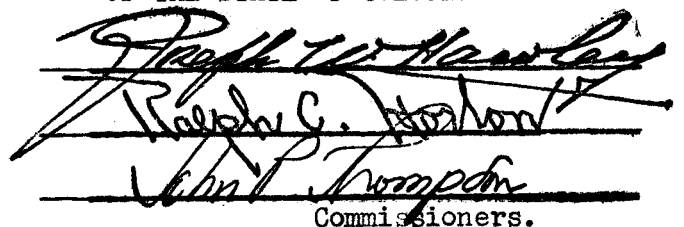
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2733-I, heretofore issued to Thurber P. Goff, Westminster, Colorado, be, and the same is hereby, declared cancelled effective November 15, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1954.

mls

original

(Decision No. 43689)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO SPRINGS TRANSIT COMPANY,
COLORADO SPRINGS, COLORADO,

Complainant,

vs.

CASE NO. 5084

WALTER H. COLHARE, DOING BUSINESS
AS "GRAND VIEW TOURS," 106 WEST
PIKES PEAK AVENUE, COLORADO
SPRINGS, COLORADO, OWNER OF PUC
NO. 132;

W. W. BRUBAKER, DOING BUSINESS AS
"HIAWATHA TOURS," 513 MANITOU
AVENUE, MANITOU SPRINGS, COLORADO,
LESSEE OF PUC NO. 132;

W. A. FOWLER, DOING BUSINESS AS
"ALLIED MOTOR TOURS," IMPERIAL
HOTEL, COLORADO SPRINGS, COLORADO,
OWNER OF PUC NO. 1503;

GALLIE DELLACROCE, 318 BEACON
STREET, COLORADO SPRINGS, COLO-
RADO, OWNER OF PUC NO. 1504;

CHARLES A. DIXON, 1803 NORTH FRANK-
LIN STREET, COLORADO SPRINGS,
COLORADO, OWNER AND OPERATOR OF
PUC NO. 1506;

W. L. FULLER, DOING BUSINESS AS
"COLORADO SCENIC TOURS," 716 PASEO
STREET, COLORADO SPRINGS, COLORADO,
OWNER AND OPERATOR OF PUC NO. 1507;

FRANK J. FORTUNA, 34½ EAST ROMONA
STREET, COLORADO SPRINGS, COLORADO,
OWNER AND OPERATOR OF PUC NO. 1508
AND PUC NO. 1872;

E. F. ROWLETT AND BINKERD MAYNARD,
CO-PARTNERS, DOING BUSINESS AS "R
& P SCENIC TOURS," 120 EAST PIKES
PEAK AVENUE, COLORADO SPRINGS,
COLORADO, OWNERS AND OPERATORS OF
PUC NO. 1985;

MILES LINDSKOG, 2012 NORTH NEVADA
AVENUE, COLORADO SPRINGS, COLORADO,
OWNER AND OPERATOR OF PUC NO. 2054,

Respondents.

- - - - -
November 19, 1954
- - - - -

S T A T E M E N T

By the Commission:

On October 26, 1954, after reviewing the circumstances under which the certificates of convenience and necessity were issued to the Respondents and finding that the circumstances justifying their issuance no longer exist, the Commission, by its Decision No. 43486, ordered the said certificates cancelled and revoked, said order becoming effective twenty-one days thereafter.

It now appears to the Commission that insofar as the said order required almost immediate termination of a business requiring substantial investment, the said order was too harsh; and that insofar as it terminated a service at Fort Carson just prior to the Christmas rush, it may have been too abrupt. That decision can be corrected in both respects without undue injury to any person if the effective date of cancellation of the certificates involved is extended until March 1, 1955.

As noted in the cited decision, it appears that only three persons are now actually operating under those certificates, those three persons being: Gallie Dellacroce, PUC No. 1504; Charles A. Dixon, PUC No. 1506; and Frank J. Fortuna, PUC No. 1508. No useful purpose would be served by extending the effective date of said order as to any of the other certificate holders.

F I N D I N G S

THE COMMISSION FINDS:

The foregoing Statement is incorporated as a part of these Findings, by reference.

That public convenience and necessity require the extension of the effective date of cancellation of Certificates Nos. 1504, 1506 and 1508, to March 1, 1955, and Decision No. 43486 should be amended so to provide.

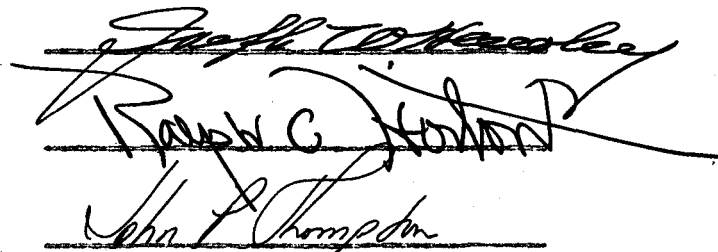
O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the extension of the effective date of cancellation of Certificates Nos. 1504, 1506, and 1508 to March 1, 1955, and Decision No. 43486 is hereby amended, nunc pro tunc, as of the date thereof, so to provide.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
W. E. ANSLEY, HASWELL, COLORADO, AND
W. G. ANSLEY, LAS ANIMAS, COLORADO,
CO-PARTNERS, DOING BUSINESS AS
"ANSLEY TAXI AND BUS LINES," FOR
AUTHORITY TO TRANSFER PUC NO. 305 TO
L. ANTHONY, DOING BUSINESS AS "ANTHONY
TAXI & BUS LINES," LAS ANIMAS, COLORADO.

APPLICATION NO. 13163-Transfer

November 22, 1954

Appearances: E. B. Evans, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

W. E. Ansley and W. G. Ansley, co-partners, doing business as "Ansley Taxi and Bus Line," Las Animas, Colorado, owners and operators of PUC No. 305, herein seek authority to transfer said operating rights to L. Anthony, doing business as "Anthony Taxi & Bus Line," Las Animas, Colorado, said certificate being the authority granted by Decision No. 4361, viz.:

The right to operate as a common carrier by motor vehicle for hire, for the transportation of passengers between Las Animas and Fort Lyon Hospital Reservation at Fort Lyon, Colorado, and to all other points in the State of Colorado, subject to the following conditions:

- (a) Applicant shall not render any scheduled service except between Las Animas and Fort Lyon;
- (b) Applicant shall not employ an agent or have a branch office at any other point than Fort Lyon and Las Animas for the purpose of developing taxi business.
- (c) Applicant shall charge for the transportation of passengers at least thirty-three and one-third per cent more per passenger than is charged for the same service by scheduled carriers, both passenger and rail, singly or in combination, for transportation between same points.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that road-tax deposit is to be transferred to account of transferee; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That W. E. Ansley, Haswell, Colorado, and W. G. Ansley, Las Animas, Colorado, co-partners, doing business as "Ansley Taxi and Bus Lines," should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 305 -- being the operating rights granted by Decision No. 4361 and acquired by transferors herein pursuant to authority contained in Decision No. 38238 -- to L. Anthony, doing business as "Anthony Taxi & Bus Line," Las Animas, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this

order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.



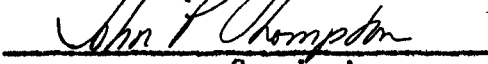
The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferee of all unpaid passenger-mile tax.

That road-tax deposit of transferors shall be transferred and credited to account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|----------------------------------|----------------------------|
| RE MOTOR VEHICLE OPERATIONS OF) | |
| FRED A. OSBORN, 603 COLLEGE) | <u>PERMIT NO. C-835</u> |
| AVENUE, CANON CITY, COLORADO.) | <u>CASE NO. 72529-INS.</u> |
| -----) | |

November 22, 1954

S T A T E M E N T

By the Commission:

On October 25, 1954, in Case No. 72529-Ins., the Commission entered its order, revoking Permit No. C-835 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

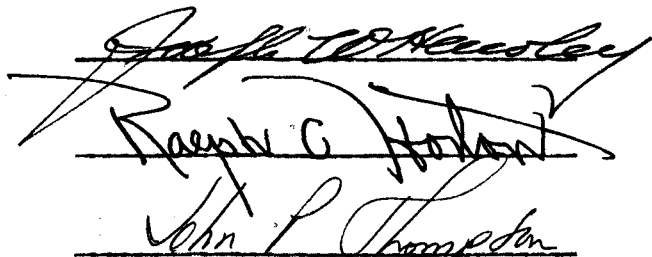
That Permit No. C-835 should be resotred to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-835 should be, and the same hereby is, reinstated, as of October 25, 1954, revocation order entered by the Commission on said date in Case No. 72529-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|--|
| IN THE MATTER OF THE APPLICATION OF) | |
| MARVIN R. IHLE, BOX 265, LAFAYETTE,) | |
| COLORADO, FOR AUTHORITY TO TRANSFER) | |
| PERMIT NO. B-4649 TO MARVIN R. IHLE) | <u>APPLICATION NO. 13128-PP-Transfer</u> |
| AND NEIL A. ADAMI, CO-PARTNERS,) | <u>SUPPLEMENTAL ORDER</u> |
| DOING BUSINESS AS "IHLE-ADAMI,") | |
| BOX 265, LAFAYETTE, COLORADO.) | |
| -----) | |

November 22, 1954

S T A T E M E N T

By the Commission:

On October 22, 1954, the Commission entered its Decision No. 43476 in the above-styled application, authorizing Marvin R. Ihle, Lafayette, Colorado, to transfer Permit No. B-4649 to Marvin R. Ihle and Neil A. Adami, co-partners, doing business as "Ihle-Adami," Lafayette, Colorado.

The Commission is now in receipt of a communication from Neil A. Adami, stating that he does not desire to participate in the operation of Permit No. B-4649 as a partner of Marvin R. Ihle, and requesting that said operating rights be returned to said Marvin R. Ihle.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

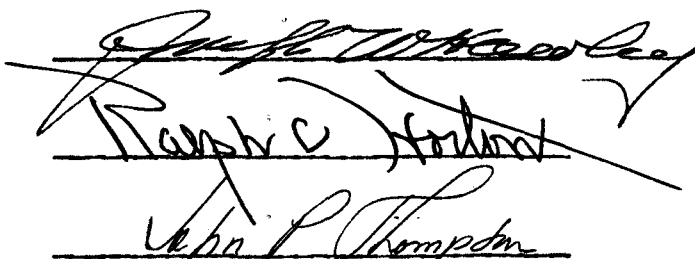
THE COMMISSION ORDERS:

That Decision No. 43476, entered by the Commission under date of October 22, 1954, in Application No. 13128-PP, authorizing transfer of Permit No. B-4649 from Marvin R. Ihle, Lafayette, Colorado, to Marvin R. Ihle and Neil A. Adami, co-partners, doing business as "Ihle-Adami,"

Lafayette, Colorado, should be, and the same hereby is, vacated, set aside, and held for naught, the records of the Commission to show that said permit No. B-4649 is owned and operated by Marvin K. Ihle, Lafayette, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED ELTON FISHER, 7100 EAST)
69TH PLACE, DERBY, COLORADO.)

PERMIT NO. B-2836

November 24, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2836 be suspended for six months from November 11, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

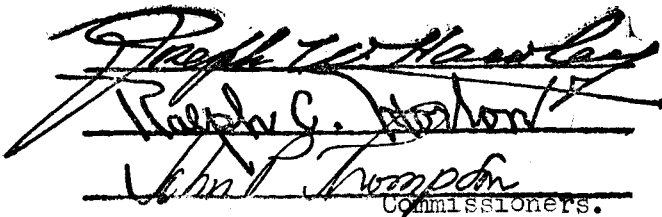
O R D E R

THE COMMISSION ORDERS:

That Fred Elton Fisher, Derby, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2836 until May 11, 1955.

That unless said Fred Elton Fisher, Derby, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

✻ ✻ ✻

November 23, 1954

S T A T E M E N T

-1-

FINDINGS

THE COMMISSION FINDS:

That the number "Permit No. B-4752" should be voided, and the number "Permit No. B-1770" restored to said operating rights.

The lease of Permit No. B-1770-I should be authorized.

ORDER

THE COMMISSION ORDERS:

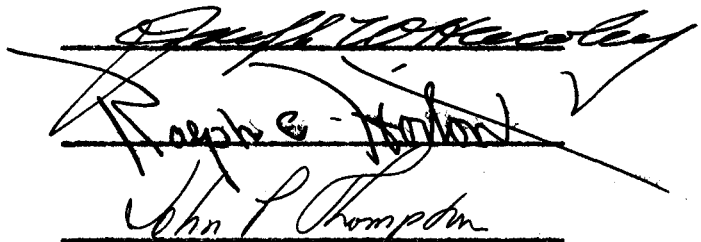
That the number "Permit No. B-4752" should be, and the same hereby is, voided, and the number "Permit No. B-1770" should be, and the same hereby is, restored to said operating rights.

That O. E. Woodrum, Berthoud, Colorado, should be, and he hereby is, authorized to lease Permit No. B-1770-I to John H. Kerk, doing business as "Kerk Trucking," Berthoud, Colorado, upon the terms and conditions authorized for lease of Permit No. B-1770 (Decision No. 42673, of date May 18, 1954), subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That road-tax deposit of lessor should be transferred and credited to account of lessee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DWIGHT L. GHENT & EMANUEL)
HELZER, 205 NORTH COLLEGE,)
FORT COLLINS, COLORADO.)

PERMIT NO. B4565

November 26, 1954

S T A T E M E N T

By the Commission:

On August 20, 1954, the Commission authorized Dwight L. Ghent and Emanuel Helzer, Fort Collins, Colorado, to suspend operations under their Permit No. 4565 until February 17, 1955.

The Commission is now in receipt of a communication from the above-named permittees requesting that their permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4565 should be, and the same hereby is, reinstated as of November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures: Ralph C. Gordon and John P. Thompson]

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY VANDEWALL, ROUTE I,)
LAFAYETTE, COLORADO.)

PERMIT NO. B-4262

November 26, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. 4262 be suspended for six months from November 22, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

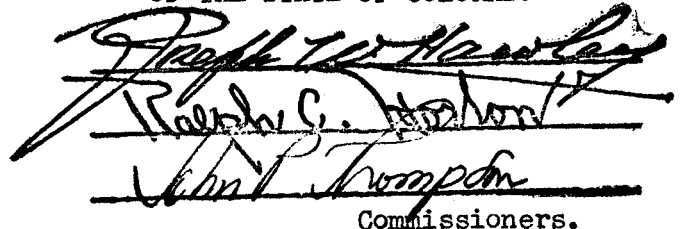
O R D E R

THE COMMISSION ORDERS:

That Henry Vandewall, Lafayette, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4262 until May 22, 1955.

That unless said Henry Vandewall, Lafayette, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1954.

mls

original

(Decision No. 43697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
NORMA P. ADAIR, SURVIVING JOINT
TENANT OF GORDON W. ADAIR AND NORMA
P. ADAIR, CO-PARTNERS, DOING BUSI-
NESS AS "SALIDA CAB COMPANY," 207½
"F" STREET, SALIDA, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 1521
TO THEODORE G. ARGYS, JR., AND
GEORGE ARGYS, CO-PARTNERS, DOING
BUSINESS AS "THE SALIDA CAB COM-
PANY," 210 LOWER "F" STREET,
SALIDA, COLORADO.

APPLICATION NO. 13154-Transfer
SUPPLEMENTAL ORDER

November 24, 1954

Appearances: Allen W. Broadstreet, Esq.,
Salida, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

On November 5, 1954, the Commission, in Application No. 13154, entered its Decision No. 43625, authorizing Norma P. Adair, surviving joint tenant of the partnership of Gordon N. Adair and Norma P. Adair, doing business as "Salida Cab Company," Salida, Colorado, to transfer PUC No. 1521 to Theodore G. Argys, Jr., and George Argys, co-partners, doing business as "The Salida Cab Company," Salida, Colorado, operating rights under said PUC No. 1521 being set forth in the Statement contained in said decision.

It now appears that, through an oversight, complete operating rights under PUC No. 1521 were not delineated in Decision No. 43625, inasmuch as said PUC No. 1521 was extended by Decision No. 40737, of date June 15, 1953, to include:

- "(1) Taxicab service from points within the area already certificated to points within the State of Colorado, and return to the point of origin, and
- "(2) Sightseeing service to points of interest within Chaffee, Park, Lake, Saguache, Gunnison, Custer, and Fremont Counties, Colorado, all sightseeing trips to originate and terminate in Salida, Colorado."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 43625 should be amended, as set forth in the Order following, so as to show complete authority under FUC No. 1521.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43625, of date November 5, 1954, should be, and the same hereby is, amended, nunc pro tunc, as of said 5th day of November, 1954, by inserting the following paragraph after the second paragraph appearing on Page 2 thereof:

"On June 15, 1953, said certificate-holders were authorized to extend operations under FUC No. 1521 to include:

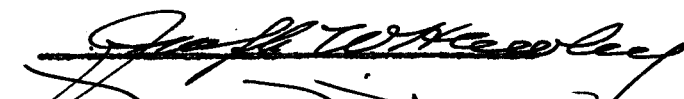
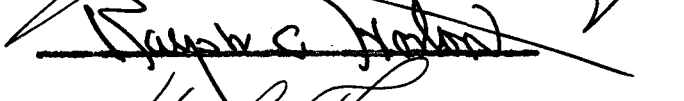

- "(1) Taxicab service from point within the area already certificated to points within the State of Colorado, and return to the point of origin, and
- "(2) Sightseeing service to points of interest within Chaffee, Park, Lake, Saguache, Gunnison, Custer and Fremont Counties, Colorado, all sightseeing trips to originate and terminate in Salida, Colorado."

That said Decision No. 43625, of date November 5, 1954, should be, and the same hereby is, further amended, nunc pro tunc, as of said 5th day of November, 1954, by changing the words and figures: "Decisions Nos. 20991 and 21438", appearing in the fifth line of the first paragraph of the Order contained in said Decision No. 43625, to read: "Decisions Nos. 20991, 21438, and 40737", so that said first paragraph of said Order, as amended, shall read:

"That Norma P. Adair, surviving joint tenant of the partnership of Gordon W. Adair and Norma P. Adair, doing business as 'Salida Cab Company,' Salida, Colorado, should be, and she hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1521 -- being the operating rights granted by Decisions Nos. 20991, 21438 and 40737 -- to Theodore G. Argys, Jr., and George Argys, co-partners, doing business as 'The Salida Cab Company,' Salida, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured."

That, except as herein amended, Decision No. 43625 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1954.

HW

original

(Decision No. 43698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
GOWER DELIVERY SERVICE, INC., 3801
SOUTH FOX STREET, ENGLEWOOD, COLO-
RADO, FOR AN EXTENSION OF PERMIT
NUMBER B-4362.

APPLICATION NO. 13152-PP-Extension

November 24, 1954

Appearances: M. O. Shivers, Esq., Engle-
wood, Colorado, for
applicant;
Harold D. Torgan, Esq.,
Denver, Colorado, for
Package Delivery Service
Co., and Acme Delivery
Service, Inc.;
John Bokan, Golden, Colorado,
for Westway Motor Freight,
Inc.

S T A T E M E N T

By the Commission:

By application filed November 1, 1954, applicant seeks an extension of its present Private Carrier Permit No. B-4362 to add to its permit an additional customer, to-wit: The Upjohn Company, Denver, Colorado, hereinafter referred to as the "Customer."

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 18, 1954, at ten o'clock A. M., due notice of time and place of hearing being forwarded to all interested parties.

It appeared from the testimony of Clarence R. Gower, President of applicant, appearing in its behalf, that the extension sought consists entirely of the addition of a single customer to the two customers applicant is now permitted to serve. No change is sought in area, tariffs or type of service to be rendered.

It further appears that the rates to be charged are considerably in excess of common carrier rates and that applicant's service consists of a specialized delivery of small packages, the specialization being principally in the fact that applicant delivers directly from point of pickup to point of delivery without handling or rerouting enroute.

The Branch Manager of the prospective customer testified that the customer is new in Denver, having just opened its principal office on November 1; that the customer is engaged in the pharmaceutical business, in which a competitive advantage can be gained from prompt and direct service to its customers; that, upon instructions from his home office, he had investigated all of the carriers offering package delivery service in the Denver area, and would be satisfied to do business with no other carrier than the applicant. He stated that the customer is at present mailing packages rather than letting some other carrier handle them, so that it will be clear that the customer is willing to wait, if necessary, to obtain the applicant's service.

It was stipulated that Louis Heller, Shipping Superintendent for the customer would, if called, testify to the same effect.

Jack Grunwald, President of Acme Delivery Service, Inc., testified in opposition to the application that his company's rates are considerably below those to be charged by the applicant; that he had discussed his company's service with Mr. Barry; that his company could handle more business and he would like to have this additional customer.

Mr. Jack Thomas, Superintendent of Package Delivery Service Co., testified to similar effect, as did Mr. Boken for Westway Motor Freight, Inc.

Mr. Louis Heller, Shipping Superintendent for the customer, testifying in rebuttal, stated that no service involving rerouting or call and pickup service would be satisfactory, and that the testimony he had heard at the hearing did not alter in any respect his decision to use, if possible, the service of applicant.

At the conclusion of the evidence, counsel for Package Delivery Service Co. and Acme Delivery Service, Inc., specifically called to the attention of the Commission the Colorado Supreme Court decision entitled McKay vs. Public Utilities Commission, 104 Colo. 402, 413.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

The matter was thereupon taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

The foregoing Statement is, by reference, made a part of these Findings.

The situation here presented is one in which a new customer has entered the field, requiring service by some carrier but never having required service in the area theretofore. The protestant common carriers take the position, in effect, that they should be allowed a priority, as to this new customer, over the holders of private permits. Such is not the law. Rather, the rule of statute, restated in the decision cited by protestants, is that "no application for permit, nor for any extension . . . shall be granted . . . if the commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory . . ." '35 C. S. A., Ch. 16, Sec. 350, Colorado Revised Statutes 1953, Vol. 5, Sec. 115-11-3.

The instant customer being new to the field, it is apparent that the granting of the permit will not in any way diminish the income now being received by existing common carriers, nor impair their service in any respect.

The extension sought by applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

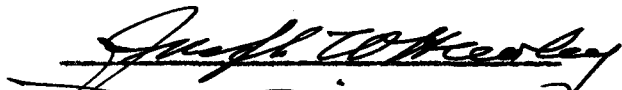
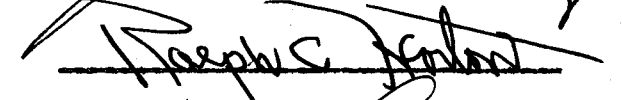

That Gower Delivery Service, Inc., Englewood, Colorado, should be, and it is hereby, authorized to extend operations under Permit No. B-4362

by adding to existing contract authority an additional customer, to-wit:

The Upjohn Company, Denver, Colorado, for the transportation of pharmaceutical products.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

ea

original
(Decision No. 43699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
MARION G. SOUTHAM, ROUTE 2,
VERNAL, UTAH.
.....

PERMIT NO. C-23524
CASE NO. 72463-INS.

RE MOTOR VEHICLE OPERATIONS OF
HERMAN BRILL, DOING BUSINESS AS
"BRILL MOTOR COMPANY," IMPERIAL,
NEBRASKA.
.....

PERMIT NO. C-25716
CASE NO. 72718-INS.

.....
November 24, 1954.
.....

S T A T E M E N T

By the Commission:

On October 25, 1954, in the above-styled cases, the Commission entered its orders, revoking Permits Nos. C-23524 and C-25716 for failure of Respondents herein to keep effective insurance on file with the Commission.

Inasmuch as it now appears that proper insurance filings have been made by said Respondents, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That Permits Nos. C-23524 and C-25716 should be restored to active status, as of October 25, 1954.

O R D E R

THE COMMISSION ORDERS:

That Permits Nos. C-23524 and C-25716 should be, and the same hereby are, reinstated, as of October 25, 1954, revocation orders entered by the Commission on said date in Cases Nos. 72463-Ins. and 72718-Ins.,

respectively, being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Keeney
Ralph C. Johnson
John P. Thompson
Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1954.

NEW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN NATURAL GAS COMPANY,)
INC., 1441 WELTON STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS IN)
THE TOWN OF IGNACIO, LA PLATA)
COUNTY, COLORADO, FOR THE PURCHASE,)
DISTRIBUTION, AND SALE OF GAS,)
EITHER NATURAL, ARTIFICIAL, OR)
MIXED, IN SAID TOWN OF IGNACIO,)
AND FOR THE PURCHASE, DISTRIBUTION,)
AND SALE OF GAS IN THE AREA IM-)
MEDIATELY ADJACENT TO SAID TOWN.)

APPLICATION NO. 13137

November 22, 1954

Appearances: Grant E. McGee, Esq., Denver,
Colorado, for applicant;
Ernest C. Porter, Denver,
Colorado, for Rocky Mountain
Natural Gas Company;
John R. Barry, Esq., Denver,
Colorado, for Colorado
Western Pipeline Company;
Joseph M. McNulty, Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 22, 1954, at ten o'clock A. M., at which time and place attorney for applicant stated to the Commission that applicant was not prepared, at that time, to proceed, and requested that said application be continued for hearing before the Commission at a later date.

There being no objection to continuance of said matter,

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be continued, to be

re-set for hearing by the Commission at a date to be later determined by it, with notice to all parties in interest.

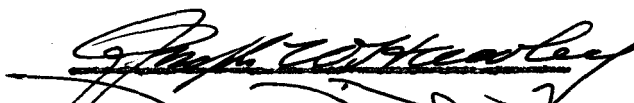
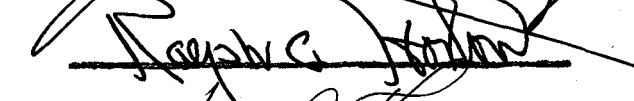

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, continued, to be re-set for hearing at some future date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1954.

nm

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. ROLLER, IDAHO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. A-759 TO ROSS A. RICHEY,)
BOX 776, IDAHO SPRINGS, COLORADO.)

APPLICATION NO. 13086-PP-Transfer

November 24, 1954

Appearances: Ross A. Richey, Idaho Springs,
Colorado, Transferee, pro se;
E. G. Trenberth, Idaho Springs,
Colorado, for Curnow Livery
and Transfer Company.

S T A T E M E N T

By the Commission:

On July 3, 1934, W. H. Roller, Idaho Springs, Colorado, trans-
feror herein, acquired Permit No. A-759, which authorizes the following:

Transportation of freight between the mining districts
of Georgetown, Silver Plume, Idaho Springs, Blackhawk,
and Central City and intermediate points to Central
City, also between Central City and Leadville, and
Central City to Colorado Springs, via Colorado Highways
Nos. 91 and 119, and U. S. Highways Nos. 40 and 85, in-
cluding intermediate points,

and now seeks authority to transfer said permit to Ross A. Richey, Box
776, Idaho Springs, Colorado.

The matter was regularly set for hearing, and heard, on October
11, 1954, at 330 State Office Building, Denver, Colorado, with notice to
all interested parties, and at the conclusion of the evidence, was taken
under advisement.

At the hearing, it appeared that W. H. Roller is desirous of
transferring two permits, one being Permit No. A-759 and the other being
Permit No. B-961, the consideration being \$800.00. It also appeared that
there are no outstanding unpaid obligations against said operation; that
transferor has operated continuously under said permits since the date of
issue; and that the ton-mile tax deposit of transferor is to be trans-

ferred to transferees. The operating experience and pecuniary responsibility of transferees were established to the satisfaction of the Commission.

Mr. Trenberth, of Curnow Livery and Transfer Company, stated that he had no objection to the transfer if the above-named permits were to be consolidated and the authority issued as follows: "ore and concentrates between points in the Counties of Gilpin, Clear Creek, and Summit, and from said counties to the smelter at Leadville, Colorado."

The Commission has given considerable thought to this proposal and is of the opinion that we do not have the authority under this application for transfer to make the proposed order, and can only transfer in this proceeding that which was previously authorized under Permit No. A-759, for the reason that we cannot add territory to the above permits without applications for extension. While Mr. Trenberth's proposal would clarify the situation relative to these two permits, we are bound to transfer only that area which has been previously authorized.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record in the instant matter, that the transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That W. H. Roller, of Idaho Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-759 to Ross A. Richey, Box 776, Idaho Springs, Colorado, subject to outstanding indebtedness, if any.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this

order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

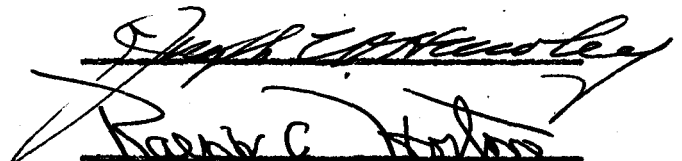
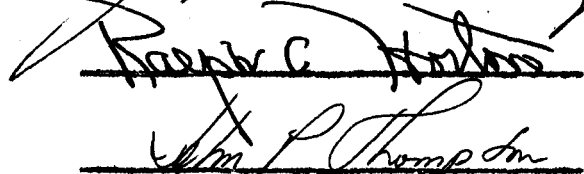

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That the ton-mile tax deposit of transferor shall be transferred and credited to the account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. ROLLER, IDAHO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-961 TO ROSS A. RICHEY,)
BOX 776, IDAHO SPRINGS, COLORADO.)

APPLICATION NO. 13087-PP-Transfer

November 24, 1954

Appearances: Ross A. Richey, Idaho Springs,
Colorado, Transferee, pro se;
E. G. Trenberth, Idaho Springs,
Colorado, for Curnow Livery and
Transfer Company.

S T A T E M E N T

By the Commission:

On May 21, 1935, W. H. Roller, transferor herein, acquired Per-
mit No. B-961, with authority as follows:

Transportation of ore from mines within a
radius of fifteen miles of Idaho Springs
to Idaho Springs, Colorado,

and now seeks authority to transfer said permit to Ross A. Richey, Box
776, Idaho Springs, Colorado.

The matter was regularly set for hearing, and heard, on October
11, 1954, at 330 State Office Building, Denver, Colorado, with notice to
all interested parties, and at the conclusion of the evidence, was taken
under advisement.

At the hearing, it appeared that W. H. Roller is desirous of
transferring two permits, one being Permit No. B-961 and the other A-759,
for which the consideration is \$800.00. It also appeared that there are
no outstanding unpaid obligations against said operation; that transferor
has operated continuously under said permits since the date of issue; and
that the ton-mile tax deposit of transferor is to be transferred to trans-
feree.

The operating experience and pecuniary responsibility were
established to the satisfaction of the Commission.

Mr. Trenberth, of Gurnow Livery and Transfer Company, stated that he had no objection to the transfer if the above named permits were consolidated and the authority issued as follows: "ore and concentrates between points in the Counties of Gilpin, Clear Creek and Summit, and from said counties to the smelter at Leadville, Colorado."

The Commission has given considerable thought to this proposal and is of the opinion that we do not have the authority under this application for transfer to make the proposed order and can only transfer in this proceeding that which was previously authorized under Permit No. B-961, for the reason that we cannot add territory to the above permits without applications for extension. While Mr. Trenberth's proposal would clarify the situation relative to these two permits, we are bound to transfer only that area which has been previously authorized.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record in the instant matter, that the transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That W. H. Roller, of Idaho Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-961 to Ross A. Kichey, Box 766, Idaho Springs, Colorado, subject to outstanding indebtedness, if any.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

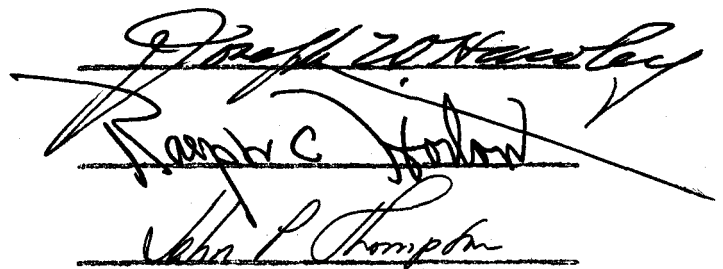
The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That the ton-mile tax deposit of transferor shall be transferred and credited to the account of transferee herein.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY, 524 - 17TH STREET,)
DENVER, COLORADO, TO INSTALL AUTO-)
MATIC SIGNAL CROSSING PROTECTION AT)
QUINCY AVENUE AND BELLEVIEW AVENUE)
CROSSINGS IN ARAPAHOE COUNTY, COLO-)
RADO.)
-----)

APPLICATION NO. 13122

November 24, 1954

Appearances: Douglas McIlendrie, Esq.,
Denver, Colorado, for
applicant;
T. A. White, Esq., Denver,
Colorado, for The Denver
and Rio Grande Western
Railroad Company;
J. L. McNeill, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On October 11, 1954, The Atchison, Topeka and Santa Fe Railway Company, by its attorneys, Grant, Shafroth and Toll, filed an application with this Commission, seeking authority to install automatic signal crossing protection at the crossing of its tracks at Quincy Avenue and at Bellevue Avenue in Arapahoe County Colorado, south of the Town of Englewood.

A hearing in the matter was set for Friday, November 5, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including Plans Engineer, Colorado Department of Highways; Chairman, Board of Arapahoe County Commissioners, and T. A. White, Esq., of The Denver and Rio Grande Western Railroad Company. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

In the instant application, it is proposed to install two automatic flasher-type signals at each Santa Fe crossing over the above streets. In Application No. 13144, similar protection is also proposed by The Denver & Rio Grande Western Railroad Company for the crossings of that railroad at Quincy Avenue and Bellevue Avenue. Further interest in both of these applications is the fact that Arapahoe County will pay a total of \$9,333.33 or an estimated one-third of the cost of the complete signal installation of both railroads. Both applications were therefore consolidated for the purpose of hearing, since much of the individual testimony was applicable to both applications; however, separate orders will be issued in each application.

Relative to the proposed work at the Santa Fe crossings, the following exhibits were explained by Mr. H. A. Appleby, Amarillo, Texas who is Signal Engineer in this Western Lines territory of The Atchison, Topeka and Santa Fe Railway Company:

- Exhibit A: As submitted at the hearing is a corrected blue print sketch map to show layout of trackage at Bellevue and Quincy Avenues with proposed new signals indicated in red.
- Exhibit B: As attached to the application is a description and list of equipment for the proposed signal installation at each street crossing.
- Exhibit C: As submitted at the hearing is a corrected Control Chart showing signals and warning times of trains approaching from either direction.
- Exhibit D: Letter of W. C. Giggall, Chairman, Board of Arapahoe County Commissioners, dated April 15, 1954, indicating the proposition of Arapahoe County to protect the crossings.

Mr. Appleby explained that Bellevue and Quincy Avenues are some 5,400 feet apart and are located outside the City Limits between Littleton and Englewood, Colorado. In this territory there is a double track rail service whereby northward traffic is handled over Santa Fe trackage and southbound trains move over tracks of the Rio Grande. At Bellevue the track separation is 118 feet, and at Quincy Avenue there is 133 feet between track center lines.

With reference to Exhibit A, Mr. Appleby explained that signal protection is proposed for the main track and an industry spur at Quincy Avenue. The signal unit located easterly from the industry spur will carry an added set of flashing lights so mounted as to be visible along a graveled road which parallels the rail line. At Belleview Avenue it is proposed that two flashing light signal units will be installed at the single main track. Again the easterly signal unit will be provided with an added set of flashing lights for warning along a private road that enters Belleview Avenue from the south. One signal at each crossing will include a bell. The complete installation at each Santa Fe crossing will be interconnected with the flashing light signals as proposed by the Rio Grande at each of the two Avenues. In this manner, vehicular traffic entering the crossing area will have warning of train movements on all tracks in either direction and traffic already between the two railroad lines will be warned to stop or may then proceed over the safe trackage.

According to the application herein, recent traffic counts during the summer of 1954 and between the hours of 7:00 A. M. and 7:00 P. M., showed the following crossing usage:

Quincy Avenue: 1,222 automobiles, 337 trucks
Belleview Ave: 2,077 automobiles, 740 trucks

The railway traffic over each crossing normally consists of six passenger trains per day, at speeds up to 70 miles per hour, and eight freight trains per day at speeds up to 45 miles per hour.

While the Santa Fe track in this area is normally used for north-bound travel, Mr. Appleby explained that there are infrequent southbound movements for local switching service or emergency needs. With reference to Exhibit C, he explained that the proposed wiring circuits would provide a minimum of 25 seconds warning time for the maximum rail speed of 70 miles per hour in either direction.

The estimated cost of the proposed installation is \$14,252.66, of which sum, Arapahoe County will contribute \$4,666.66. Approval of the project by the County Commissioners is indicated in the letter of the

Commissioners dated April 15, 1954, a copy of which appears as Exhibit D. In that letter the county has also agreed to make a similar contribution of \$4,666.66 to the installation of flasher-type signals at the adjacent Rio Grande tracks. Continuing maintenance of the signals will be by the railroad company.

Investigation by the Commission indicated that Belleview and Quincy Avenues are not a part of the State Highway System. However, Colorado Highway No. 1 (U. S. 85) is to the west of and closely parallels the railroad lines. Intersections with this highway are made by Quincy and Belleview Avenues, which situations have been studied by the Department of Highways and a report given to the Commission that the Department sees no objection to the proposed signal installations.

The files of the Commission also indicate correspondence relative to proposed widening of these crossings, which, in the past, could not be safely justified since the resultant heavier traffic would then develop added exposure not in keeping with the simple crossbuck protection. While no testimony was offered at the hearing regarding crossing improvements, it should logically follow now that with improved protection devices the crossings should be widened to meet the pavement widths at each street, with such additional length as would be required to accommodate traffic turning from and onto the side roads. This approval will be so noted in the Commission's Order herein.

It appears that no public utilities or adjacent property owners will be adversely affected by the proposed signal improvements and no protests have been received by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require improvement of the crossings and protection devices, by means of extended crossing planking and installation, operation and maintenance of automatic flashing light signals, all at the Santa Fe grade crossings over Belleview Avenue and

Quincy Avenue, Arapahoe County, Colorado, and described in the foregoing Statement, which Statement, by reference, is made a part hereof.

ORDER

THE COMMISSION ORDERS:

That applicant, The Atchison, Topeka and Santa Fe Railroad Company, be, and it hereby is, granted a certificate of public convenience and necessity to authorize the following:

1. To install, operate and maintain automatic flashing light signals and bell at the Santa Fe crossings on Quincy Avenue and to extend or place new treated timber planking at said crossings of the main line track and Track No. 7 over Quincy Avenue.
2. To install, operate and maintain automatic flashing light signals and bell at the Santa Fe crossing over Belleview Avenue and to extend the timber crossing as needed to coincide with the paved roadway and traffic movements over the crossing; all as located in Arapahoe County, Colorado.

That the work to be done, installation and maintenance of the proposed automatic flashing light signals, shall be as indicated in the preceding Statement, said Statement, and Exhibits "A", "B", "C", "D", all of which, by reference, are made a part hereof.

That the proposed signal devices and installation shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY TO INSTALL AUTO-)
MATIC SIGNAL CROSSING PROTECTION) APPLICATION NO. 13144
AT QUINCY AVENUE AND AT BELLEVUE)
AVENUE CROSSINGS, IN ARAPAHOE)
COUNTY, COLORADO.)
-----)

November 24, 1954

Appearances: T. A. White, Esq., Denver,
Colorado, for applicant;
Douglas McHendrie, Esq.,
Denver, Colorado, for
Atchison, Topeka and
Santa Fe Railway Company;
J. L. McNeill, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On November 1, 1954, The Denver & Rio Grande Western Railroad Company, by its attorney, T. A. White, filed an application with this Commission, seeking authority to install automatic signal crossing protection as captioned above.

A hearing in the matter was set for Friday, November 5, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including Plans Engineer, Colorado Department of Highways, Chairman, Board of Arapahoe County Commissioners, and Charles H. Haines, Jr., for the Atchison, Topeka and Santa Fe Railway Company. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

In the instant application, it is proposed to install two auto-matic flasher-type signals at each Rio Grande crossing over the above streets.

In Application No. 13122, similar protection is also proposed by the Atchison, Topeka and Santa Fe Railway Company for the crossings of that railroad at Quincy Avenue and Bellevue Avenue. Further interest in both of these applications is the fact that Arapahoe County will pay a total of \$9,333.33, or an estimated one-third of the cost of the complete signal installation of both railroads. Both applications were therefore consolidated for the purpose of hearing, since much of the individual testimony was applicable to both applications; however, separate orders will be issued in each application.

Relative to the proposed work at the Rio Grande crossings, the following exhibits were explained by Mr. V. M. Durland, Denver, Colorado Assistant Signal Engineer for Rio Grande.

- Exhibit A: Consists of two maps to show crossing locations. Present crossbuck protection is shown. Proposed signals are indicated in red.
- Exhibit B: Print of Standard Highway Crossing Signals on which the standard flashing signal light unit proposed for these crossings is outlined in red.
- Exhibit C: Diagram of "No Right Turn" and "No Left Turn" signal units to supplement flashing light signals at Quincy Avenue.
- Exhibit D: Letter of W. C. Giggall, Chairman, Board of Arapahoe County Commissioners, dated April 15, 1954, indicating the proposition of Arapahoe County to protect the crossings.

Mr. Durland stated he was familiar with the proposal of Santa Fe to place flashing light signals at the Quincy Avenue and Bellevue Avenue crossings; that Santa Fe and Rio Grande operated a paired track arrangement in this territory whereby all northbound traffic is handled over Santa Fe and southbound trains move on the Rio Grande line; that the tracks are 118 feet apart at Bellevue Avenue and 133 feet apart at Quincy Avenue; that all of the signals as planned by Rio Grande would be interconnected with the flasher signals to be installed by Santa Fe at each of the two avenues. That the necessity for signals is indicated by traffic counts during the summer of 1954 between the hours of 7:00 A. M. and 7:00 P. M., which showed the following crossing usage:

Quincy Avenue: 1,222 automobiles, 337 trucks
Bellevue Ave: 2,077 automobiles, 740 trucks

With respect to Exhibit C, he explained that the "No Right Turn" and "No Left Turn" signals appeared as a necessary addition to the Quincy Avenue installation for the guidance of vehicular traffic on the adjacent State Highway No. 1.

At Bellevue Avenue the State Highway No. 1 has been relocated some two-tenths of a mile westerly from the Rio Grande tracks, thereby removing the need for turning signals at this installation. Mr. Durland explained that the paralleling paved road that now remains is in the nature of a service road and is provided with "STOP" signs whereby Bellevue Avenue becomes a "Through" street. In this manner, traffic stopped on the side road and contemplating a movement over the crossing will have an opportunity to see the standard flashing light signal, therefore no supplementary equipment is proposed at this crossing.

Mr. Durland explained that with the interconnection to the Santa Fe signals, the proposed Rio Grande installation will have the same timing provisions and will therefore provide protective warning of train movements in either direction on any track.

Estimated cost of the Rio Grande installation is \$10,002.00, of this sum, the amount of \$4,666.66 will be paid in accordance with Exhibit D, being the contract letter of the Arapahoe Board of County Commissioners dated April 15, 1954.

It appears that no public utilities or adjacent property owners will be adversely affected by the proposed work and the Commission files indicate the Colorado Department of Highways has no objection to the installation of the proposed signals. No protests have been received by the Commission and none were presented at the hearing.

FINDINGS

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the

improvement of existing grade crossing protection through the installation, operation and maintenance of automatic flashing light signals, complete with bells, at the Rio Grande crossings over Bellevue Avenue and Quincy Avenue, Arapahoe County, Colorado, all as described in the foregoing Statement, which Statement, by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

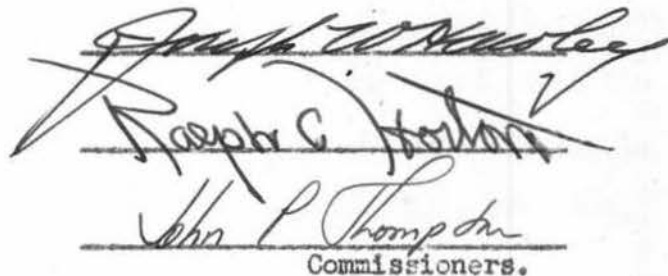
That applicant, The Denver and Rio Grande Western Railroad Company, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing it to install, operate and maintain automatic flashing light signals, complete with bells, at the grade crossings of Bellevue Avenue and Quincy Avenue over the tracks of said railroad in Arapahoe County, Colorado.

That the work to be done, installation and maintenance of the proposed automatic flashing light signals, shall be as indicated in the preceding Statement, said Statement, and Exhibits "A", "B", "C", "D", all of which, by reference, are made a part hereof.

That the proposed signal devices and installation shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

original

(Decision No. 43705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY, 1531 STOUT STREET,
DENVER, COLORADO, TO WITHDRAW THE
AGENCY AT DE BEQUE, COLORADO, FROM
DECEMBER 1ST TO AUGUST 31ST OF EACH
YEAR.

APPLICATION NO. 13054

At a General Session of The
Public Utilities Commission
of the State of Colorado, held
at its offices in Denver,
Colorado, November 24, 1954.

INVESTIGATION AND SUSPENSION DOCKET NO. 369

On September 7, 1954, The Denver and Rio Grande Western Railroad Company, by L. H. Hale, its Superintendent of Transportation, filed its petition under Rule 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by the petitioner for an order authorizing the withdrawal of its agent from the station at DeBeque, Mesa County, Colorado, for the period from December 1 to August 31, inclusive, of each year, thereby maintaining DeBeque as an open agency station from September 1 to November 30, inclusive, of each year. Said withdrawal to be effective December 1, 1954.

As indicated by petitioner, the principal railroad business conducted at DeBeque has been the receipt and shipment of carloads of livestock. This is seasonal traffic which occurs during the spring and fall seasons, with very little remaining business to be handled during the summer and winter season, when it is proposed to close the station.

DeBeque is located approximately thirty miles west of the Agency Station at Rifle, and twenty miles east of the Agency Station at Palisade, all of these stations being served by U. S. Highway No. 24, which is a paved, all-weather, transcontinental Highway.

During the period of the year when there would be no agent at DeBeque, it is proposed that all handling of carload shipments can be handled from the Rifle or Palisade stations without undue inconvenience to shippers. Rio Grande offers to assume the expense of telephone charges from DeBeque to either of said stations in connection with such business.

The intention of applicant having been properly publicized by the posting of public notice at its station in DeBeque, the Commission has received a protest petition bearing 263 signatures, wherein citizens and residents of the area indicate there is a public need for the agency service; that there is sufficient justification for full-time service; that absence of the railroad agent would result in a loss of railroad business which would exceed the proposed savings.

It appears then that all residents of the DeBeque area are not in accord with the proposed station closing; therefore, in order to determine a full understanding of this situation, it is necessary to suspend the effective date of the proposed station closing so that a more complete investigation may be had in the matter. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 369 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of The Denver and Rio Grande Western railroad Company to withdraw its agency at DeBeque, Colorado, during the annual period from December 1 to August 31, inclusive, should be suspended, and an investigation had in the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed station closing at DeBeque, Colorado, by The Denver and Rio Grande Western railroad Company,

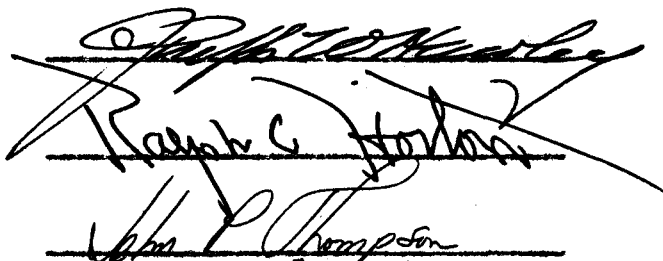
be, and it hereby is, suspended for a period of one hundred twenty (120) days from December 1, 1954, or until April 1, 1955, unless otherwise ordered.

That the matter is hereby scheduled for a public hearing, to determine all pertinent facts relative thereto, said hearing to be held in the Court House, Glenwood Springs, Colorado, on December 14, 1954, at ten o'clock A. M.

That Application No. 13054, originally assigned to the instant proceedings, be, and it is hereby closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 369.

That a copy of this Order be filed with Application no. 13054, and with Investigation and Suspension Docket No. 369, and copies served on T. A. White and Ernest Porter, 1531 Stout Street, Denver, Colorado, attorneys for The Denver and Rio Grande Western Railroad Company, and on the following, whose names first appear on the petition of protestants in this matter, viz.: Barney L. Whitley, DeBeque, Colorado; George W. Heflin, DeBeque, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1954.

PERMIT NO. C-32142

November 30, 1954

STATEMENT

The Commission is in receipt of a communication from

Phillip A. Reed,

requesting that Permit No. C-32142 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32142, heretofore issued to

Phillip A. Reed,

be,

and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE
PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER)
COMPANY, SECURITY BUILDING, CFDA)
RAPIDS, IOWA, FOR AUTHORITY TO ISSUE)
AND SELL ITS BONDS IN THE PRINCIPAL)
AMOUNT OF \$9,000,000.)

APPLICATION NO. 13177
Securities

November 24, 1954

S T A T E M E N T

By the Commission:

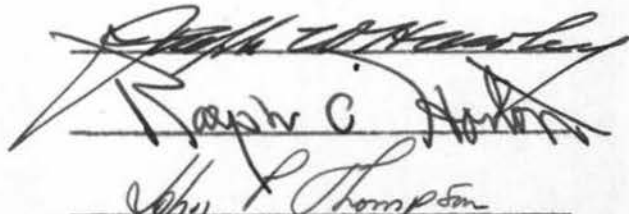
Upon consideration of the application filed November 23, 1954, by Iowa Electric Light and Power Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on December 9, 1954, at 9:30 O'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before December 3, 1954, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY SEABRY AND FRANK SEABRY, DOING)
BUSINESS AS "SEABRY BROTHERS," 204) APPLICATION NO. 13159-PP-Extension.
WEST 6TH STREET, LEADVILLE, COLO-)
RADO, FOR AN EXTENSION OF PERMIT)
NO. B-1976.)
-----)

November 26, 1954

Appearances: Roy Seabry and Frank Seabry,
Leadville, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

On January 19, 1954, Roy and Frank Seabry, doing business as "Seabry Brothers," Leadville, Colorado, filed their application for an extension of Permit No. B-1976 to include the transportation of scrap metal from the Climax-Molybdenum Company, Climax, Colorado, to the smelter at Leadville, Colorado.

The above application for extension was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on November 24, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicants herein are the holders of a private carrier permit which, generally authorizes the transportation of ore, sand, gravel, and logs, as more particularly set forth in Decision No. 32581, dated May 12, 1949.

Mr. Roy Seabry testified that the Climax-Molybdenum Company and the American Smelting and Refining Company had requested their services for hauling scrap metal to the smelter at Leadville. The

Commission is also in receipt of a letter from Thomas P. Fahey, Superintendent of the Arkansas Valley plant of the American Smelting and Refining Company, wherein he urges that said extension be granted, stating his company uses considerable scrap iron in its operation and had contracted with the Climax-Molybdenum Company for the purchase of several hundred tons; that Seabry Brothers are familiar with the specifications of the iron needed, point of delivery, etc., and his company would deem it a favor if the extension to Seabry Brothers is granted.

It appears from the evidence that applicants are well qualified to give this service, and are financially responsible.

No one appeared at the hearing to protest the granting of the proposed extension. The evidence did not disclose, nor did it appear that the proposed extension to said permit will tend to impair the efficiency of any motor vehicle common carrier service with which applicants will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application for extension should be granted.

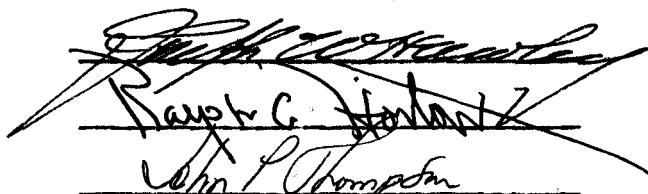
O R D E R

THE COMMISSION ORDERS:

That Roy Seabry and Frank Seabry, doing business as "Seabry Brothers," 204 West 6th Street, Leadville, Colorado, be, and they hereby are, authorized to extend operations under their Private Carrier Permit No. B-1976 to include the transportation of scrap metal from the Climax-Molybdenum Company in Climax, Colorado, to the smelter of the American Smelting and Refining Company at Leadville, Colorado.

This Order is made part of the permit granted to applicants, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LESTER WILLIAMS, DOING BUSINESS AS)
"WILLIAMS TRUCK LINE," OAKLEY,)
KANSAS, FOR AUTHORITY TO TRANSFER) PUC NO. 2223-I-Transfer
INTERSTATE OPERATING RIGHTS TO)
SWART TRUCKING, INC., OAKLEY,)
KANSAS.)

November 26, 1954

S T A T E M E N T

By the Commission:

Heretofore, Lester Williams, doing business as "Williams Truck Line," Oakley, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and PUC No. 2223-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Swart Trucking, Inc., Oakley, Kansas.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

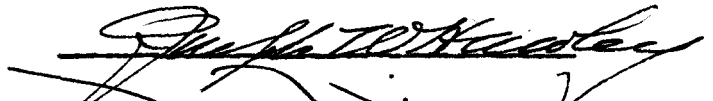
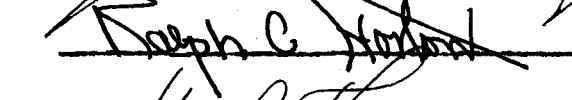
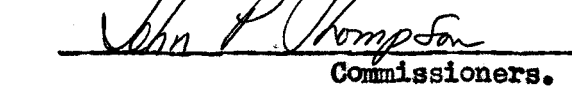
That Lester Williams, doing business as "Williams Truck Line," Oakley, Kansas, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2223-I to Swart Trucking, Inc., Oakley, Kansas, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or

unsecured.

That ton-mile tax deposit of transferor shall be transferred
and credited to account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BURL M. WALN, FLEMING, COLORADO)

PERMIT NO. C-1021

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Burl M. Waln,

requesting that Permit No. C-1021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-1021, heretofore issued to _____

Burl M. Waln,

be,

and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank W. Hawley
Ralph C. Horton
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
OWEN BISHOP, NORWOOD, COLORADO)

PERMIT NO. C-3408

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Owen Bishop,
requesting that Permit No. C-3408 be cancelled.

FINDINGS

THE COMMISSION FINDS:

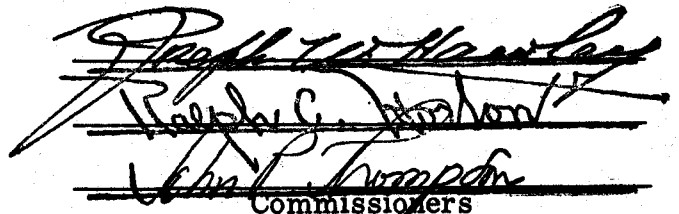
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-3408, heretofore issued to _____
Owen Bishop, _____ be,
and the same is hereby, declared cancelled effective January 1, 1953.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VERNON T. BUTLER, d/b/a PIONEER)
BISCUIT COMPANY, 1380 SO. DENVER 19,)
COLORADO.)
-----)

PERMIT NO. C-17097

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Vernon T. Butler, d/b/a Pioneer Biscuit Company,
requesting that Permit No. C-17097 be cancelled.

FINDINGS

THE COMMISSION FINDS:

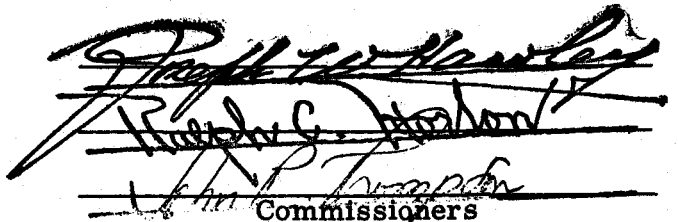
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-17097, heretofore issued to _____
Vernon T. Butler, _____ be,
and the same is hereby, declared cancelled effective November 18, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD V. STRAWMIER, 359 FOX STREET,)
DENVER, COLORADO)

PERMIT NO. C-24418

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Harold V. Strawmier,

requesting that Permit No. C-24418 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-24418, heretofore issued to

Harold V. Strawmier, be,

and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Nathan
John T. Thompson
Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

eg.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SAM B. FORD, 1312 ELM, CASPER, WYO.)

PERMIT NO. C-26727

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Sam B. Ford,

requesting that Permit No. C-26727 be cancelled.

FINDINGS

THE COMMISSION FINDS:

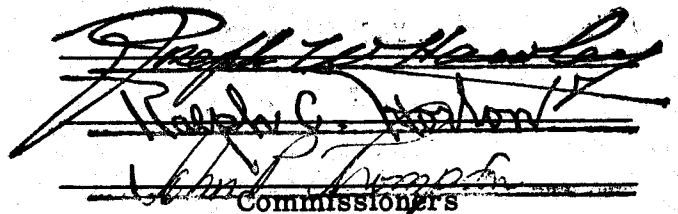
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26727, heretofore issued to _____
Sam B. Ford, _____ be,
and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
L. E. LILLY, RT 4 BOX 240, AURORA,)
COLORADO.)

PERMIT NO. C-17706

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
L. E. Lilly,

requesting that Permit No. C-17706 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-17706, heretofore issued to _____
L. E. Kelly, _____ be,
 and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph W. Hawley
Ralph G. Jackson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE W. MALINEE, RT 3, BOX 296,)
PUEBLO, COLORADO)

PERMIT NO. C-23580

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Eugene W. Malinee,
_____ requesting that Permit No. C-23580 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-23580, heretofore issued to _____
Eugene W. Malinee, _____ be,
and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Harrison

John P. Thompson

Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST E. ROBINSON, d/b/a ROBINSON)
LUMBER COMPANY, BOX 25, RYE, COLORADO)
)
)
-----)

PERMIT NO. C-24635

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Ernest E. Robinson,

requesting that Permit No. C-24635 be cancelled.

FINDINGS

THE COMMISSION FINDS:

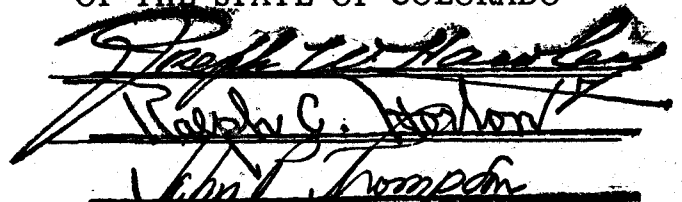
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-24635, heretofore issued to _____
Ernest E. Robinson, _____ be,
and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. M. ROBISON, CROWLEY, COLORADO)

PERMIT NO. C-29066

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
C. M. Robison,
_____ requesting that Permit No. C-29066 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29066, heretofore issued to _____
C. M. Robison, _____ be,
 and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~Ralph G. Hawley~~
~~Ralph G. Hawley~~
~~John P. Thompson~~
Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. GOTT, 1710 E. 15TH ST.,)
PUEBLO, COLORADO)
)
)
-----)

PERMIT NO. C-29650

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Robert W. Gott,

requesting that Permit No. C-29650 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

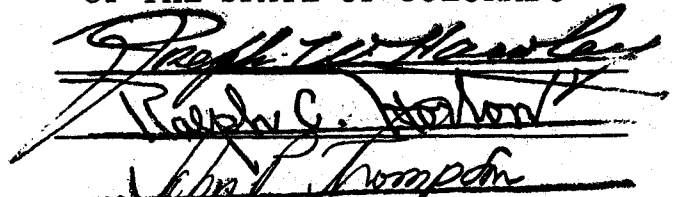
THE COMMISSION ORDERS:

That Permit No. C-29650, heretofore issued to _____

Robert W. Gott, be,

and the same is hereby, declared cancelled effective October 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE E. TUCKER & ROBERT N. ECHOLS,)
d/b/a NATIVE LUMBER COMPANY, LARKSPUR,)
COLORADO.)
-----)

PERMIT NO. C-32307

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
George E. Tucker & Robert N. Echols,
requesting that Permit No. C-32307 be cancelled.

FINDINGS

THE COMMISSION FINDS:

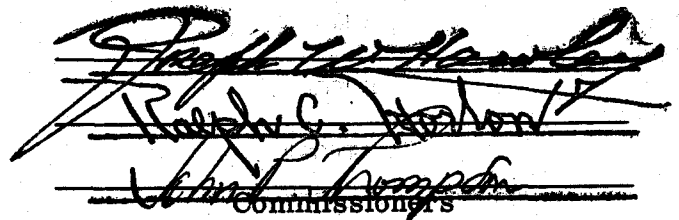
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32307, heretofore issued to _____
George E. Tucker & Robert N. Echols, _____ be,
and the same is hereby, declared cancelled effective September 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 4.

ea

PERMIT NO. C-31672

STATEMENT

FINDINGS

ORDER

~~Franklin D. Roosevelt~~
~~Walter G. Houston~~
~~John F. Thompson~~
Commissioners

ea.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
K. W. SCOTT, D/B/A SCOTT'S FIRESTONE)
DEALER STORE, 715 - FIRST AVENUE,)
MONTE VISTA, COLORADO)
-----)

PERMIT NO. C-32078

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
K. W. Scott, d/b/a Scott's Firestone Dealer Store,
requesting that Permit No. C-32078 be cancelled.

FINDINGS

THE COMMISSION FINDS:

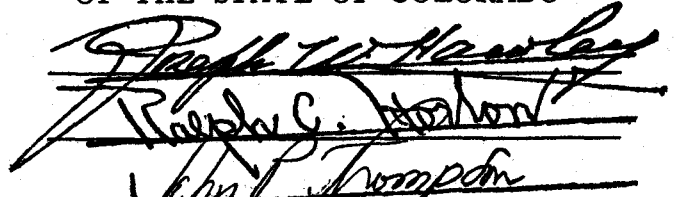
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32078, heretofore issued to _____
K. W. Scott, d/b/a Scott's Firestone Dealer Store, _____ be,
and the same is hereby, declared cancelled effective September 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 30th day of Nov., 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. F. MULLEN, 832 BAKER STREET,)
LONGMONT, COLORADO)

PERMIT NO. C-1802

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

G. F. Mullen,

requesting that Permit No. C-1802 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-1802, heretofore issued to

G. F. Mullen, be,

and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph W. Hawley
Ralph C. Jackson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. F. MULLEN, 832 BAKER STREET,)
LONGMONT, COLORADO)

PERMIT NO. B-3876

November 30, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

G. F. Mullen,

requesting that Permit No. B-3876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3876, heretofore issued to

G. F. Mullen,

be,

and the same is hereby, declared cancelled effective November 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO
Ralph W. Hawley
Ralph G. Ashton
John F. Thompson
 Commissioners

Dated at Denver, Colorado,

this 30th day of Nov. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE GREYHOUND CORPORATION FOR THE)
ABANDONMENT AND CANCELLATION OF ITS)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE TRANSPORTATION)
OF PASSENGERS, BAGGAGE, EXPRESS,)
MAIL AND NEWSPAPERS BETWEEN FT.)
LUPTON, DAcono, FIRESTONE AND)
FREDERICK AND INTERMEDIATE POINTS)
IN THE STATE OF COLORADO.)

APPLICATION NO. 12736

November 29, 1954

Appearances: Edward G. Knowles, Esq., Denver,
Colorado, for The Greyhound
Corporation;
Lee Edward Combs, Ft. Lupton,
Colorado, pro se;
Mrs. John (Bernice) Jurcheck,
Dacono, Colorado, pro se;
John Jurcheck, Dacono, Colorado,
pro se;
Regina Gabriele, Frederick,
Colorado, pro se;
Harvey M. Kolesar, Hazeltine,
Colorado, pro se;
Elizabeth Kingston, Brighton,
Colorado, pro se;
Jack Walsh, Frederick, Colorado,
pro se;
Kenneth E. Catron, Frederick,
Colorado, for Frederick
Public Schools;
Alexander Tesone, Frederick,
Colorado, for Town of
Frederick;
Sadie M. Jackson, Frederick,
Colorado, pro se;
Mrs. John B. Fiori, Frederick,
Colorado, pro se;
David A. Anderson, Platteville,
Colorado, pro se;
Robert Scruby, Ft. Lupton,
Colorado, pro se;
Loy G. Tabor, Brighton,
Colorado, pro se;
Mrs. Mae E. Collier, Frederick,
Colorado, pro se;
Lem Cowan, Dacono, Colorado for
M & M Auto Sales;
T. S. Wood, Denver, Colorado for
The Public Utilities Commission
of the State of Colorado.

S T A T E M E N T

By the Commission:

On January 11, 1954, The Greyhound Corporation, a Delaware Corporation, duly authorized to do and doing business within the State of Colorado under the name Overland Greyhound Lines Division of The Greyhound Corporation, as a common carrier by bus, through its Attorneys E. G. Knowles and Clayton D. Knowles, filed an application requesting that the Commission enter an order authorizing the cancellation of the certificate of public convenience and necessity originally issued to Rocky Mountain Motor Company in Decision No. 30230, dated April 12, 1948, Application No. 9013-Extension, and to abandon the operation.

The Greyhound Corporation will hereinafter be referred to as applicant.

This matter was assigned for hearing on February 3, 1954, in the hearing room of the Commission in Denver, and was heard on that date.

The Commission's order entered under Decision No. 30230 authorized an extension of certificate of public convenience and necessity previously issued to Rocky Mountain Motor Company, to establish a scheduled service by bus for the transportation of passengers, baggage, express, mail and newspapers, between Fort Lupton, Colorado, and the towns of Dacono, Firestone and Frederick, Colorado, via state highway 52 from Fort Lupton, Colorado, to Dacono, Colorado, and via unnumbered road running directly north from Dacono, Colorado, to Firestone and Frederick, Colorado, including all intermediate points.

In the issuance of the above extension the Commission stated, that; under temporary authority the applicant was operating over this route and for the period January 6, 1948, through January 30, 1948, there were sold at Frederick 73 one-way tickets, 149 round-trip tickets, 5 one-way junction tickets and 3 round-trip junction tickets, representing the equivalent of 362 one-way tickets.

Express shipments in and out of Frederick total, respectively, 7 and 18 for the same period. The gross revenue from the Frederick agency totaled \$205.17.

Total passengers handled from Denver to Frederick and return and intermediate points including cash fares, for the period, were 1050.

The time schedules at that time were:

| | | | |
|------------------|-----------|-----|-----------|
| Leave Denver | 6:30 A.M. | and | 4:15 P.M. |
| Arrive Frederick | 7:30 A.M. | and | 5:15 P.M. |
| Leave Frederick | 7:35 A.M. | and | 5:20 P.M. |
| Arrive Denver | 8:30 A.M. | and | 6:14 P.M. |

The present schedules are:
(Daily except Sunday)

| | | | |
|-------------------|-----------|-----|-----------|
| Leave Denver | 5:40 A.M. | and | 5:10 P.M. |
| Arrive Ft. Lupton | 6:25 A.M. | and | 6:00 P.M. |
| Arrive Frederick | 6:40 A.M. | and | 6:15 P.M. |
| Leave Frederick | 6:40 A.M. | and | 6:15 P.M. |
| Arrive Ft. Lupton | 6:55 A.M. | and | 6:28 P.M. |
| Arrive Denver | 7:50 A.M. | and | 7:20 P.M. |

An exhibit of record shows that for the month of November 1953, the total revenue between Firestone and Ft. Lupton was \$52.61 and the operating expenses were \$133.82, resulting in a loss of \$81.21. The revenue is broken down as follows:

| | |
|-------------------------------------|----------|
| Run leaving Firestone at 6:40 A.M. | \$ 16.32 |
| Run leaving Firestone at 6:15 P.M. | 7.41 |
| Run leaving Ft. Lupton at 6:25 A.M. | 5.05 |
| Run Leaving Ft. Lupton at 6:00 P.M. | 23.83 |

The present one-way and round-trip fares between Ft. Lupton and Dacono, Frederick and Firestone are 25 cents and 45 cents, respectively, and between Denver and Dacono, Frederick and Firestone 80 cents and \$1.45, respectively.

Exhibits 2, 3, 4 and 5 are charts showing by days the number of bus seats furnished and the number of bus seats occupied between Firestone and Ft. Lupton on the different runs for the month of November, 1953. On the basis of these charts, on the run leaving Ft. Lupton at 6:25 A.M. there was one passenger per day for the first 11 days, three passengers on the 14th (Saturday), one passenger each on the 16th, 17th and 18th, none on the 19th, one each on 20th and 21st, none on the 23rd, one each on 24th, 25th, 26th and 27th, none on the 28th and one on the 30th or a total of 23 passengers for 25 days. On the run leaving Firestone at 6:40 A.M., the first week there were approximately 19 passengers; 2nd week, 20 passengers; 3rd week, 21 passengers, and the 4th week including Monday the 30th, 18 passengers, or an average of approximately 3 passengers per day. On the run leaving Ft. Lupton at 6:00 P.M. there were approximately 33 passengers the first week, the 2nd week, 30 passengers; the 3rd week, 31 passengers; and the 4th week including the 30th, 30 passengers, or an average of approximately 5 passengers per day.

On the run leaving Firestone at 6:15 P.M. there were approximately 40 passengers for the entire month, or an average of 1.6 passengers per day.

The busses used on these runs are 37 passenger seats capacity. According to a witness for the applicant the corporation does not have any busses of less than 36 seats capacity.

On the basis of the Annual Report of the applicant for the year 1953, the staff of the Commission has found by computation that the average revenue and cost per bus mile of the applicant's entire operation were 42.89 and 39.66 cents, respectively, and an operating ratio of 92.47 per cent.

In the present proceedings the applicant made no claim that its operation as a whole was being conducted at a loss, or that it was failing to receive fair return, either on its total investment or upon its investment within the State of Colorado. On the other hand the annual report of applicant shows that for the year ending December 31, 1953, it paid income taxes to the State of Colorado amounting to \$902.00.

The question of abandonment of segments or branches of certificates have been before regulatory bodies and the courts on numerous occasions.

In *Chesapeake and Ohio Railway Company v. Public Service Commission of the State of West Virginia*, 242 U.S. 603, 37 S.Ct. 234, 61 L. ed. 520, the Court said:

"One of the duties of a railroad company doing business as a common carrier is that of providing reasonably adequate facilities for serving the public. This duty arises out of the acceptance and enjoyment of the powers and privileges granted by the state, and endures so long as they are retained. It represents a part of what the company undertakes to do in return for them, and its performance cannot be avoided merely because it will be attended by some pecuniary loss. *Atlantic Coast Line Railroad Co. v. North Carolina Corp. Commission*, 206 U.S. 1, 26, 51 L. ed. 933, 945, 27 S. Ct. Rep. 585, 11 Ann. Cas. 398."

That there will be such a loss is, of course, a circumstance to be considered in passing upon the reasonableness of the order, but it is not the only one. The nature and extent of the carrier's business, its productiveness, the character of service required, the public need for it, and its effect upon the service already being rendered, are also to be considered."

Also see *Hocking Valley Railway Company v. Public Utilities Commission et.al.*, P.U.R. 1916 A, 1062-1076.

The only evidence by the applicant in this proceeding was to the effect that the operation between Ft. Lupton and Firestone (a distance of 8 miles) was a losing one. On the record it cannot be determined, what portion, if any, of the passengers reflected in exhibits 2, 3, 4 and 5, supra, originated at points beyond Ft. Lupton, or were destined to points beyond Ft. Lupton. None of the runs in question originated or terminated at Ft. Lupton. On the other hand, they originated and terminated at Denver as round-trip runs, and we think it is a reasonable assumption that some of the passengers originated at and were destined to Denver. If such an assumption was an actuality it appears obvious to us that the entire revenues and expenses covering these runs would reflect a more true picture of the situation.

We are fully aware that common carriers' are constantly endeavoring to effect all the economies possible and to improve the efficiency of their operations, which policies have the approval of this Commission. However, we do not believe that such economies should be so far reaching as to leave communities without any public transportation whatsoever, especially where the carrier has received some patronage, although not of a sufficient volume to cover the cost of the operation.

As previously set forth herein (242 U.S. 603, et. al.) the Courts have held that a pecuniary loss on a branch, in and by itself, without giving consideration to the entire operation, especially if the entire operation is a reasonably profitable one is not sufficient justification for the abandonment. With this we are in accord.

FINDINGS

THE COMMISSION FINDS:

That the record does not justify an order canceling the certificate of public convenience and necessity, nor the abandonment of the operation between Fort Lupton, Colorado, and Dacono, Frederick and Firestone, Colorado, and that the application for authority to do so should be denied.

ORDER

THE COMMISSION ORDERS:

1. That the statement and findings herein, be, and they are hereby made a part hereof.

2. That the application requesting an order authorizing the cancellation of the certificate of public convenience and necessity, and the abandonment of the operation between Fort Lupton, Colorado, and Dacono, Frederick, and Firestone, Colorado, be and the same is hereby denied, and that this proceeding be discontinued.

3. That this order shall become effective 21 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of November 1954.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
VINCENT DOYLE, DOING BUSINESS AS
"DOYLE'S HOUSE MOVING," 266 LOGAN,
DENVER, COLORADO, FOR AN EXTENSION
OF CERTIFICATE NUMBER PUC-2075.

} APPLICATION NO. 13151-Extension

November 30, 1954

Appearances: John H. Lewis, Esq., Denver,
Colorado, for applicant;
Alvin J. Melklejohn, Esq.,
Denver, Colorado, for A. E.
Crandell and Sons;
Harold D. Torgan, Esq., Denver,
Colorado, for Duffy Storage
and Moving Co.;
John K. Barry, Esq., Denver,
Colorado, for Gottula Truck-
ing and Transportation, Inc.;
Boyce and Quinby House Movers;
M. R. McDowell and Geo. L.
Zigler; and Edwin Welch;
T. J. Isenbert, Las Animas, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By his application filed October 8, 1954, applicant seeks an extension of his common carrier certificate to permit him to transport buildings and houses from point to point within the State of Colorado without limitation. Applicant's present authority authorizes such transportation from point to point only within a radius of thirty miles of Boulder, and within that radius the cities of Denver and Longmont are excluded.

Said application, pursuant to prior setting, and after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 18, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

The substance of applicant's testimony, in his own behalf, was that, in addition to activity within the area presently prescribed by this Commission, he has engaged in moving buildings within the Cities of Denver and Sterling pursuant to authorities granted by those home-rule cities before such activity was subject to regulation by this Commission; that, in addition to moving equipment ordinarily possessed by building movers, he has purchased timbers 100 feet long and has ordered special equipment for the movement of brick, stone, and masonry buildings; that his presently authorized territory is not of sufficient size to justify the purchase of such special equipment, but that the public convenience and necessity requires that such equipment be available within the State; and that additional building moving facilities are needed throughout the State.

Although applicant made a great deal of special equipment he is acquiring, we note that in fact such equipment will have little bearing upon our decision. It is obvious that 100 foot timbers are not readily useable in cities and towns, as it is impossible to turn the corner of an average street with such timbers. State and local height and length restrictions are such that the applicant will almost certainly not be able to move frame buildings of size sufficient to require use of such timbers upon the public highways, as the same are defined in the Motor Vehicle Carrier Act. The weight of brick, stone or masonry buildings is such that it appears equally unlikely that applicant will ever be able to move any such building as a unit upon the public highways. It is thus evident that this equipment will only be useable upon private property; applicant needs no authority from this Commission to make such movements.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

Five persons appeared in support of the application as prospective customers; none of these persons had present need to have a building moved, but all felt that additional service was needed.

Seven persons holding or representing the holders of existing authorities in various parts of the State, appeared in opposition to the application, all of whom testified in substance that existing facilities are sufficient to serve any public need existing or likely to arise and, in general, that the granting of additional authority will tend to result in the impairment of their ability to serve the public.

We note again that applicant has been operating within the home-rule cities of Denver and Sterling and, therefore, that any impairment which might result from our granting authority in these areas has already occurred by virtue of applicant's prior operations.

We believe the evidence establishes that the public convenience and necessity require the extended motor vehicle common carrier service applicant here seeks to provide.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, made a part of these Findings.

That public convenience and necessity require the proposed extended service of applicant, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Vincent Doyle, doing business as "Doyle's House Moving," Denver, Colorado, under PUC No. 2075 to include the transportation of buildings and houses from point to point within the State of Colorado without limitation, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

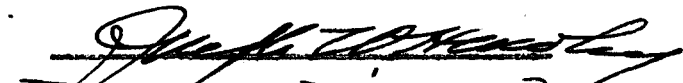


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERMAN M. ERBERT AND JOSEPH C.)
JOSTES, 3277 SOUTH GRANT STREET,) APPLICATION NO. 13157
ENGLEWOOD, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

November 30, 1954

Appearances: Herman M. Erbert and Joseph
C. Jostes, Englewood, Colo-
rado, pro se;
McDougal, Rogers & Sweeney,
Esqs., by Rollie R.
Rogers, Esq., Denver,
Colorado, for Harvey G.
Davis, Dick Akeman,
Everett Marshall & Al
Herrick, dba "Englewood
Pick-Up Service," and
Fred Schroeder, Jr.

S T A T E M E N T

By the Commission:

By application filed October 21, 1954, applicants seek authority to engage in the business of hauling ashes, trash, refuse, dirt and fertilizer in an area lying generally south of Denver and bounded by South University Boulevard, South Wadsworth and Yale and Belleview Avenues, excluding an area bounded by South University and South High Street, East Hampden and East Yale.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicants testified in support of their application that they had made inquiry in the area, and reached the conclusion that additional service is needed; that they wish to engage in the business full time;

that they have a two-ton Chevrolet dump bed truck and a combined net worth of approximately \$15,000.00; that they have no experience in the business and did not investigate the service of existing carriers; that they have experience in repairing and operating trucks; and that they spent perhaps a day in exploring the need for additional service.

Five witnesses appeared in support of the application, all of whom had known Mr. Jostes for several years. Of these witnesses, several do their own hauling and have no need for service; others only expressed their general belief that as the population of an area increases it is desirable to increase the number of carriers authorized to haul. Only one of applicants' witnesses indicated that existing service was not entirely to her satisfaction, and her experience in the matter occurred some two years ago. None of these witnesses had made any investigation to determine whether additional service was needed.

Three existing carriers appeared in protest, all of whom testified that there is presently four-hour service in the territory, and that there is more than sufficient equipment available at all times than existing demands require.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is by reference incorporated as a part of these Findings.

That no sufficient showing has been made by applicants that the public convenience and necessity requires or justifies the issuance of another certificate at this time.

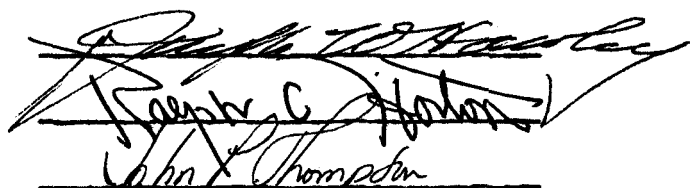
O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROY H. LANDERS, 6705 HOOKER STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 13158

November 30, 1954

Appearances: John T. Maley, Esq., Denver,
Colorado, for applicant;
James C. Merbs, Esq., Derby,
Colorado, for Melvin Tucker;
Robert E. McLean, Esq., Denver,
Colorado, for Carl Hisel;
Angelo Di Salle, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By his application filed October 18, 1954, applicant seeks a certificate of public convenience and necessity to engage in the business of transporting and hauling trash, garbage, litter, debris, dirt, refuse, junk, waste materials and the like within an area more particularly described in the application, but, in general, lying north of the City and County of Denver to the north line of Adams County.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

In support of his application, the applicant testified that he is presently employed full time at the Rocky Mountain Arsenal; that he has no equipment at present, but would buy equipment sufficient to provide the service he seeks authority to provide; that he has had no experience in the business, but has driven large trucking equipment over the roads;

and that he has made arrangements to dispose of trash and garbage he would collect, if authorized to serve. He stated that the "son" in "Landers and Son," under which name the business would be operated, is twelve years old; that he knows of only one existing carrier serving the area; that he thinks the price presently charged is too high for the service rendered; and that, if authorized to haul in accordance with his application, he would resign from his present job when he got the hauling business built up sufficiently to justify it; that his net worth is approximately \$6,500.00; and that he would buy any equipment necessary on a small down payment.

The two witnesses appearing in behalf of applicant, residing within a few blocks of each other, testified as to housing developments being constructed in their general neighborhood and stated that they had known applicant as a friend for several years and knew that he would do a good job, if he were authorized to haul. Neither witness has ever had a commercial hauler remove their garbage or trash and neither witness had attempted to locate any one to do it for them. Both indicated their business had not been solicited by any existing carrier.

In behalf of protestants, three customer witnesses appeared, all from the Town of Thornton, which is within the area being considered, all of whom testified that existing service in that area is excellent. They stated that they are charged \$1.50 per month for two garbage removals per week and one trash removal per week, the carrier providing containers for their use.

Three existing carriers also appeared to testify concerning their equipment, authorities and experience, for the purpose of showing that existing service throughout the area is entirely sufficient to meet the public need.

FINDINGS

THE COMMISSION FINDS:

That the above and foregoing Statement, by reference, be incorporated into these Findings.

That no sufficient showing has been made by applicant that public convenience and necessity requires or justifies the issuance of another certificate at this time.

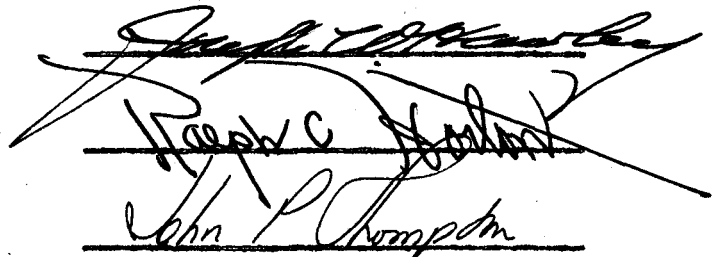
O R D E R

THE COMMISSION ORDERS:

That Application No. 13158 should be, and hereby is, denied.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.

mls

original

(Decision No. 43729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. R. FARMER, DOING BUSINESS AS
"DELTA COAL AND TRANSFER COMPANY,"
P. O. BOX 521, DELTA, COLORADO, FOR
AUTHORITY TO TRANSFER PERMIT NO.
B-1305 TO J. R. FARMER, MARY D.
FARMER, AND EVELYN S. FARMER, CO-
PARTNERS, DOING BUSINESS AS "DELTA
BRICK & TILE CO.," P. O. BOX 523,
DELTA, COLORADO.

APPLICATION NO. 13165-PP-Transfer
SUPPLEMENTAL ORDER

November 30, 1954

S T A T E M E N T

By the Commission:

On November 22, 1954, in Application No. 13165-PP, the Commission entered its Decision No. 43687, authorizing transfer of Permit No. B-1305 from J. R. Farmer, doing business as "Delta Coal and Transfer Company," Delta, Colorado, to J. R. Farmer, Mary D. Farmer, and Evelyn S. Farmer, co-partners, doing business as "Delta Brick & Tile Co.," Delta, Colorado.

It now appears that Delta Brick & Tile Co. is a corporation, rather than a co-partnership, as set forth in said Decision No. 43687.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 43687 should be amended to conform to the facts.

O R D E R

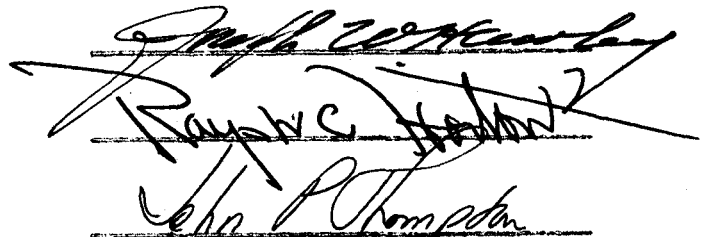
THE COMMISSION ORDERS:

That Decision No. 43687, of date November 22, 1954, should be, and the same hereby is, amended, nunc pro tunc, as of said 22nd day of November, 1954, by striking therefrom all reference to "J. R. Farmer,

Mary D. Farmer, and Evelyn S. Farmer, co-partners, doing business as "Delta Brick & Tile Co.," and inserting in lieu thereof, "Delta Brick & Tile Co.," and the records of the Commission shall be changed to show that "Delta Brick & Tile Co., a corporation, Delts, Colorado," is the owner and operator of Permit No. B-1305, pursuant to authority contained in Decision No. 43687, as herein amended.

That, except as herein amended, said Decision No. 43687 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT HEYVAERT, 2612 W.)
CORNELL, ENGLEWOOD, COLORADO.)

PERMIT NO. B-4520

December 6, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4520 be suspended for six months from November 20, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

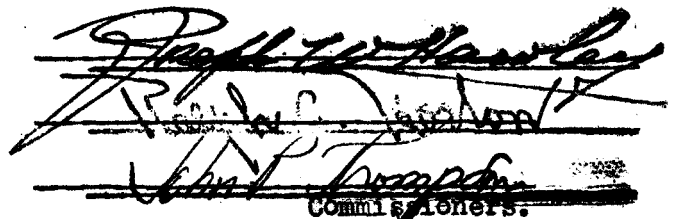
O R D E R

THE COMMISSION ORDERS:

That Robert Heyvaert, Englewood, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4520 until May 20, 1955.

That unless said Robert Heyvaert, Englewood, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1954.
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CARLOS HALL, BLUFF, UTAH, FOR
AUTHORITY TO TRANSFER INTERSTATE
OPERATING RIGHTS TO GLEN D. RUST
AND WAYNE RUST, CO-PARTNERS, CORTEZ,
COLORADO.

PERMIT NO. B-4216-I-Transfer

November 30, 1954

STATEMENT

By the Commission:

Heretofore, Carlos Hall, Bluff, Utah, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. B-4216-I issued to him.

Said permit-holder now seeks authority to transfer said permit to Glen D. Rust and Wayne Rust, co-partners, Cortez, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

FINDINGS

THE COMMISSION FINDS:

That said transfer should be authorized.

ORDER

THE COMMISSION ORDERS:

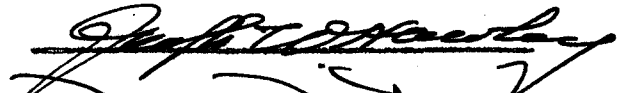
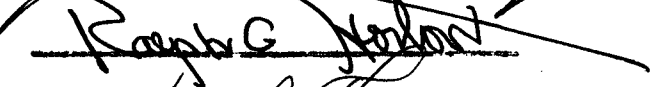
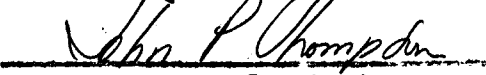
That Carlos Hall, Bluff, Utah, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4216-I to Glen D. Rust and Wayne Rust, co-partners, Cortez, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness

against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferees herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

DECEMBER 1, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highways compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property Damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Amarillo Oil Mill Co
D C Anderson
John B Archibald
Automatic Packing Co
B & B Produce
Barah Produce
C C Barker
J C Barnes
J J Barton
Gene Bass

Box 1650 Amarillo Texas
5402 Highway Corpus Christy Texas
50 So Trenton St Tulsa Okla
Los Angeles Calif
Dallas Texas
Hialeah Fla
Little Rock Ark
Houston Texas
Dallas Texas
2323- 13th St Lubbock Texas

Greene Bass
 L S Bauchman
 J D Beavers
 L M Beddo
 Charles B Berry
 L Bilyeu
 Ivey Bint
 Blakely Auto Sales
 H R Blazer
 Bom Motor Co
 N L Bradshaw
 Clarence V Brown
 D J Brown
 D J Burt
 Virgil Calicutt
 Lee W Call
 Candees Food Products
 H P Cannon
 Cardoy Corp
 H C Carroll
 Arthur Casper
 Castro & Son
 Century Ind Inc
 S B Chenoweth
 H L Chestnut
 Jim Chilton
 Arnold O Clarke
 Clay County Motors
 Coleman Produce
 Ches Cook
 Luther Cope
 Cotney Lumber
 C C Crawford
 I H Crawford
 Roy Culipher
 Curry Motor Sales
 B F Davis
 M H Davis
 R V Davis
 G M Dawson
 Jack Dowearno & L C Dameron
 Dreiling Motors
 Dry Milk Inc
 C E Duke
 Bob Dumis Auto
 E & C Corp of Miami
 Hamilton O Ellis
 Ephrem Brothers
 J A Eubanks
 Dorance W Fenderson
 Filler Products
 Joel Flaming

Lubbock Texas
 Gooding Idaho
 Lubbock Texas
 Albuquerque N Mex
 Abilene Texas
 909 No Oates Dothan Ala
 No Little Rock Ark
 Boise Idaho
 Greenville Texas
 Cheyenne Wyo
 Bowie Texas
 Box 83 Golden Colo
 Oklahoma City Okla
 123 Second Salt Lake City Utah
 Tyler Texas
 330 So Walnut Spokane Wash
 1173 Broadway St Louis Mo
 2815 Stanford Dallas Texas
 Monee Ill
 El Paso Texas
 Monroe La
 P O Box 255 Gonzales Texas
 Chicago Ill
 Spokane Wash
 Denver Colo
 1409 N W South Oklahoma City Okla
 Houston Texas
 Gen Del Excelsior Springs Mo
 760 E 8th Loveland Colo
 Haines City Fla
 Edna Texas
 Box 183 Ft Garland Colo
 Dallas Texas
 San Marcos Texas
 Wichita Falls Texas
 716 E Nash St Indianapolis Ind
 Dallas Texas
 Farmington N Mex
 Ft Worth Texas
 Rt 6 Box 6270 Mobile Ala
 San Antonio Texas
 230 So College Ave Ft Collins Colo
 Milwaukee Wisc
 Houston Texas
 Seattle Wash
 Miami Fla
 Houston Texas
 Portland Ore
 Dallas Texas
 Omaha Nebr
 Atlanta Ga
 Houston Texas

H W Gabriel
 John E Gaird
 Charles Galbreth
 Willard R Gamble
 George Gann
 W J Gilbert & Co
 Guy Stanley Gleason
 Gordon Motor Sales
 L J Grant
 Art Griffith
 Alvin Gundersen
 Steve Guy Auto Sales
 H & T Produce
 Aubrey Hall
 Jeff Hammond Motors
 R C Hansen
 Hanson Trailer Sales
 C R Harman
 Jas C Heath
 Howell Dist Co
 George A Hunt
 O B Hunt Motor Co
 International Harvester Co
 J W Jackson
 John R Jackson
 Otis Jackson
 J E Jones
 Jerry Jones
 John W Jones
 Kansas City Truck Exchange
 Kelfer Produce
 James V Kelly
 Roy C Kennedy
 C L Kenyon
 Kimbrough Truck Brokerage
 J L Knight
 Sterling Knox
 Kymes Used Cars
 Jim Lamb
 M V Landtroop

Houston Texas
 Oklahoma City Okla
 202 - 4th St SW Albuquerque N Mex
 Bentonville Ark
 San Angelo Texas
 1730 Grand Kansas City Mo
 Mechanicville Ala
 Portland Ore
 Houston Texas
 Box 4335 Oklahoma City Okla
 Rt 3 Billings Mont
 3117 S E 82nd Portland Ore
 Rt 6 Montgomery Ala
 Ft Worth Texas
 843 Union Ave Memphis Tenn
 Phoenix Ariz
 Kansas City Mo
 Little Rock Ark
 Little Rock Ark
 115 W Columbus Ave Ft Wayne Ind
 Amarillo Texas
 400 No Main Borger Texas
 Dallas Texas
 Albuquerque N Mex
 Rt 1 Box 9 Ogden Utah
 8417 Alan Dallas Texas
 1703 Marres Birmingham Ala
 Oklahoma City Okla
 Amarillo Texas
 Hillsdale Kans
 St Joseph Mo
 416 So Colorado Kansas City Mo
 Dallas Texas
 Wichita Falls Texas
 Fairfield Iowa
 Plainville Texas
 Oklahoma City Okla
 Portland Ore
 Tulsa Okla
 Amarillo Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 10, 1954.

S E A L

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

 SECRETARY

Dated at Denver, Colorado
 this 1st day of December, 1954.

Joseph T. Kearney
Ralph C. Johnson
John P. Thompson

 COMMISSIONERS.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE FAILURE OF VARIOUS }
CORPORATIONS AND PERSONS TO COMPLETE }
APPLICATIONS FOR PERMITS TO OPERATE AS }
COMMERCIAL CARRIERS OVER THE HIGHWAYS }
OF THE STATE OF COLORADO }

DECEMBER 1, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highways compensation taxes due from said corporations and persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property Damage insurance or a surety bond providing similiar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by;

W L Langster
C W Lonsan
W G Laundry
Robert Lee
Mildred Levin
R L Little
Lloyd Trailer Sales
Joe Loontjens
John Lowrey
Luckie Lines

Wewatchee Wash
Joplin Mo
Jacksonville Fla
Weatherford Okla
Gen Del Sheffield Ala
Norman Okla
Phoenix Ariz
Davenport Iowa
Texarkans Ark
San Francisco Calif

A J Lynch
 H C Maddox
 Frank L Malin
 O J Market Produce Co
 Alex Martinez
 A W Mason
 Mathews Lumber Co
 J D Mayfield
 Thomas McArdle
 Howell J McBride
 McMullen Bros
 A C Mitchell
 J H Mitchell
 Ernest Modre
 John L Montgomery
 D C Morgan
 Murphy & Ridenour
 N-K Motor Co
 Walter Nashert Co
 National Steel Partition Co
 Finis Lee Nichols
 Robert J Norris
 Gene Palmrose Motors
 Panel Produce Co
 Patton Motor Co
 Patton & Royce
 E C Perez
 Petre Chemical Construction Co
 Robert Picht
 Roy Pigg
 Pops Drive Away
 Proctor Sales Co
 Louis Quesenberry
 Reliable Western Co
 C V Rhoades
 Carl Rhodes
 Roberts & Son
 Morris Robinson
 M C Satterlee
 Wm Schollenberger
 Sew More Sewing Center
 Ben V Shaw
 Earl Joseph Shepard
 H D Sieck
 C W Siler
 Ernest L Simms
 Herman H Simms
 C G Smith
 Carroll Smith
 Jack Smith Co
 O O Smith
 A. J. Caddell
 W. L. Jacobs

Corsicana Texas
 Boise Idaho
 Los Angeles Calif
 Gen Del Athens Ala
 Houston Texas
 Oklahoma City Okla
 Ft Worth Texas
 Mineola Texas
 Dubuque Iowa
 New Orleans La
 Houston Texas
 Ft Worth Texas
 Lubbock Texas
 Lubbock Texas
 Springfield Mo
 Rockycomfort Ala
 Dennison Texas
 New Castle Wyo
 16 NE 27th St Oklahoma City Okla
 600 East 156th St Bronx N Y
 Wichita Falls Texas
 Ft Scott Kans
 341 Adams St Wray Colo
 Humbolt Tenn
 Lubbock Texas
 Miami Okla
 San Antonio Texas
 Houston Texas
 Montgomery Ala
 Little Rock Ark
 117 No Tepar Lubbock Texas
 807 Lemay Ferry Rd Lemay Mo
 Winston Salem No Carolina
 Box 226C Arvada Colo
 Beaumont Texas
 Littlefield Texas
 Holmes City Fla
 Montgomery Ala
 Joplin Mo
 Memphis Tenn
 739 West Colfax Denver 4 Colo
 1010 So Port Corpus Christi Texas
 Little Rock Ark
 Oklahoma City Okla
 Waco Texas
 360 So Quitman Denver 19 Colo
 704 N W 87th Oklahoma City Okla
 Theodore Ala
 930 N Llano Junction Texas
 Portland Ore
 Kilgore Texas
 Memphis Texas
 Salt Lake City Utah

Damian Soliz
 Earl Spain
 Stanley Auto Sales
 Howard Stelly
 C A Stewart
 Jack B Stone
 D C Stotts
 Robert E Strutton Water Service
 Elmer Syfert
 M J Tamme
 G W Teeters
 L J Terry
 Terry & Shelton
 Don Thaxton
 J A Truelock
 United Auto Sales
 United Drive Away
 M D Valley
 Edmundo H Vargas
 W R Waggoner
 Wagner Used Cars
 Walts Auto Sales
 Walt's Used Cars
 C C Ward
 J H Wardlow
 T J Wardlow
 Water Equipment Co
 Dora E Watson
 Clarence F Webb
 John West
 Western Lumber Co
 J B White
 T N Wilkins
 Virgil William
 C L Wood
 Harry E Wood
 Jim Woods
 Preston Wright
 Y Auto Sales
 Ivan Yaney

Lorado Texas
 Dallas Texas
 Portland Ore
 Gen Del Coteau La
 Miami Fla
 Oklahoma City Okla
 Lubbock Texas
 Box 1283 Sterling Colo
 Chubbyville Ill
 328 Forbes Lemay 23 Mo
 Mobile Ala
 Hutchinson Kans
 Cottonwood Ala
 3307 Anherst Lubbock Texas
 Houston Texas
 650 Main Salt Lake City Utah
 Dallas Texas
 Gen Del Couch Texas
 Bigwells Texas
 Gen Del Lewisville Texas
 113 So Dillard Durham No Carolina
 Amarillo Texas
 1106 No 6th Eugene Ore
 Oklahoma City Okla
 Houston Texas
 Plainview Texas
 San Francisco Calif
 Tyler Texas
 Dallas Texas
 Coffeyville Kans
 Box 6 Saguache Colo
 Oklahoma City Okla
 2620 - 16th St Houston Texas
 Oklahoma City Okla
 608 Preston Ave Houston Texas
 Joplin Mo
 Miami Fla
 2422 Mervosh Ave S W Albuquerque N Mex
 4395 Franklin Eugene Ore
 Muncie Ind

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 10, 1954.

S E A L

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

 SECRETARY

Dated at Denver, Colorado
 this 1st day of December, 1954

[Signature]
[Signature]
[Signature]
 COMMISSIONERS.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELLA L. SIMMONS, (FORMERLY DELLA L.)
CLARK), AS RECEIVER FOR ARVADA CAB)
COMPANY, 5812 TELLER STREET, ARVADA,)
COLORADO, FOR AUTHORITY TO LEASE,)
WITH OPTION TO PURCHASE, PUC NO.)
1680, TO EDWIN J. WARRINER AND)
ELEANOR L. WARRINER, CO-PARTNERS,)
DOING BUSINESS AS "COURTESY CAB,")
5227 WEST COLFAX AVENUE, DENVER,)
COLORADO.)

APPLICATION NO. 13012

December 1, 1954

Appearances: Harold Potashnick, Esq.,
Denver, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at its Hearing Room, 330 State Office Building, Denver, Colorado, August 17, 1954, at ten o'clock A. M., at which time and place attorney for applicants requested that said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

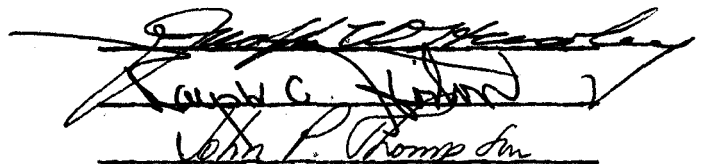
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed, at request of attorney for applicants.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERBERT W. DELANEY, JR., TRUSTEE OF)
THE ESTATE OF EDWIN J. WARRINER AND)
ELEANOR L. WARRINER, BANKRUPTS,)
SYMES BUILDING, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
234 TO CABS, INC., DOING BUSINESS)
AS "DOLLAR CAB LINE," OPERATING)
ZONE CABS, 2254 LAFAYETTE STREET,)
DENVER, COLORADO.)

APPLICATION NO. 13013-Transfer

December 1, 1954

Appearances: John F. Mueller, Esq., Denver,
Colorado, for Cabs, Inc.,
doing business as "Dollar
Cab Line," operating Zone
Cabs;
Henry S. Sherman, Esq., Denver,
Colorado, for Gladys E.
Rousseau and Maurice E. Hill,
mortgagees of Edwin J. War-
riner and Eleanor L. Warriner,
doing business as "Courtesy
Cab Company."

STATEMENT

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 17, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the testimony showed that Edwin J. Warriner and Eleanor L. Warriner, doing business as "Courtesy Cab," are the owners of PUC No. 234, authorizing:

transportation of passengers from Sheridan Boulevard and West Colfax Avenue to J C R S and Craig Colony and return, but not to any intermediate points; passengers between West Colfax and Sheridan Boulevard and Howell Avenue (now Kipling Street), and the Rifle Range and Morrison Road and West 25th Avenue,

subject to the following conditions: certificate shall only be operatible between West Colfax and Sheridan Boulevard and Howell Avenue (now Kipling Street) and the Rifle Range as long as applicant maintains his proposed tariffs of \$1.00 to the Rifle Range and 50¢ to Howell Avenue unless otherwise modified by the Commission; transportation of passengers and their baggage, on call and demand, within the area bounded by Sheridan Boulevard on the east, Morrison Road on the South, West 38th Avenue on the north, and a line drawn through Rifle Range, parallel to Sheridan Boulevard, on the west, without the right to transport passengers from points in said area to points in Park of the Red Rocks, or to other scenic points, if any, in said area, in sightseeing service.

It appeared that said Edwin J. Warriner and Eleanor L. Warriner have been duly adjudicated bankrupts, and that Herbert W. Delaney, Jr. was appointed Trustee in said proceedings; that pursuant to Order of the Trustee to dispose of all right, title, and interest of the bankrupts and of the Trustee in and to said PUC No. 234, together with two certain 1951 Plymouth automobiles owned by the bankrupts, a public sale was had of said property, in conformity with law; that at said sale Cabs, Inc., doing business as "Dollar Cab Line," operating Zone Cabs, Denver, Colorado, transferee herein, bid the sum of Four Hundred Dollars (\$400.00), which was the highest and best bid received at said sale; that said Trustee's sale was duly approved by Order of the United States District Court, on the 25th day of June, 1954.

The operating experience and financial stability of transferee were established to the satisfaction of the Commission, through the testimony of George Sellens, General Manager of Zone Cabs.

Maurice E. Hill and Gladys E. Rousseau, doing business as "Courtesy Cab Company," mortgagees of PUC No. 234, owned by the Warriners, as aforesaid, concurred in the request for the transfer, their counsel stating that the indebtedness had been cancelled.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest,

and should be authorized, subject to outstanding indebtedness, if any.

That passenger-mile tax deposit of transferors shall be transferred to account of transferee.

O R D E R

THE COMMISSION ORDERS:

That Herbert W. Delaney, Jr., Trustee of the Estate of Edwin J. Warriner and Eleanor L. Warriner, Bankrupts, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 234 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Cabs, Inc., doing business as "Dollar Cab Line," operating Zone Cabs, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission,

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them or transferee of all unpaid passenger-mile tax.

That passenger-mile tax deposit of transferors shall be transferred and credited to account of transferee herein.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. H. [unclear]
 John P. [unclear]
 Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1954.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE STATE HIGHWAY COMMISSION OF COLO-
RADO, A BODY CORPORATE, FOR THE USE
AND BENEFIT OF THE PEOPLE OF THE
STATE OF COLORADO, FOR AUTHORITY TO
EXTEND EXISTING BELLE PLAIN UNDERPASS
STRUCTURES (BRIDGE 614-DA) ON THE
ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY AT MILE POST 614+ 4223.6 AND
(BRIDGE 892.8) ON THE MISSOURI PACIFIC
RAILROAD COMPANY AT MILE POST 892-19,
ALL SITUATED IN THE NE $\frac{1}{4}$ SEC. 33, T.
20-S., R. 64-W., ON STATE HIGHWAY NO.
96 IN PUEBLO COUNTY, STATE OF COLORADO.

APPLICATION NO. 12800

December 1, 1954

Appearances: J. P. Holloway, Assistant
Attorney General, Denver,
Colorado, for applicant;
J. W. Preston, Esq., Pueblo,
Colorado, for Missouri Pacific
Railroad Company;
Douglas McHendrie, Esq., Denver,
Colorado, for The Atchison,
Topeka and Santa Fe Railway
Company;
J. L. McNeill, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On March 5, 1954, the Department of Highways of the State of Colorado, by Mark U. Watrous, Chief Engineer, filed an application with this Commission, seeking authority to make the highway underpass extension as captioned above.

The matter was set for hearing on May 3, 1954, at ten o'clock A.M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of said hearing was forwarded to interested parties, including also adjacent property owners, and the Chairman of the

Board of County Commissioners of Pueblo County. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

Mr. E. L. King, Assistant to the Surveys and Plans Engineer of the Department of Highways, gave explanatory testimony relative to the proposed work and the following exhibits:

Exhibit A: Map to show general location of Project No. AD 9 (4) Unit 1.

Exhibit B: Part of standard plan sheet to show general layout of proposed roadways and proposed railroad bridge extensions.

Exhibit C: Plan Sheet No. 4 by The A. T & S. F. Railway System, showing plan of proposed extension span, together with horizontal and vertical clearances at Bridge 614 - DA (Mile Post 614 + 4223.6).

Exhibit D: Plan Sheet No. 9 by Missouri Pacific Railroad Co. of Bridge No. 892.8 (Mile Post 892-19) to show general plan and proposed extension span with horizontal and vertical clearances at proposed roadways.

Exhibit E: Highway Dept. agreements with respective railroads for proposed work (Two documents), (1) Missouri Pacific agreement, dated Nov. 17, 1953. Received at Hearing. (2) Santa Fe agreement, dated Dec. 30, 1953. Offered for late-filing, received by Commission May 19, 1954.

It appears that the Colorado Department of Highways has recently completed extensive widening and new construction work for some 30 miles easterly along State Highway No. 96 from a point approximately two miles east of Pueblo City Limits. It is also proposed to extend the four-lane highway construction northwesterly toward Pueblo to make a junction with the north-south State Highway No. 1 (U. S. 85-87). The first portion of the projected extension is designated as Colorado Project No. AD-9 (4) Unit 1, which improvement will require extending the two single-roadway underpasses of the present highway a sufficient distance in a westerly direction to accommodate the proposed four-lane construction. The present underpass structures were constructed under plans and specifications of Colorado Project W. P. G. S. 414-B, under joint agreement dated February 15, 1936, between the State of Colorado and The Atchison, Topeka and Santa Fe Railway Company and the Missouri Pacific Railroad Company. Purpose of the

instant application is to secure authority from this Commission for the proposed extensions of the railroad structures, all of which are now known as the "Belle Plains Underpass."

According to testimony of Mr. King, the proposed underpass improvements will permit the full construction of the newly developed four-lane highway which has been constructed to meet increased traffic demands. State Highway No. 96 easterly from Pueblo is an access road to an important government installation, and has been designated as a Federal aid route. The project has approval of the Department of Highways, the Bureau of Public Roads, and concurrence of Pueblo Board of County Commissioners. Traffic estimates indicate that in twenty years, 8200 vehicles per day will be using these underpasses. The two railroads now operate 23 scheduled trains each day at varying speeds up to the current maximum of 79 miles per hour.

Regarding the proposed extensions of the railway structures, Mr. King explained that these details are covered in the separate agreements of Exhibit E, which provide that each railroad will do the actual modification and extension work on its respective structure, all on a force account basis and in accordance with the plans prepared by the railroads and approved by the Department of Highways.

With reference to the instant application and Exhibits C and D, it appears that the proposed work will be as follows:

Exhibit C: Bridge 614-DA, The A. T. & S. F. Railway Co. Remove present west abutment and re-use piles in place for constructing timber bent. Construct new West abutment and additional pile bents for extension of structure with timber decking on five wide-flange steel stringers. Total length of structure to be 134' - 9" or an extension of 24' - 9". Minimum vertical clearance from highway - 16' - 0". Proposed roadway for eastbound traffic to have 30' - 0" clear opening. Present opening for westbound traffic is 32' - 11".

Exhibit D: Bridge No. 892.8, Missouri Pacific Railroad Co. Remove portions of present structure-modify west abutment and reconstruct as a pier. Place new west abutment and extend concrete slab deck on five wide flange steel beams. Total length of bridge to be 195' - 2" including new extension of 38' - 0". Minimum vertical clearance from highway 16' 0". Proposed roadway for eastbound traffic to have 31' - 0" clear opening. Present opening for westbound traffic is 32' - 0".

Referring to the Commission's Clearance Regulations, the minimum vertical clearance requirement is 16 feet; the minimum width of opening for two or more span structure is 30 feet. It appears then that the proposed construction will be in conformance with the Commission's requirements.

As indicated in testimony of Mr. King, this facility, consisting of wider roadways and extended separation structures, upon its completion, will offer the ultimate in safety to the railroads involved and to the motoring public, since the exposure factor is entirely removed. The remaining function of the overpass structures will be for the support of the railroad trackage and trains. It appears quite properly that the new extensions will be adequate to meet every requirement of loading and safety, for the reason that said new extensions have been designed by the respective railroad companys, using the same design criteria of Coopers' E-72 loading as were applied to the existing structures, which structures have now been in service some 17 years with no apparent weakening or failures.

Costs of the proposed railroad work are estimated as follows:

| | |
|--|------------------|
| 1. Missouri Pacific Railroad Company | \$27,000.00 |
| 2. The Atchison, Topeka and Santa Fe Railway Co. | <u>46,380.00</u> |
| Total - | \$73,380.00 |

After construction is completed, each railroad company, at its own expense, will maintain its own bridge, piers, abutments, drainage, tracks, railroad structures, and related appurtenances, in accordance with the respective agreements of Exhibit E.

No objections to the proposed work were presented at the hearing, and none appears in the Commission files.

FINDINGS

THE COMMISSION FINDS:

That the public safety, convenience and necessity require extensions, construction and maintenance of the Belle Plains Underpass, all as set forth and described in the preceding Statement, which Statement, by reference, is made a part hereof.

ORDER

THE COMMISSION ORDERS:

That the State Highway Commission of Colorado, a body corporate, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing it to extend the existing Belle Plain underpass structures, namely:

Bridge 614-DA of The Atchison, Topeka and Santa Fe Railway Company at Mile Post 614 + 4223.6.

Bridge No. 892.8 of Missouri Pacific Railroad Company at Mile Post 892-19,

all being located in the NE $\frac{1}{4}$ Sec. 33, T. 20-S, R. 64-W., on State Highway No. 96 in Pueblo County, Colorado.

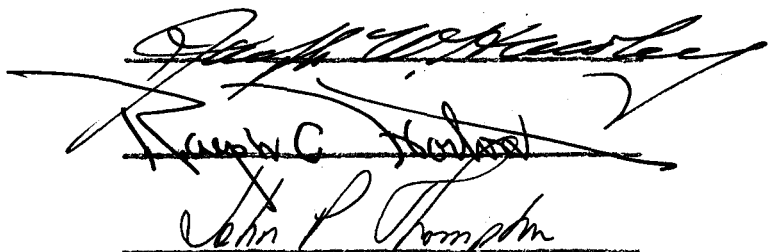
That the work to be done, method of payment, and maintenance shall be in accordance with the respective agreements of Exhibit E.

That materials and construction of the proposed extensions shall conform with standard specifications for quality and workmanship; with the whole installation to be made as indicated in the preceding Statement, said Statement and Exhibits A, B, C, D, and E, all, by reference, being made a part hereof.

That signing and any other pertinent details of the highway-railroad separation installation shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective as of this day and date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1954.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROSS E. GARRETT AND JACK E.)
GARRETT, DOING BUSINESS AS)
"LUBBOCK FEED SEED AND GRAIN)
CO.," 1318 AVENUE "B", LUBBOCK,)
TEXAS.)
-----)

PUC NO. 2648-I
PERMIT NO. C-31198
CASE NO. 72805-INS.

December 1, 1954

S T A T E M E N T

By the Commission:

On October 25, 1954, in the above-styled case, the Commission entered its decision, revoking PUC No. 2648-I and Permit No. C-31198 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

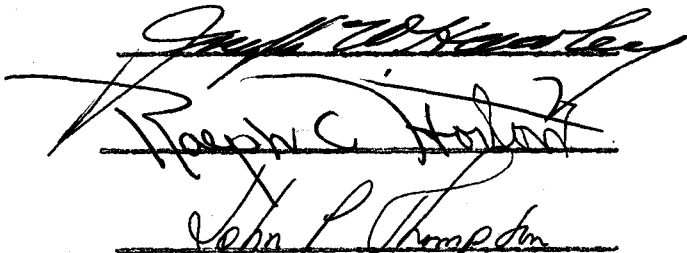
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 2648-I and Permit No. C-31198 should be, and the same hereby are, reinstated, as of October 26, 1954, revocation order entered by the Commission on said date in Case No. 72805-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WARREN SAWYER, WOLCOTT, COLORADO)

PERMIT NO. C-31356

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Warren Sawyer,

 requesting that Permit No. C-31356 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31356, heretofore issued to Warren Sawyer, be,
and the same is hereby, declared cancelled effective June 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~Robert G. Walker~~
Ralph G. Walker
~~Commissioner~~

Dated at Denver, Colorado,

this 6th day of December, , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. LUTHYE, 6540 NO. FEDERAL,)
DENVER 11, COLORADO.)

PERMIT NO. C-10743

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

John W. Luthye,

requesting that Permit No. C-10743 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-10743, heretofore issued to

John W. Euthye,

be,

and the same is hereby, declared cancelled effective November 20, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph W. Hawley
Ralph G. Anderson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 6th day of Dec. , 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEROY FOSTER, EADS, COLORADO)

PERMIT NO. C-26784

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Leroy Foster,
requesting that Permit No. C-26784 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26784, heretofore issued to _____
Leroy Foster, _____ be,
and the same is hereby, declared cancelled effective November 20, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners

Dated at Denver, Colorado,

this 6th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SOUTHERN PECAN SHELLING CO., 1100)
TRANSIT TOWER, SAN ANTONIO 4, TEXAS)
_____))
_____)

PERMIT NO. C-27028

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Southern Pecan Shelling Co., _____
requesting that Permit No. C-27028 be cancelled.

FINDINGS

THE COMMISSION FINDS:

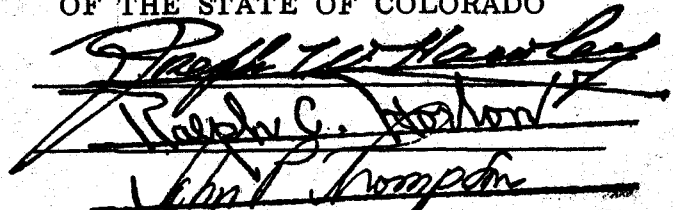
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-27028, heretofore issued to _____
Southern Pecan Shelling Co., _____ be,
and the same is hereby, declared cancelled effective September 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 6th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
L. R. WILLIAMS, 702 E. WALNUT, ENID,)
OKLAHOMA)
-----)

PERMIT NO: C-32397

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
L. R. Williams,
requesting that Permit No. C-32397 be cancelled.

FINDINGS

THE COMMISSION FINDS:

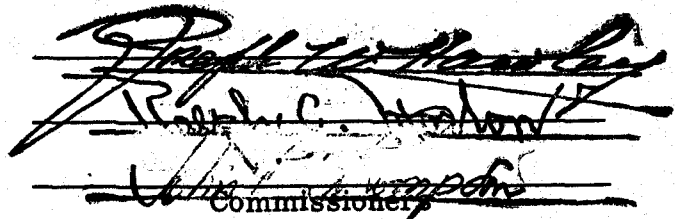
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32397, heretofore issued to _____
L. R. Williams be,
and the same is hereby, declared cancelled effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado,

this 6th day of December, 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOE FARBER, WOODLAND PARK, COLORADO)
)
)
)
-----)

PERMIT NO. C-11088

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Joe Farber,

requesting that Permit No. C-11088 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

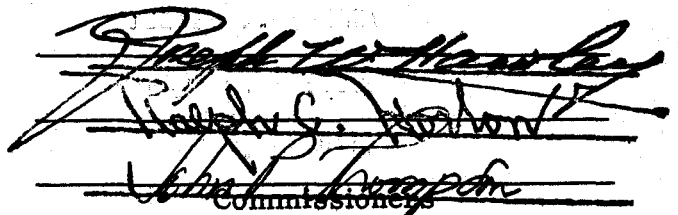
THE COMMISSION ORDERS:

That Permit No. C-11088, heretofore issued to _____

Joe Farber, _____ be,

and the same is hereby, declared cancelled effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 6th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOE & NORMAN SCHWELKA, WEST 2ND &)
THURCH, FLORENCE, COLORADO)
)
)
-----)

PERMIT NO. B-4102

December 6, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Joe & Norman Schwelka,
requesting that Permit No. B-4102 be cancelled.

FINDINGS

THE COMMISSION FINDS:

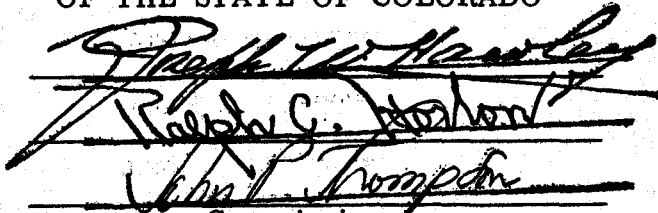
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4102, heretofore issued to _____
Joe & Norman Schwelka, be,
and the same is hereby, declared cancelled effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of December, 195 4.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL KOERTH, DOING BUSINESS AS) PUC NO. 1188-I
"KOERTH TRANSFER," 4001 DREXEL)
AVENUE, MADISON 4, WISCONSIN.)
-----)

December 6, 1964

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul Koerth, doing business as "Koerth Transfer," requesting that Certificate of Public Convenience and Necessity No. 1188-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

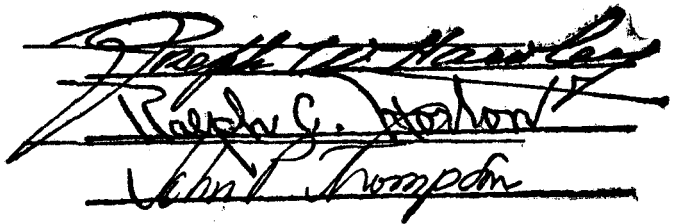
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1188-I, heretofore issued to Paul Koerth, doing business as "Koerth Transfer," be, and the same is hereby, declared cancelled, effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1954.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DWAYN W. FRENCH, DOING BUSINESS AS)
"FRANCHIE'S CLEAN-UP SERVICE,")
ROUTE 1, BOX 284, ARVADA, COLORADO,) APPLICATION NO. 13099-Extension
FOR AN EXTENSION OF CERTIFICATE)
NO. 2605.)
-----)

December 2, 1954

Appearances: Roy H. McVicker, Jr., Esq.,
Wheatridge, Colorado, for
applicant;
George W. Harper, Esq., Denver,
Colorado, for Glen G. Huber.

S T A T E M E N T

By the Commission:

By his application filed July 13, 1954, the applicant seeks a certificate of public convenience and necessity authorizing him "to haul garbage in Golden, Colorado, and environs."

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

The matter being called on for hearing on that date, and it appearing that the description of the area to be served was vague and indefinite, the applicant moved to amend his application in such manner that his application would become one to serve with a garbage disposal service the area applicant now has authority to serve in the removal of ashes, trash, top soil, and fertilizer, pursuant to our Decision No. 41016 and under Certificate No. 2605. Applicant further moved to exclude from his application any area which overlaps the authority granted and existing under PUC No. 1968. There being no objection, both motions were granted. In view of the said amendments, Glen Huber, Protestant, holder of PUC No. 1968, withdrew his objections.

It appears desirable to clarify the description of the area involved. Review of the records of the Commission and of the statements of applicant in this proceeding and heretofore indicates that a proper description of said area is:

The City of Golden, Colorado, and a radius of 5 miles from the center thereof, excluding an area described as follows:

Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said excluded area, to a line one mile east of the City of Golden, which said line is the most westerly boundary of the said excluded area, and extending from a line 300 feet north of and paralleling west 26th Avenue, which last said line is the most northerly boundary line of the excluded area, to a line 2,000 feet south of and paralleling west Alameda Avenue, which said line is the most southerly boundary line of the excluded area.

Applicant presently has authority under Certificate No. 2605 to engage in the business of hauling ashes, trash, top soil and fertilizer within the area so described, and seeks authority by this application as so amended, to haul garbage within the same area.

Applicant testified that there are two operators presently authorized to haul garbage in the area, one of whom devotes only part time to the work, and the other of whom for a variety of reasons offers inadequate and unsatisfactory service; that he has made an extensive survey of the area to be served and finds that the public convenience and necessity requires the granting of an additional certificate to haul garbage; that he will provide facilities in his present equipment or will obtain additional equipment sufficient to meet the health requirements in the area he wishes to serve, and that he is well equipped financially and otherwise to offer the service for which he seeks authority.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

No one appeared to protest the granting of the certificate to serve the area sought to be served by applicant, nor did it appear that the proposed service will impair the efficiency of any common carrier motor vehicle service operating in the territory.

FINDINGS

THE COMMISSION FINDS:

The foregoing Statement is, by reference, incorporated into these Findings.

That public convenience and necessity require the granting of the proposed extension of motor vehicle common carrier service now held by applicant.

ORDER

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of applicant under PUC No. 2605, to authorize the transportation of garbage by applicant in an area described as follows:

The City of Golden, Colorado, and a radius of 5 miles from the center thereof, excluding an area described as follows:

Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said excluded area, to a line one mile east of the City of Golden, which said line is the most westerly boundary of the said excluded area and extending from a line 300 feet north of and paralleling west 26th Avenue, which last said line is the most northerly boundary line of the excluded area, to a line 2,000 feet south of and paralleling west Alameda Avenue, which said line is the most southerly boundary line of the excluded area,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


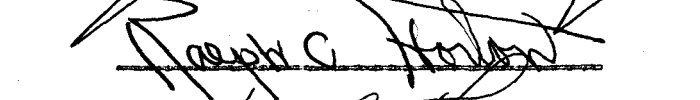

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY TO WITHDRAW THE
AGENCY AT SILT, COLORADO, FROM
DECEMBER 1ST TO AUGUST 31ST OF EACH
YEAR.

APPLICATION NO. 13052

At a General Session of The
Public Utilities Commission
of the State of Colorado, held
at its offices in Denver,
Colorado, November 30, 1954.

INVESTIGATION AND SUSPENSION DOCKET NO. 371

By the Commission:

Pursuant to Rule 6 of this Commission's Rules and Regulations
Pertaining to Railroads and Express Companies Operating in the State of
Colorado, The Denver and Rio Grande Western Railroad Company, by L. H.
Hale, Superintendent of Transportation, did on September 3, 1954, file
its petition requesting authority to withdraw its agent from the station
at Silt, Colorado, during the interval from December 1st to August 31st
of each year, said withdrawal to be effective on December 1, 1954.

Silt is located on applicant's railroad approximately seven miles
west of the agency station of Newcastle and seven miles east of the
agency station of Rifle, and all of said stations are served by U. S.
Highway No. 24, which is a paved transcontinental highway.

Applicant states that an agent is not required at Silt for the
safe operation of train service in this area; that carload shipments
account for most of the freight revenue at Silt; that such shipments
consist almost entirely of livestock and occur principally during the
period between September 1st through November 30th of each year, during
which period applicant proposes to maintain an agent at said station.

During the period of the year when no agent is maintained, applicant can readily handle the billing of outbound carload shipments from Silt at its stations of New Castle or Rifle without undue inconvenience to shippers, and is willing to assume the expense of telephone charges from Silt to said stations in connection with such business.

The intention of applicant having been properly publicized by the posting of public notice at its station in Silt, the Commission has received a protest petition bearing 143 signatures, wherein citizens and residents of the area indicate there is a public need for the agency service; that Silt is a trade center and large numbers of livestock and extensive shipments of potatoes and other crops are made from this point; that the closing of the station would impair service at Silt for receiving and sending of mail and parcel post.

It appears then that all residents of the Silt area are not in accord with the proposed station closing; therefore, in order to determine a full understanding of this situation, it is necessary to suspend the effective date of the proposed station closing so that a more complete investigation may be had in the matter. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 371 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of The Denver and Rio Grande Western Railroad Company to withdraw its agency at Silt, Colorado, during the annual period from December 1 to August 31, inclusive, should be suspended, and an investigation had in the matter.

O R D E R

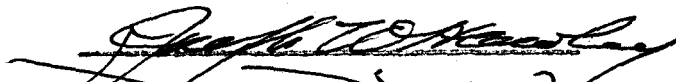
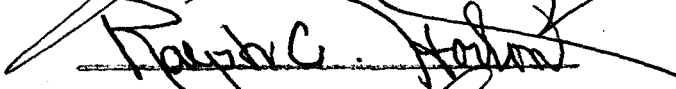
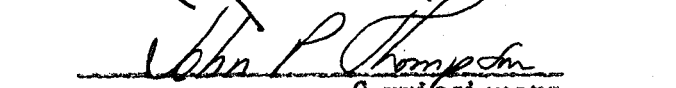
THE COMMISSION ORDERS:

That the effective date of the proposed closing at Silt, Colorado, by The Denver and Rio Grande Western Railroad Company, be, and it hereby is, suspended for a period of one hundred twenty (120) days from December 1, 1954, or until April 1, 1955, unless otherwise ordered.

That Application No. 13052, originally assigned to the instant proceedings, be, and it is hereby closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 371.

That a copy of this Order be filed with Application No. 13052, and with Investigation and Suspension Docket No. 371, and copies served on T. A. White and Ernest Porter, 1521 Stout Street, Denver, Colorado, attorneys for The Denver and Rio Grande Western Railroad Company, and on the following whose names first appear on the petition of protestants in this matter, viz: H. M. Boydston, Mayor, Town of Silt, Silt, Colorado; Cecil Carpenter, Silt Service Station, Silt, Colorado, and Roy Dodson, Silt, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DELBERT R. SMITH, 1079 KALAMATH)
STREET, DENVER 4, COLORADO.)

PERMIT NO. B-4250

December 6, 1954

S T A T E M E N T

By the Commission:

On September 13, 1954, the Commission authorized Delbert R. Smith, Denver, Colorado, to suspend operations under his Permit No. B-4250 until February 16, 1955.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

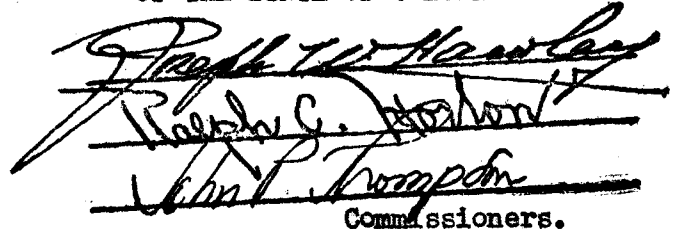
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4250 should be, and the same hereby is, reinstated as of November 24, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1954.
mls

original

(Decision No. 43750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL HICKMAN, DOING BUSINESS AS)
"YUMA COUNTY TRANSPORTATION," YUMA,)
COLORADO, FOR AN EXTENSION OF PERMIT)
NO. A-339.)

APPLICATION NO. 13038-PP-Extension
CLARIFICATION

December 2, 1954

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicant;
R. D. Danks, Esq., Denver,
Colorado, for North Eastern
Motor Freight;
Lowell Brooks, Sterling, Colo-
rado, for Brooks Transporta-
tion Company;
L. J. Carter, Denver, Colorado,
for the staff of the Commis-
sion.

S T A T E M E N T

By the Commission:

On April 8, 1954, Paul Hickman, doing business as "Yuma County Transportation," Yuma, Colorado, filed an application designated as an application for extension and clarification of Permit No. A-339.

The above matter was regularly set for hearing at the Court House, Fort Morgan, Colorado, on September 9, 1954, and by Decision No. 43282, the above hearing was continued, and eventually reset for hearing on October 8, 1954, at the Court House, Fort Morgan, Colorado, at which time said hearing was had and the matter taken under advisement.

At the hearing, the record discloses that on November 17, 1931, J. W. Kirwin filed his application for a private carrier permit on a special "pink form" then in use, seeking authority for the transportation of freight over regularly established routes "from Yuma to Denver." The pink form, or application, discloses the following endorsements: "Issued 4/27/31." Mr. Carter, in charge of the Enforcement Division of the Public Utilities Commission, in his testimony stated: "This is obviously a mis-

take, inasmuch as the issuance date is some six months prior to the date of the application and some month and a half prior to the passage of the Private Carrier Act." It is apparent that this date should be "4/27/32."

A further endorsement on said pink application form shows: "1/19/33 extended to read between Denver and Wray, and all other routes to be described to the Commission in writing."

It further appears on the Chainindex records and the records in the competition books of the Commission, which set out the authority of the private carrier permits, the following notation:

"Route changed by letter of August 23, 1933 to read, between Denver, Colorado, and Wray, Colorado, and intermediate points, also from Denver, Colorado, to Holyoke, Colorado."

Mr. Carter further stated that a search of the records and files of the Commission failed to find the letter above referred to.

On June 26, 1935, and November 26, 1935, additional authority was issued to Kirwin for a special service for Safeway, Piggly Wiggly and McMarrs Companies, which authorities do not appear to be questioned in the present hearing.

On July 1, 1938, J. W. Kirwin transferred Permit No. A-339 to Paul Hickman, doing business as "Yuma County Transportation," the present holder of said permit, and Hickman has operated this permit continuously since that time.

Mrs. Kirwin, the wife of J. W. Kirwin, testified that her husband was the owner of Permit No. A-339 and served all points in Colorado. However, it is the opinion of the Commission, after a careful review of the matter, that Mrs. Kirwin is not too clear regarding the service rendered by her husband under the permit.

Mr. Paul Hickman testified that he has operated said permit since 1938, and admits that he has operated between Denver and Wray and Holyoke, Colorado, on State Highway No. 14, and serves Sterling and points intermediate between Sterling and Holyoke. The ton-mile tax reports verify Hickman's statement. This service has been rendered by applicant and his

predecessor since 1935, with full knowledge of all competitors and also the Commission. On the other hand, North Eastern Motor Freight and Brooks Transportation contend that a strict interpretation should be placed on said authority, and that applicant should gain nothing by his past operation, it being their contention that illegal operation gives no authority.

In considering the above problem, we are in agreement with protestants' position that we should not grant an authority on unauthorized service. However, under the law in effect when said permit was granted, applicant, or his predecessor, was granted certain authority, the question we are here called upon to determine, viz., what was that authority?

The records of the Commission, in our judgment, throw considerable light on that question; also, the action of the holders of said permit since 1935.

It further appears that Applicant Hickman was called in by the Enforcement Division of the Public Utilities Commission as to his operation, and, after conferences with the officers of the Enforcement Division, it was determined that an application should be filed for clarification, and as a result, the present matter is now before us.

Applicant herein asks for an extension. If we take a strict interpretation of the authority, we take the position that applicant is limited in his operation, while, on the other hand, we feel that applicant is entitled to the authority he was rendering in 1935. The Commission is familiar with the operation as disclosed by the ton-mile tax reports. Protestants have been living with this authority since 1935. The authority is not clear upon its face, but, after a careful consideration of the evidence, the record, and the ton-mile tax reports, we are convinced that applicant's authority is as hereinafter set forth.

FINDINGS

THE COMMISSION FINDS:

That the authority under Private Carrier Permit No. A-339, as now shown by the record, is not clear and does not clearly set forth the authority under said permit.

The Commission further finds that Private Carrier Permit No. A-339 should be clarified to clearly set forth the authority granted; that application for clarification be granted, and that in all other respects the application should be denied.

ORDER

THE COMMISSION ORDERS:

That the authority under Private Carrier Permit No. A-339 be clarified, and that said authority be as follows:

"Transportation of freight between Denver and Wray and intermediate points; between Denver and Sterling and Holyoke and points intermediate between Sterling and Holyoke; and between Sterling and Holyoke and all points intermediate thereto.

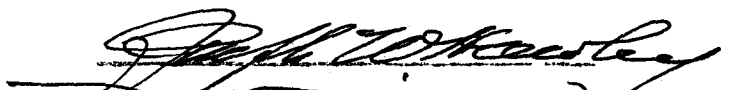
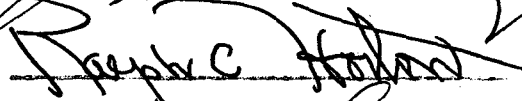

"Transportation of freight for the Safeway, Piggly-Wiggly and McMarr Companies only to their own retail stores in Wray and Yuma from Sterling, Colorado, via Kelly and Otis.

"Transportation for the Safeway Stores System only, such general merchandise freight as may originate in Sterling, Brush, or Wray, Colorado, from Wray to Burlington via Colorado Highway No. 51 or via Colorado Highways 51 and 54; to St. Francis, Kansas, via Colorado Highway 51 and U. S. Highway 36, and from Burlington, Colorado, to Goodland, Kansas, via U. S. Highway 24. All interstate operating rights herein granted are subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

That any and all authority other than the above -- if any there be -- is hereby cancelled and held for naught.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1954.
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
W. E. ANSLEY, HASWELL, COLORADO,)
AND W. G. ANSLEY, LAS ANIMAS, COLO-)
RADO, CO-PARTNERS, DOING BUSINESS)
AS "ANSLEY TAXI AND BUS LINES," FOR)
AUTHORITY TO TRANSFER PUC NO. 305)
TO L. ANTHONY, DOING BUSINESS AS)
"ANTHONY TAXI & BUS LINES," LAS)
ANIMAS, COLORADO.)

APPLICATION NO. 13168-Transfer
SUPPLEMENTAL ORDER

December 3, 1954

Appearances: E. B. Evans, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 43690, of date, November 22, 1954, the Commis-
sion authorized the transfer of Certificate of Public Convenience and
Necessity No. 305 from W.E. Ansley, Haswell, Colorado, and W. G. Ansley,
Las Animas, Colorado, doing business as "Ansley Taxi and Bus Lines," to
L. Anthony, doing business as "Anthony Taxi & Bus Lines," Las Animas, Colo-
rado.

However, in the second paragraph of the Statement by the Commis-
sion on Page 1, through inadvertence, a line stating the authority was
omitted from said paragraph. Following the words "Fort Lyons, Colorado, in
the 4th line of said paragraph, the words "and to and from Las Animas, from"
were omitted. It was the intention of the Commission to state said para-
graph as follows:

"The right to operate as a common carrier by
motor vehicle for hire, for the transportation
of passengers between Las Animas and Fort Lyon
Hospital Reservation at Fort Lyon, Colorado,
and to and from Las Animas, from and to all
other points in the State of Colorado, subject
to the following conditions:"

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 43690 should be amended, as provided in the

Order following.

O R D E R

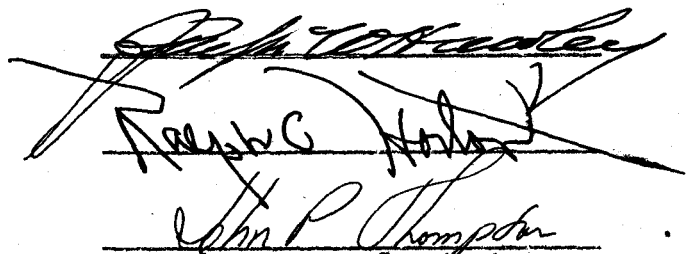
THE COMMISSION ORDERS:

That Decision No. 43690, of date November 22, 1954, should be, and the same is hereby, amended nunc pro tunc, as of said November 22, 1954, by inserting the words "and to and from Las Animas, from" following the word "Colorado" in the fourth line of the second paragraph of said Statement, so that the second paragraph of said Statement, as amended, shall read:

"The right to operate as a common carrier by motor vehicle for hire, for the transportation of passengers between Las Animas and Fort Lyon Hospital Reservation at Fort Lyon, Colorado, and to and from Las Animas, from and to all other points in the State of Colorado, subject to the following conditions:"

That, except as herein amended, said Decision No. 43690 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of December, 1954.

mls

original

(Decision No. 43752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE SAN LUIS CENTRAL RAILROAD COMPANY
TO WITHDRAW THE AGENT AT CENTER,
COLORADO.

APPLICATION NO. 13181

At a General Session of The
Public Utilities Commission
of the State of Colorado, held
at its offices in Denver,
Colorado, November 24, 1954.

INVESTIGATION AND SUSPENSION DOCKET NO. 370

On November 3, 1954, The San Luis Central Railroad Company,
by John Scroggie, Vice President, filed its petition under Rule No. 6
of the Commission's Rules and Regulations Pertaining to Railroads Oper-
ating in the State of Colorado.

Request was made by petitioner for an order authorizing the
withdrawal of its agent from the station at Center, Saguache County
Colorado, effective December 4, 1954, and thereafter to maintain Center,
Colorado as a non-agency station.

As indicated by petitioner, 90% of the total tonnage hauled on
the San Luis Central consists of outbound carload shipments of potatoes.
Said potato haulage is therefore the principal source of earnings for
the road. It is further shown that in the current year there has been
a substantial decline in the volume of potato shipments being made by
rail due largely to increased trucking competition and weak market con-
ditions. As a matter then of more efficient and economical management
it is proposed to close the agency station at Center, Colorado.

Center is located 12 miles north and 2 miles east of Monte
Vista, Colorado; being also on the east to west State Highway No. 112,

which connects with U. S. Highway No. 285 at a point 2 miles westerly from Center. Both highways are paved. U. S. Highway No. 285 is a direct route to Monte Vista. Center is also the northerly terminal of the railroad.

It is alleged that adequate facilities are available at the Monte Vista office of the railroad to handle any and all clerical and billing details relative to customer's shipments and service.

No passenger business is handled at the Center station and there is no milk and cream express or Western Union business.

The intention of applicant having been properly publicized by the posting of public notice at its station in Center, the Commission has received a formal protest from the Town of Center, the Center Chamber of Commerce and Monte Vista Commercial Club, wherein it is contended that discontinuance or elimination of any services by the Railroad Company will cause great inconvenience to the residents of Center and adjacent area; that any curtailment of rail service would stimulate truck competition; that the proposed station closing might hasten abandonment of the whole line.

It appears then that all residents of the Center area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed station closing so that a more complete investigation may be had in the matter. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 370 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of the San Luis Central Railroad Company to withdraw its agency station at Center, Colorado, should be suspended pending a more complete investigation in the matter.

O R D E R

THE COMMISSION ORDERS:

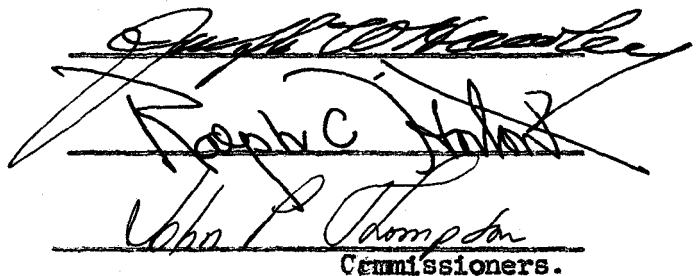
That the effective date of the proposed station closing at Center, Colorado, by the San Luis Central Railroad, be, and it hereby is,

suspended for a period of one hundred twenty (120) days from December 4, 1954, or until April 4, 1955 unless otherwise ordered.

That Application No. 13181, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 370.

That a copy of this Order be filed with Application No. 13181, and with Investigation and Suspension Docket No. 370 and copies be served on W. V. Hodges Jr., Equitable Building, Denver, Colorado, Attorney for the San Luis Central Railroad Company, and the following for protestants herein, viz.: William L. Bartlett, Esq., Center Theater Building, Center, Colorado; John R. Barry, Esq., 738 Majestic Building, Denver, Colorado; J. H. Beatty, Secretary, Monte Vista Commercial Club, Monte Vista, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver Colorado,
this 3rd day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MINNIE LEE SPAROVIC, DOING)
BUSINESS AS "THE SPAROVIC BUS)
LINE," LEADVILLE, COLORADO.)

PUC NO. 2855

December 6, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 2855 be suspended for six months from November 21, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

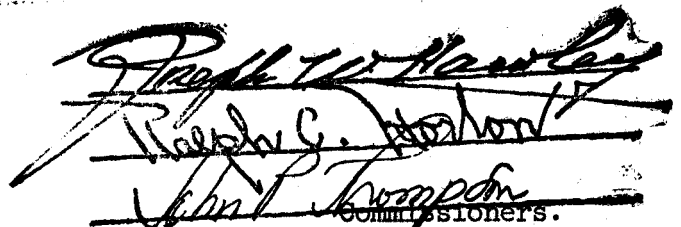
O R D E R

THE COMMISSION ORDERS:

That Minnie Lee Sparovic, doing business as "The Sparovic Bus Line," Leadville, Colorado, be, and she is hereby, authorized to suspend operations under PUC No. 2855 until May 21, 1955.

That unless said Minnie Lee Sparovic, doing business as "The Sparovic Bus Line," Leadville, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1954.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. B. QUEEN, BOX 931, DURANGO,)
COLORADO.)

PERMIT NO. C-31745

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

B. B. Queen

requesting that Permit No. C-31745 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31745, heretofore issued to _____

B. B. Queen be,

and the same is hereby, declared cancelled effective November 20, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph T. Hawley
Ralph C. Hawley
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

E. L. BAILIE, BOX 2054, SALT LAKE
CITY, UTAH.

PERMIT NO. C-32237

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

E. L. Bailie

requesting that Permit No. C-32237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32237, heretofore issued to _____

E. L. Bailie

be,

and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph T. Hawley
Ralph C. Johnston
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
KNUDSON-McKENZIE, INC.; COLBY,
KANSAS.

PERMIT NO. C-26482

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Knudson-McKenzie, Inc.

requesting that Permit No. C-26482 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

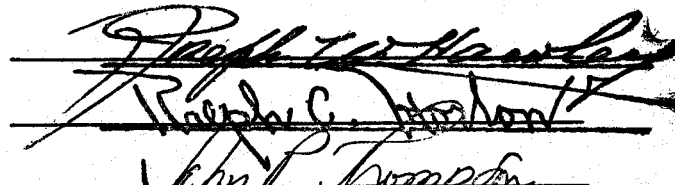
That Permit No. C-26482, heretofore issued to _____

Knudson-McKenzie, Inc.

be,

and the same is hereby, declared cancelled effective December 3, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. D. CROSBY, 9690 WEST 38TH)
AVENUE, WHEATRIDGE, COLORADO.)

PERMIT NO. C-28837

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

C. D. Crosby

requesting that Permit No. E-28837 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28837, heretofore issued to

C. D. Crosby

be,

and the same is hereby, declared cancelled effective December 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CECIL R. VANZENT, DOING BUSINESS AS)
"ARCO-LEA PLUMBING & HEATING)
ENGINEERS," 132 HOOKER STREET,)
DENVER, COLORADO.)
-----)

PERMIT NO. C-29829

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Cecil R. Vanzent, dba "Arco-Lea Plumbing & Heating :Engineers"

requesting that Permit No. C-29829 be cancelled.

FINDINGS

THE COMMISSION FINDS:

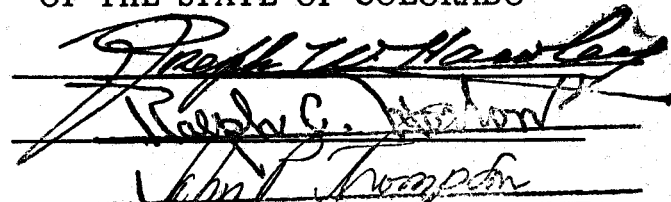
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-29829, heretofore issued to _____
Cecil R. Vanzent, dba "Arco-Lea Plumbing & Heating Engineers" be,
and the same is hereby, declared cancelled effective December 3, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLENN E. SCOTT, ROUTE 2, BOX 58,)
TRINIDAD, COLORADO.)

PERMIT NO. C-30042

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Glenn E. Scott

requesting that Permit No. C-30042 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30042, heretofore issued to _____

Glenn E. Scott be,

and the same is hereby, declared cancelled effective November 17, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hawley
Ralph C. Anderson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LONNIE M. ARGO, P. O. BOX 233,
MANZANOLA, COLORADO.

PERMIT NO. C-31870

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Lonnie M. Argo

requesting that Permit No. C-31870 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31870, heretofore issued to _____

Lonnie M. Argo

be,

and the same is hereby, declared cancelled effective December 3, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hawley
Ralph C. Hawley
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LILLIAN SHIGE NAKA, 918 29th)
STREET, DENVER 5, COLORADO.)

PERMIT NO. C-31674

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lillian Shige Naka

requesting that Permit No. C-31674 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31674, heretofore issued to _____
Lillian Shige Naka _____ be,

and the same is hereby, declared cancelled effective September 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hawley
Ralph C. Hawley
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH SCHICK, JR., & EUGENE M.)
SCHICK, DOING BUSINESS AS "SCHICK)
BROS.," KEENESBURG, COLORADO.)
-----)

PERMIT NO. C-32394

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Joseph Schick, Jr. & Eugene M. Schick, dba "Schick Bros."

requesting that Permit No. C-32394 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32394, heretofore issued to _____
Joseph Schick, Jr. & Eugene M. Schick, dba "Schick Bros." _____ be,
and the same is hereby, declared cancelled effective December 3, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Haddon
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THOM REDMAN, GILCREST, COLORADO.)
)
)
)
)
-----)

PERMIT NO. C-12225

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Thom Redman

requesting that Permit No. C-12225 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

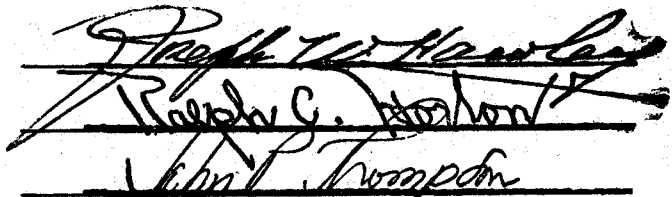
That Permit No. C-12225, heretofore issued to _____

Thom Redman

be,

and the same is hereby, declared cancelled effective December 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 195⁴.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD DI GRADO, 418 SOUTH)
JACKSON, ENID, OKLAHOMA.)

PUC NO. 2583-I

December 10, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leonard Di Grado, Enid, Oklahoma, requesting that Certificate of Public Convenience and Necessity No. 2583-I be cancelled.

F I N D I N G S

THE COMMISSSION FINDS:

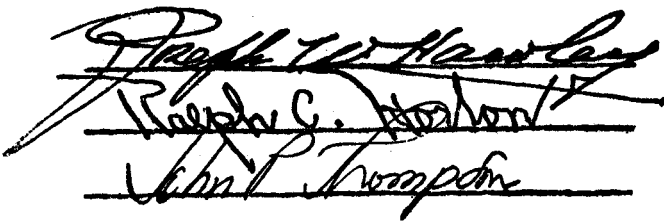
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2583-I, heretofore issued to Leonard Di Grado, Enid, Oklahoma, be, and the same is hereby, declared cancelled effective December 2, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. ANKENY, JR., BRADY,)
MONTANA.)

PUC NO. 2651-I

December 10, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 2651-I be suspended for six months from December 6, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

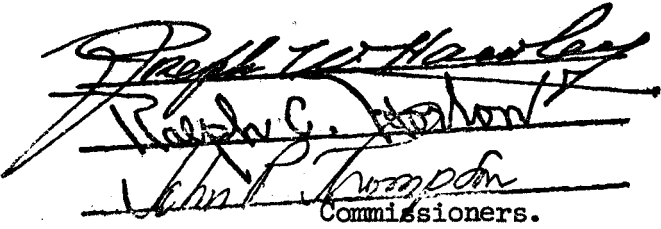
O R D E R

THE COMMISSION ORDERS:

That C. C. Ankeney, Jr., Brady, Montana, be, and he is hereby, authorized to suspend his operations under PUC No. 2651-I until June 6, 1955.

That unless said C. C. Ankeney, Jr., Brady, Montana, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. C. ANKENY, JR., BRADY, MONTANA.)
)
) PERMIT NO. C-11241
)
)
-----)

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
C. C. Ankeny
requesting that Permit No. C-11241 be cancelled.

FINDINGS

THE COMMISSION FINDS:

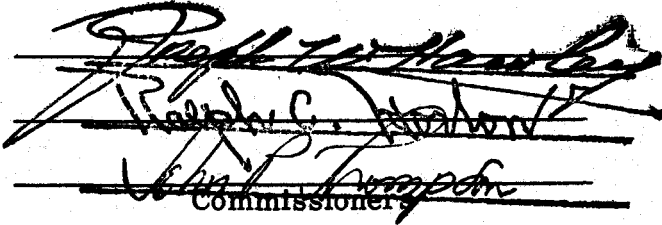
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-11241, heretofore issued to _____
C. C. Ankeny _____ be,
and the same is hereby, declared cancelled effective December 6, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1954.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY & LEE H. FAUROT, DOING)
BUSINESS AS "FAUROT OIL CO.,")
SPRINGFIELD, COLORADO.)
-----)

PERMIT NO. C-14514

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Harvey & Lee H. Faurot, dba "Faurot Oil Co."

requesting that Permit No. C-14514 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

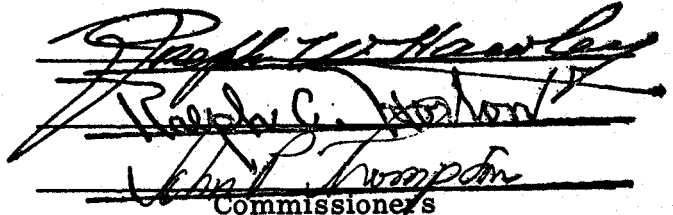
THE COMMISSION ORDERS:

That Permit No. C-14514, heretofore issued to _____

Harvey & Lee H. Faurot, dba "Faurot Oil Co." _____ be,

and the same is hereby, declared cancelled effective November 5, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE H., JOSEPH P., & NORMAN T.)
FOY, DOING BUSINESS AS "FOY LUMBER)
CO.," MONTICELLO, UTAH.)
-----)

PERMIT NO. C-23305

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from
Claude H., Joseph P., & Norman T. Foy, dba "Foy Lumber Co."

requesting that Permit No. C-23305 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-23305, heretofore issued to
Claude H., Joseph P., & Norman T. Foy, dba "Foy Lumber Co." be,
and the same is hereby, declared cancelled effective December 6, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
K. E. PIERCE, ALLENS PARK,
COLORADO.

PERMIT NO. C-23968

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

K. E. Pierce

requesting that Permit No. C-23968 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

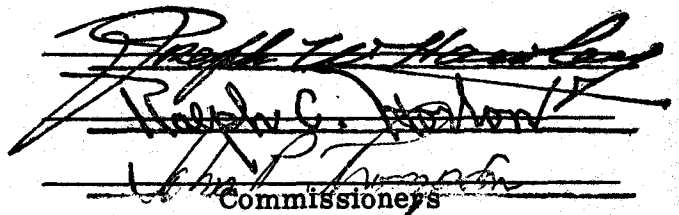
That Permit No. C-23968, heretofore issued to _____

K. E. Pierce

be,

and the same is hereby, declared cancelled effective December 6, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 195 4.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARRY S. BALDWIN, DOING BUSINESS AS)
"SPORTS-KRAFT OF DALLAS", 119 S. E.)
17TH, GRAND PRAIRIE, TEXAS.)
-----)

PERMIT NO. C-32180

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Harry S. Baldwin, dba "Sports-Kraft of Dallas"
requesting that Permit No. C-32180 be cancelled.

FINDINGS

THE COMMISSION FINDS:

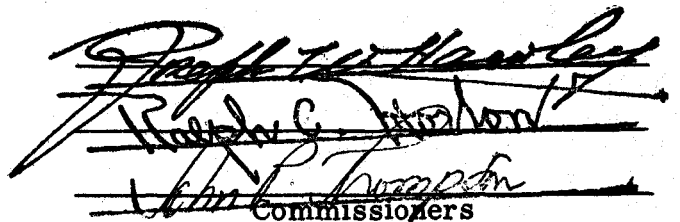
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32180, heretofore issued to _____
Harry S. Baldwin, dba "Sports-Kraft of Dallas" be,
and the same is hereby, declared cancelled effective June 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. W. PETTICREW, 3930 CHASE STREET,)
DENVER 14, COLORADO.)

PERMIT NO. C-24696

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

J. W. Petticrew

requesting that Permit No. C-24696 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-24696, heretofore issued to

J. W. Petticrew

be,

and the same is hereby, declared cancelled effective December 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph S. Norton
Commissioner

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. R. MITCHELL, 2365 EMPORIA STREET,)
AURORA, COLORADO.)

PERMIT NO. C-26690

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
J. R. Mitchell

requesting that Permit No. C-26690 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-26690, heretofore issued to _____

J.R. Mitchell

be,

and the same is hereby, declared cancelled effective December 6, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph S. Hawley
Ralph S. Hawley
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
H. D. HARRIS, DOING BUSINESS AS)
"HARRIS GRAIN & PRODUCE CO.", 214 E.)
ELM, ENID, OKLAHOMA.)
-----)

PERMIT NO. C-32579

December 10, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

H. D. Harris, dba "Harris Grain & Produce Co."

requesting that Permit No. C-32579 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

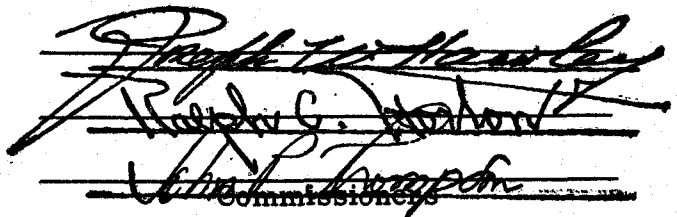
ORDER

THE COMMISSION ORDERS:

That Permit No. C-32579, heretofore issued to _____
H. D. Harris, dba "Harris Grain & Produce Co." _____ be,

and the same is hereby, declared cancelled effective December 6, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL M. WITT, 1870 WEST)
BERKELY PLACE, DENVER 11,)
COLORADO.)

PUC NO. 2900-I

December 10, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl M. Witt, Denver, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2900-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

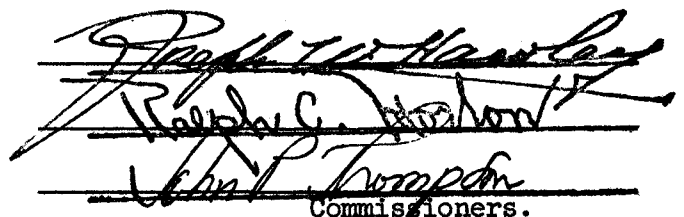
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2900-I, heretofore issued to Carl M. Witt, Denver, Colorado, be, and the same is hereby, declared cancelled effective December 3, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED J. KISSLER, 1435 JAY)
STREET, DENVER 12, COLORADO.)

PERMIT NO. B-2864

December 10, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from Fred J. Kissler, Denver, Colorado, requesting that his Permit No. B-2864 be suspended for six months from December 7, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

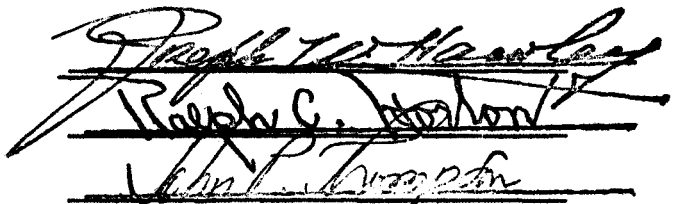
O R D E R

THE COMMISSION ORDERS:

That Fred J. Kissler, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2864 until June 7, 1955.

That unless said Fred J. Kissler, Denver, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
DEAN RESLER, BOX 309, STERLING, }
COLORADO. }

PERMIT NO. B-4701

December 10, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4701 be suspended for six months from December 7, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

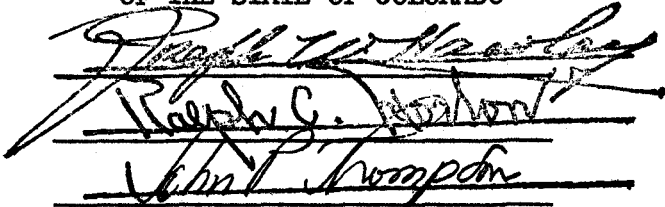
O R D E R

THE COMMISSION ORDERS:

That Dean Resler, Sterling, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4701 until June 7, 1955.

That unless said Dean Resler, Sterling, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
MOTOR EXPRESS RENTALS CORPORATION,
141 WEST JACKSON BOULEVARD, CHICAGO,
ILLINOIS, FOR AN EXTENSION OF PERMIT
NO. B-3698 TO ADD A NEW CUSTOMER
TO ITS SERVICE, I. E. SEARS ROEBUCK
& COMPANY, DENVER, COLORADO, IN THE
TERRITORY COVERED BY SAID PERMIT.

APPLICATION NO. 12998-PP-Extension

IN THE MATTER OF THE APPLICATION OF
MOTOR EXPRESS RENTALS CORPORATION,
E. & C. BUILDING, DENVER, COLORADO,
FOR AN EXTENSION OF PERMIT NO.
B-3698 TO INCLUDE THE AREA FROM
LITTLETON TO PUEBLO, INCLUDING
INTERMEDIATE POINTS, FOR ONE CUS-
TOMER ONLY, I. E. SEARS ROEBUCK
AND COMPANY, DENVER, COLORADO.

APPLICATION NO. 13009-PP-Extension

IN THE MATTER OF THE APPLICATION OF
MOTOR EXPRESS RENTALS CORPORATION,
141 WEST JACKSON BOULEVARD, CHICAGO,
ILLINOIS, FOR AUTHORITY TO EXTEND
OPERATIONS UNDER PERMIT NO. B-3698
TO INCLUDE THE RIGHT TO TRANSPORT
COMMODITIES PRESENTLY AUTHORIZED
TO BE TRANSPORTED BY IT, FOR SEARS
ROEBUCK & COMPANY ONLY, FROM POINT
TO POINT WITHIN A RADIUS OF TWENTY-
FIVE MILES OF THE STATE CAPITOL
BUILDING, DENVER, COLORADO.

APPLICATION NO. 13018-PP-Extension

December 10, 1954

Appearances: Whitehead and Vogl, Esqs.,
Denver, Colorado, by
Albert L. Vogl, for
applicant;
Clarence W. Button, Esq.,
Denver, Colorado, for
Package Delivery Service Co.;
Raymond B. Danks, Esq., Denver,
Colorado, and
Howard D. Hicks, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

By Decision No. 28915, of date August 30, 1947, in Application No. 8502-FP, the Commission granted to Motor Express Rentals Corporation, Chicago, Illinois, a Class "B" permit, authorizing transportation by motor vehicle for hire, of:

general commodities, such as household furniture, furnishings, and other merchandise sold by Montgomery Ward and Company, for said company, only, between points within the area bounded by Aurora on the east, Littleton on the south, Golden on the west, and Westminster on the north, said towns being inclusive,

the service to be performed being a delivery service for said Montgomery Ward and Company, without the right to add to the number of its customers except by order of this Commission first had, after hearing, upon notice to all parties in interest.

"Private Permit No. B-3698" was assigned to the operation.

By Application No. 12998-FP, filed July 8, 1954, the permit-holder seeks authority to add Sears Roebuck and Company as an additional customer, and an extension of the area to be served to Pueblo, Colorado, and territory intermediate between Littleton, Colorado, and Pueblo, Colorado.

By Application No. 13009-FP, filed on the same date, the permit-holder seeks the same extension of the area to be served as requested in Application No. 12998-FP.

By Application No. 13018-FP, filed August 10, 1954, the permit-holder seeks authority to perform service for Sears Roebuck and Company the same as now authorized for Montgomery Ward and Company, from point to point within a radius of twenty-five miles from the State Capitol Building in the City and County of Denver, Colorado.

The three applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 25, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matters were taken under advisement.

At the hearing, Joseph B. Merrill testified that he has been President of applicant corporation since 1946. The corporation is a wholly-owned subsidiary of U. S. Truck Lines, Inc., of Cleveland, Ohio, which has a paid-in capital and surplus, as of December 31, 1953, of \$383,077.06. The company operates in Colorado, Washington, Oregon, California, Utah, Idaho, Wyoming, Nebraska, Iowa, Illinois, and Ohio, and in many of said states serves the needs of Sears Roebuck and Company, as well as those of Montgomery Ward and Company. To these customers it offers a specialized service for the delivery of uncrated and re-finished furniture, rugs, draperies, refrigerators, gas stoves, washing machines, and other heavy articles. The service differs from that of call and demand or scheduled carriers, in that equipment is maintained at a given point for the service of one customer, only, and if the permit is extended, as requested, this service will be confined to Sears Roebuck and Company, the applicant no longer serving Montgomery Ward and Company. The merchandise is not re-crated for shipment to the customers of this firm, and usually is not in condition to be transferred to and re-loaded at a dock other than that of Sears Roebuck and Company. Furniture is moved and arranged in the residence of a customer, and rugs laid where requested. The service is not similar to the normal service of common carriers. The equipment is designed especially for such service, and the personnel carefully trained for handling and installing the commodities transported. Eight units of equipment will be assigned for this particular operation. Heretofore, Sears Roebuck and Company has delivered its commodities under its own permits, so the proposed service of applicant will not displace any present common carrier service. The applicant has the necessary Domestic, Gas, and Electric Installers' Licenses, and will charge the rates prescribed by the Commission. It has no other contract for service in the area involved, not having served Montgomery Ward and Company for more than a year last past. It now has fifteen trucks, eight tractors, and eighteen

trailers based at Denver, and has been serving Sears Roebuck and Company under temporary authority since August 2, 1954. Closed van trucks are being used, each truck being fifteen feet long, seven and one-half feet wide, and seven feet inside clearance. Larger equipment will be used, if required.

As to the additional territory applicant seeks to serve, Mr. Merrill testified that up to a recent date these commodities have been transported to the customer from warehouses in other states. A new warehouse has been constructed by Sears Roebuck and Company in Denver, and that company wishes to furnish the service from this Denver warehouse to the same territory heretofore served from the outside warehouses, the type of service to the customer being the same as heretofore, but the service being more rapid and convenient.

Charles D. Jamison, of Chicago, Illinois, General Traffic Manager of Sears Roebuck and Company, testified in support of the applications. Essentially, the proposed service consists of the pick-up at the warehouse or retail store of articles requiring specialized handling, and the installation of these articles in the home of a customer. There is a definite advantage in this service over that furnished by carriers that serve the public generally. The applicant will carry the name of Sears Roebuck and Company on the delivery equipment, and the customer will know that he is receiving Sears Roebuck specialized service. Heretofore, the customers in the additional area requested have been served from warehouses outside the state, through use of leased equipment and Sears Roebuck and Company personnel, and the proposed service will enable Sears Roebuck and Company to keep control of its own merchandise until delivery to the ultimate user. A new warehouse, with floor capacity of 200,000 square feet, was recently constructed in Denver, as well as a new large retail store, and the customers in the larger area can be more rapidly and efficiently served than heretofore.

The granting of the applications was vigorously opposed by two common carriers.

Howard D. Hicks, Jr., Traffic Manager of the Transportation Division of Weicker Transfer and Storage Company, testified that his company operates in the area sought to be served by applicant under its call and demand authority (PUC No. 341), and has received no complaints on the service. It also operates a scheduled service under PUC No. 8 between Denver, Colorado Springs and Pueblo, and objects to any additional authority to serve points including and between the three cities. The company has had fifty-seven years experience in the transportation of the commodities involved. Its equipment list is on file with the Commission. It employs trained men and objects particularly to any authority to haul crated articles from and to points on U. S. Highway No. 85. The tonnage hauled under PUC No. 8 has decreased from 10⁴,385 tons in 1951 to 92,400 tons in 1953, the operating ratio increasing from 100.4% to 106.5% during that period. The tonnage handled from Denver has decreased from 135,99¹/₂,357 pounds in 1951 to 132,978,73¹/₂ pounds in 1953. The company operates 251 units of equipment. It has handled some business of Sears Roebuck and Company in the past, and cannot afford to lose any business.

Lynn Johnson, Vice-President of Package Delivery Service Co. (PUC No. 572 and Private Carrier Permit No. A-413), also appeared in protest. His company has authority to handle packages up to 100 pounds in weight within a radius of thirty miles of Denver, and general commodities within a ten-mile radius, and has filed application to include the transportation of general commodities within the thirty-mile radius. It has offered to Montgomery Ward and Company, for the past four years, the same service now proposed for Sears Roebuck and Company by applicant. It has one hundred trucks, and trained personnel, and has, in the past, handled package delivery for Sears Roebuck and Company.

Both of these protestants appeared and offered similar testimony at the hearing on June 20, 1947, on Application No. 8502-PP of this same applicant, as a result of which hearing Decision No. 28916 issued on

August 30, 1947, authorizing applicant to operate as a Class "B"

private carrier by motor vehicle for hire, for the transportation of:

general commodities, such as household furniture, furnishings, and other merchandise sold by Montgomery Ward and Company, for said company, only, between points within a specified area, without the right to add to the number of its customers, except by order of this Commission first had, after hearing upon notice to parties in interest.

The testimony of the same protestants -- largely to the same effect as in the instant case -- was fully discussed in said decision, and the policy of the Commission as set forth in detail in former decisions was reiterated. The protestants in the instant case have either forgotten or overlooked the reasoning of the Commission in the former decisions and the policy adopted by the Commission, and we deem it advisable to quote part of said Decision No. 28916 as a guide for protestants in future hearings of this nature:

"On March 4, 1939, in Decision No. 13149, in Application No. 4216-PP-B, which, since, has been frequently followed, we said:

"For some time, it has been apparent to the Commission that certain common carriers who regularly appear in opposition to the granting of applications for authority to operate as contract carriers (said permits, under our Act being known as 'Private Carrier Permits') have thought it sufficient to show in opposition to granting permit that they are equipped to handle all business in the territory, and they have construed the words 'impair the efficient public service of any authorized motor vehicle common carrier' to mean 'to diminish or to deprive them of possibility of increasing their income.' However, the possibility of gain in or loss of revenue by carriers and adequacy of their existing service are not the sole questions involved. What we want to know is, 'Will the existing motor vehicle common carrier operation be so affected by the proposed new operation that it will not be able to continue its efficient service to the public?' Its revenue may be diminished and its adequate efficient service still be continued, or the returns from the business may be diminished by competition to the point where the carrier no longer may be able to buy necessary equipment or to adequately maintain the equipment then operated or to maintain docks and other facilities or to hire employees to properly serve the public, or the operations, although adequate and efficient, may be conducted at a loss, and additional revenue may be needed to continue or to improve service to the public.

"In a number of opinions, we, heretofore, have stated (perhaps somewhat loosely) that the burden of proof is upon the applicant to establish his right to a permit. Generally speaking, this is true, because the primary burden of finally establishing a fact or facts in issue never shifts from the party having the affirmative of the issue (White vs. Burlburt Grocery Company, 62 Colo. 482). However, the burden of proceeding or the burden of the evidence does shift from time to time, and we believe that, in order to clarify the situation, we should consider the effect of the foregoing Section 3 and determine what proof or degree of proof should be required from applicant and protestants.

"Apparently, where territory sought to be served by applicant already is served by authorized motor vehicle common carriers, there is no great difference in the basic elements to be proven or the degree of proof thereof required between applications for certificates of public convenience and necessity and applications under Section 3, Chapter 120, Session Laws of 1931, for private (contract) permits. Applicants for certificates authorizing operations as common carriers must assume the burden of proof, and, upon the whole record, by affirmative testimony, establish the existence of a present and future public convenience and necessity requiring the operation proposed. Proof of this necessarily involves proof that common carrier transportation facilities, if any, are inadequate to serve the public. Where certificate is sought, the facts which must be established ordinarily relate to general conditions, the existence of which are known, not only to the applicant, but to the general public, and are not within the peculiar knowledge of the applicant or the protestants. This is true as to knowledge of the facts tending to establish absence of adequate service by the motor vehicle common carrier with whom the applicant would compete, hence, burden of proof in this regard is upon the applicant, since he can easily obtain and offer testimony upon the subject, whether the allegations be considered positive or negative. (See 22 Corpus Juris 70, Section 15). If the applicant for private carrier permit makes a prima facie showing that the existing common carriers are not adequately serving the public, or that part of it which applicant proposes to serve, then the burden of evidence shifts to the protesting carriers to negative the case made by applicant. Should they be unsuccessful in satisfying this burden of evidence, then it would appear, existing service being inadequate, that no question of impairment arises and permit should issue.

"We are of the opinion that when the applicant rested, in the absence of countervailing testimony showing the lack of convenience in and necessity for the route applied for, and in the absence of proof showing the adequacy of the present facilities, * * * the application should have been granted.' Michele Transp. Co. v. Public Utilities Commission, 121 Ohio St. 441, 169 N.E. 440.

"If it appears that the territory is being adequately serviced, it does not necessarily follow that application must be denied, but then it becomes necessary that the Commission find that the 'proposed operation of any such private carrier will not impair the efficient public service of any authorized motor vehicle carrier or carriers then adequately serving' the territory in which the applicant seeks to operate before permit will issue. At this stage, the applicant's right to issuance of permit depends upon establishment of certain negative facts as a basis for a negative finding by the Commission, proof of which negative facts is almost impossible for applicant to furnish, as the requisite knowledge thereof, obviously, is exclusively in the possession of protesting, competing common carriers. They, only know how and to what extent, if at all, the proposed operation of applicant will impair their ability to serve the public. The practical difficulties of applicant proving that a proposed operation by private carrier will not impair the ability of a competing carrier to serve the public, or, if there is an impairment, the extent thereof, are too obvious to require discussion.

"We conclude then that if applicant is unable to show that existing common carrier service is inadequate, or the evidence discloses that service is adequate, then, unless it is within the power of the applicant to prove the facts establishing the negative allegations relied upon (non-impairment of efficient public service), it would appear, as a practical proposition, that protestant, where it has peculiar knowledge upon the question of the extent of the impairment -- such knowledge not being shared by applicant -- should be required to assume the burden of evidence upon that point.

"In the administration of justice it is often wise to place the burden of producing evidence on the party best able to sustain it, ***. Hence, it is very generally held that where the party who has not the general burden of proof possesses positive and complete knowledge concerning the existence of facts which the party having that burden is called upon to negative, or where for any reason the evidence to prove a fact is chiefly, if not entirely, within his control, the burden rests on him to produce the evidence, although he is obliged to go no further than necessity requires,

"22 Corpus Juris, 81, Sec. 24, See also; Joliffe v. Northern Pac. R. Co. (Wash.), 100 Pac. 977, Cummings v. Dent (Mo.) 189, S. W. 1161, 1162, Colo. Coal and Iron Co., et al, v. U. S. 8 S.Ct. 135, 136."

" While the Federal Motor Carrier Act regulating the issuance of common carrier and contract carrier authorities does not contain the same provision covered by Section 3, Chapter 120, Session Laws of 1931, aforesaid, the Interstate Commerce Commission, in construing said Act, has always held that the issuance of contract carrier authority must be consistent with the public interest, and that where the evidence presented in behalf of the applicant warrants the conclusion that the proposed operations will have inherent advantages of consequence over the existing and available transportation services -- such as providing the shipper with faster, prompter, and more flexible transportation service which will better enable it to meet the needs of its customers, the application should be granted. (See Walter A. Junge, 1 Fed. Cases 391, 392)."

We stated in said decision that it is proper, in considering the adequacy of the service furnished the contemplated customers by a common carrier by motor vehicle, to take into consideration the needs and requirements of the customer and others similarly situated. In the instant case, applicant makes a showing that the customer will receive service from this applicant which will have inherent advantages of consequence over the existing and available common carrier transportation services. If this be true, the question of impairment does not arise, and the application for extension should be granted. However, if it be conceded that inadequacy of service was not established by applicant, still protestants failed to show (applicant having gone as far as it could) that the efficiency of their respective services to the public will be impaired if the proposed service is authorized, knowledge of the existence and degree of such impairment being within the exclusive possession of protestants. At best, all that these protestants have shown is that they might lose some money if the applications be granted.

F I N D I N G S

WHEREFORE, the Commission is of the opinion, and finds, that it did not appear from the testimony that the efficiency of the public service of common carriers, or any of them, serving the territory which applicant now seeks to serve will be impaired by the granting of the additional authority sought; and that the application should be granted.

ORDER

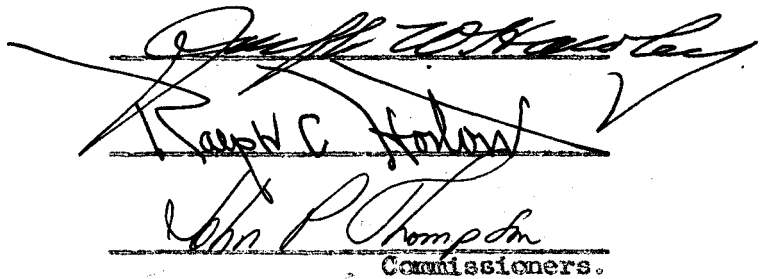
THE COMMISSION ORDERS:

That Motor Express Rentals Corporation, Chicago, Illinois, should be, and it hereby is, authorized to add to the number of its customers to be served under Private Carrier Permit No. B-3698, the name of Sears Roebuck and Company, Denver, Colorado.

That it should be, and is hereby, authorized to extend the area that it is permitted to serve under said permit to include the City of Pueblo and the territory intermediate between Littleton, Colorado, and Pueblo, Colorado, and between all points in the territory within a radius of twenty-five miles from the State Capitol Building, Denver, Colorado,

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD L. GFELLER, ROUTE 3, BOX)
32-C, FORT COLLINS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 12997

December 9, 1954

Appearances: Harold L. Gfeller, Fort
Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Harold L. Gfeller, Fort Collins, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of milk from point to point within the following described territory, to-wit:

A line passing through Nunn, Colorado, running due east and west; intersected on the west by a line running due north and south through Severance, Colorado; bound on the south by a line running due east and west through Eaton, Colorado; bound on the east by a line running north and south through Purcell, Colorado; from this territory into Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 25, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been in the trucking business for several years and has been employed for some time by C. W. Miller, G. N. Miller and A. L. Miller, who have been engaged in the transportation of milk from the above described territory under their PUC No. 1722. He has been their driver and there has been no complaint as to the service. His net worth is approximately \$9,000.00 and, while he has no equipment at

this time, he has made application for the purchase of a Chevrolet 2-ton 1951 truck with van body to be financed through a finance company. There are 40 prospective customers in the above territory and no other carrier has authority to pick up their milk shipments. However, a part of them are being served by a trucker who is now operating illegally.

Alvin L. Miller, one of the owners of PUC No. 1722, testified in support of the application. He stated that applicant had worked for his partnership for the past six years, is a good driver and will personally conduct the proposed operation. His partnership does not wish to serve the above territory any further and recommends the approval of the application.

No one appeared in opposition and, since the hearing, the Commission has received a communication from applicant requesting that the area served by R. T. Wiggins, under PUC No. 1595, be eliminated from any territory granted him by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand, service of Harold L. Gfeller, Fort Collins, Colorado, for the transportation of milk from point to point within the following described territory, to-wit:

A line passing through Nunn, Colorado, running due east and west; intersected on the west by a line running due north and south through Severance, Colorado; bound on the south by a line running due east and west through Eaton, Colorado; bound on the east by a line running north and south through Purcell, Colorado; excepting that part along the west border line of said area now authorized to be served by R.

T. Wiggins under PUC No. 1595, being the right to pickup milk on both sides of the road for a distance of 5 miles north of Severance, and from this territory into Fort Collins, Colorado.

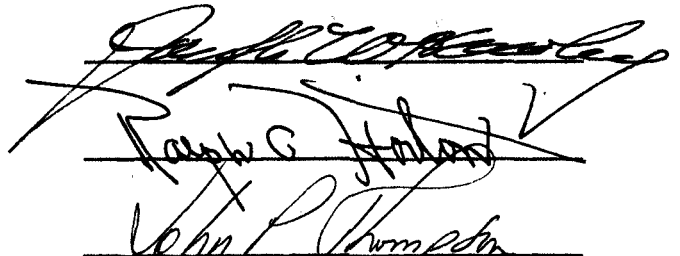
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GEORGE DEWBERRY, DOING BUSINESS AS)
"Po-BOYS," 222 PUEBLO AVENUE, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 2695 TO)
O. W. MATHEWS, DOING BUSINESS AS)
"PO-BOY TRASH SERVICE," 415 EAST)
WILLAMETTE STREET, COLORADO SPRINGS,)
COLORADO.)
- - - - -)

APPLICATION NO. 13201-Transfer

- - - - -
December 10, 1954
- - - - -

S T A T E M E N T

By the Commission:

By Decision No. 41575, of date November 20, 1953, George Dewberry, doing business as "Po-Boys," Colorado Springs, Colorado, was authorized to operate as a common carrier by motor vehicle, on call and demand, for the transportation of:

ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within a radius of ten miles of the corner of Pikes Peak Avenue and Nevada Avenue, in Colorado Springs, Colorado, and the city dump, and any dump which may hereafter be located within the above-described area,

said operating rights being known as "PUC No. 2695."

By the instant application, said certificate-holder seeks authority to transfer PUC No. 2695 to O. W. Mathews, doing business as "Po-Boy Trash Service," 415 East Willamette Street, Colorado Springs, Colorado, the consideration for such transfer being Four Hundred Dollars (\$400.00).

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to

account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That George Dewberry, doing business as "Po-Boys," 222 Pueblo Avenue, Colorado Springs, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Certificate of Public Convenience and Necessity No. PUC-2695 -- being the operating rights granted by Decision No. 41575 -- to O. W. Mathews, doing business as "Po-Boy Trash Service," 415 East Willamette Street, Colorado Springs, Colorado, subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

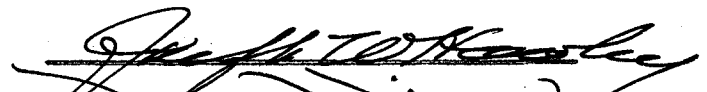
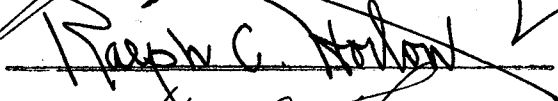

The tariff of rates, rules and regulations of transferor shall upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

DECEMBER 9, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highways compensation taxes due from said corporations and persons, as required by law & Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Edward Arron Corporation
Bagley & Son
Butler Leasing Co.
Chester Coats
Charles W. Disbrow

Kansas City, Mo.
Rt. 1, Verbena, Ala.
Gen. Del., El Reno, Okla.
Mt. Pleasant, Texas
Pueblo, Colo.

Sam Duren
John Greis
K. B. Harris
David V. Jackson
L. W. Johnson
Prestidge Y. Kane
Kirtland-Aztec Metal Scrap Iron
Littlerock Banana Supply
Mr. Gene Logsdon
M & S Produce & Grain
Major Leasing Service, Inc.
George W. Markle
K. L. McGinn
Walter Moncrief
Terry Nash
New Delagua Mine #3
Earl R. Nichols
Almon L. Potter
Roy Rowan
Arthur Stanley
Dallas E. Tackitt
Billie Trammel
Wayne Trotter
Wallace Wendler
Bill Wright

Loxley, Ala.
Lincoln, Nebr.
Arkansas City, Kans.
Gadsden, Texas
Colorado Springs, Colo.
Victoria, Texas
Highway # 550, Aztec, New Mex.
Gen. Del. Littlerock, Ark.
Temple, Ariz.
Ft. Payne, Alabama
1920 N. Sheffield Ave., Chicago, Ill.
Red Feather Lakes, Colo.
Bastrop, Tex.
Oxford, Ala.
Cozad, Nebr.
Delagua, Colo.
Portland, Oregon
4907 Ramona St., Dallas, Texas
7223 Ann, Houston, Texas
Box 184, Erie, Colo.
2219 Boulder, Dallas, Texas
Loxley, Ala.
Lake City, La.
Loxley, La.
National City, Calif.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and, the same hereby are, dismissed.

That this order shall become effective December 19, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this ninth day of Dec. 1954.

Ralph C. Hanson
Ralph C. Hanson
John P. Thompson
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD J. AND RICHARD HILL, 805)
SOUTH SHIELDS STREET, FORT COLLINS,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 13069-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

December 10, 1954

Appearances: Richard Hill, Fort
Collins, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a fifty-mile radius of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Greeley, Colorado, September 24, 1954, at ten o'clock A. M., and, at the conclusion of 1th evidence, the matter was taken under advisement.

Richard Hill, one of applicants, testified that he and his brother Harold J. Hill, are operating the proposed authority as partners. He has had ten years experience in the trucking business, working for Reed Construction Company, of Cheyenne, Wyoming. The partners own a 1953 Chevrolet dump truck and their net worth is \$3,000.00.

No one appeared to oppose the application and the experience and financial standing of applicants were shown to the satisfaction of the Commission.

Applicants have been operating since June 3, 1954 under temporary authority from this Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harold J. and Richard Hill, Fort Collins, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Clear Creek and Gilpin Counties.

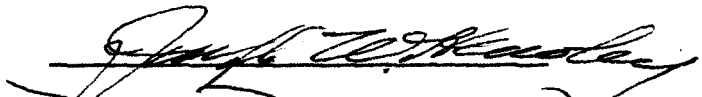
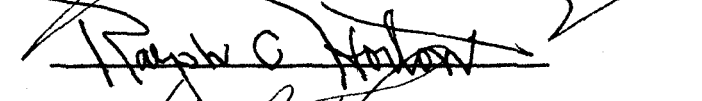
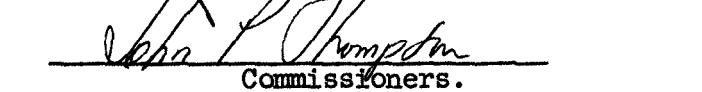
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT P. MC CLUNG, DOING BUSINESS)
AS "MAC'S DELIVERY SERVICE," 2242)
STOUT STREET, DENVER, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 13155-PP

December 10, 1954

Appearances: W. Russel Eddy, Esq., Denver,
Colorado, for applicant;
Harold D. Torgan, Esq., Denver,
Colorado, for Acme Delivery
Service, Inc.; Speedy Messen-
ger Service; and Package
Delivery Service Co.;
Barry and Hupp Esqs., Denver,
Colorado, for Boulder-Denver
Truck Lines; Pherson Trucking
Co.; and Miller Bros. Truck
Line;
Ed Tuxhorn, Byers, Colorado, for
Byers-Denver Truck Line;
Raymond B. Danks, Esq., Denver,
Colorado, and
Howard D. Hicks, Denver Colo-
rado, for Weicker Transfer
and Storage Co.;
Bennie Goldstein, Colorado
Springs, Colorado, for
Goldstein Refrigerator Lines.

S T A T E M E N T

By the Commission:

By the instant application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of packages of printed matter, newspapers and printing paper for pick-up and delivery service for all printing companies and business buildings between points within a radius of 100 miles of the City of Denver Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver Colorado, November 19, 1954 at ten o'clock, A. M., and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he formerly engaged in trucking transportation within the city limits of Denver under a junk license issued by the City. Recently, he started delivering paper products for the John Frederick Printing Company, 1908 Lawrence Street, Denver, to the Denver customers of said firm. What his present license authority from the City might be, is not disclosed by the evidence. He has had previous trucking experience in California. The Frederick Company has customers outside Denver and these he wishes to serve. He has also had requests for service to outside customers from E. L. Hambright Printing Company, 2020 Curtis Street; Superior Die Products Inc., 4240 Fox Street; Barrent and Co., 1950 Lawrence Street; and J. W. McFadden Co., 2053 Welton Street, all in Denver.

He offered in evidence (Exhibits Nos. 1 to 4, inclusive) letters of endorsement from the last four firms named, but on objection of protestants the offer must be refused as no representatives of these firms appeared in support of the application and subjected themselves to cross-examination. Applicant stated that he was willing that any authority granted might be limited to the service of the five firms named. He owns a 1953 3/4-ton Ford Pickup Truck, his net worth being \$5,000.00, and he has arranged for proper insurance. The packages handled would be less than 100 lbs. in weight. He would conduct the operation personally. The proposed service would consist of picking up shipments at the place of business of the printing companies and delivering same to their customers, most of whom reside within a 50-mile radius of Denver, and he requested an amendment to his application limiting the proposed service to the territory within this radius.

At the close of applicant's testimony, all protestants joined in a motion to dismiss the application on the ground that same was not supported by any customer-witnesses. The motion was taken under advice. Protestants did not rest their case upon the motion, but proceeded to offer testimony in support of their protest.

Howard D. Hicks, Jr., Traffic Manager of the Transportation Division of Welcker Transfer and Storage Company, testified that his company is principally interested in the traffic over U. S. Highway No. 85, north and south within a 100-mile radius of Denver, which his Company serves under PUC No. 8. At least two schedules south from Denver and at least one schedule north are operated every day. The Company is in a position to handle all business available within said radius to and from points on U. S. Highway Nos. 85 and 87, and handles printed matter on these schedules every day. The Transportation Division of his Company has been operating at a loss during the past year, and any additional authority granted in the area would increase this loss.

Andrew Spindel, one of the co-owners of Speedy Messenger Service, PUC No. 2428, testified that his Company operates in Denver and within a 3-mile radius of the city limits. He named several printing companies that have been his customers. The firms having customers residing outside the Metropolitan Area ship their products by bus or line-haul carriers. His Company has 7 trucks, a part of them idle at all times and could handle all this business available in the Metropolitan Area. It formerly handled some business for Frederick and the granting of additional authority might impair the service of his Company to the public as there are sufficient carriers now serving the area.

Ed Tuxhorn, owner of Byers-Denver Truck Line, PUC No. 272, also appeared in protest, stating that his Company could handle all business available along the route of U. S. Highway No. 40 from Aurora to Byers and intermediate points.

The wish or desire of an applicant to enter the transportation field cannot be, in itself, considered as proof of public convenience and necessity for the proposed service. The Commission long since adopted the policy of denying an application when it is not supported by customer-witnesses in cases where common carriers appear as protestants with authority to conduct the same transportation service as that proposed by the applicant and who are actually engaged in performing the same service in the area the applicant seeks to serve. This policy must be reaffirmed

and the motion of protestants interposed at the close of applicant's testimony must be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of protestants interposed at the close of applicant's testimony herein should be granted and the application dismissed.

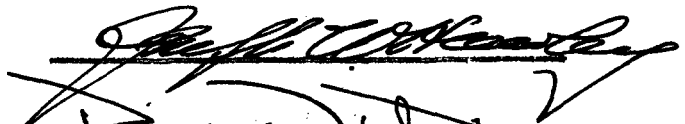
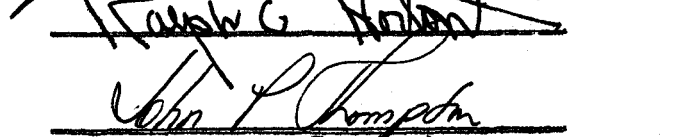
O R D E R

THE COMMISSION ORDERS:

That the motion of protestants be, and the same hereby is, granted, and the application dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. BLISS, 1013 CENTRAL,)
EVANS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13067-PP

December 10, 1954

Appearances: Karl R. Ahlborn, Esq., Greeley,
Colorado, for applicant;
Clayton D. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce (excluding livestock) from farms within a radius of 50 miles of Evans to points in said area, and from and to points in said area to and from points within a radius of 50 miles of Evans; building materials between points within a 50 mile radius of Evans and from and to points in said area to and from points within a radius of 50 miles of Evans; coal from the mines in the northern Colorado fields to points within a 50 mile radius of Evans; farm supplies between points within a 50 mile radius of Evans and from and to points in said area to and from points within a radius of 50 miles of Evans, and sand, gravel and other road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties, said authority to bear Permit No. B-3768.

Said application, pursuant to prior setting, after appropriate

Notice to all parties in interest, was heard at the District Court Room, Greeley, Colorado, September 24, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is experienced in the trucking business and has had requests for the proposed service. He owns a 1954 2-ton Chevrolet truck, a 1948 F-7 Ford truck and a 1950 2-ton Chevrolet truck, all with dump bodies, and his net worth is \$8,000.00.

No testimony was given in support of the protest of the Union Pacific Railroad Company, the only protestant appearing, and it does not appear that the granting of the application will impair the present service of any common carrier now operating in the territory sought to be served by applicant.

The experience and financial standing of applicant is shown to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert D. Bliss, Evans, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce (excluding livestock) from farms within a radius of 50 miles of Evans to points in said area, and from and to points in said area to and from points within a radius of 50 miles of Evans; building materials between points within a 50 mile radius of Evans and from and to points in said area to and from points within a radius of 50 miles of Evans; coal from the mines in the northern Colorado fields to points within a 50 mile radius of Evans; farm supplies between points within a 50 mile radius of Evans and from and to points in said area to and from points within a radius of 50 miles of Evans, and sand, gravel and other road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and

to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

That the said authority above granted shall bear Permit No. B-3768.

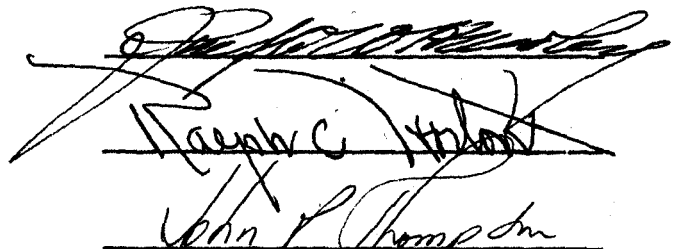
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VIRGIL A. KISER, BOX 461, EATON,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13070-PP

December 10, 1954

Appearances: Virgil A. Kiser, Eaton,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court, Greeley, Colorado, September 24, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been employed under temporary authority from this Commission by Fay Garner and L. J. Hesser, contractors, who have requested him to file this application. He has had experience in the trucking business since 1948. He owns a 1950 Chevrolet dump truck and his net worth is \$3,000.00.

No one appeared to oppose the application and the experience and financial standing of applicant is shown to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Virgil A. Kiser, Eaton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

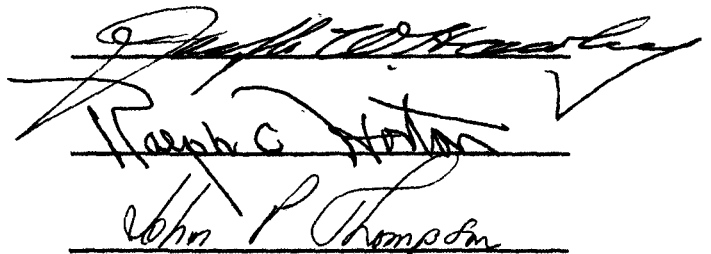
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. E. RICHARDSON, P. O. BOX 1001,)
Waco, Texas.)

PERMIT NO. C-8552

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

W. E. Richardson

requesting that Permit No. C-8552 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-8552, heretofore issued to

W. E. Richardson

be,

and the same is hereby, declared cancelled effective December 9, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

~~Frederick T. Hawley~~
~~Ralph C. Horton~~
~~John P. Thompson~~
Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
A B C TELEVISION SERVICE, INC.,)
657 SANTA FE DRIVE, DENVER 4,)
COLORADO.)
-----)

PERMIT NO. C-30296

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

_____ A B C Television Service, Inc. _____

requesting that Permit No. C-30296 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

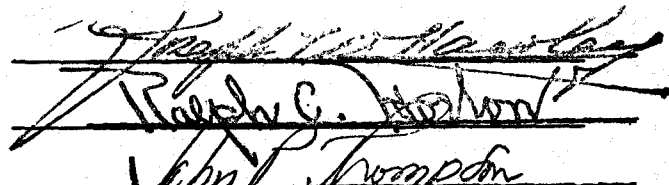
THE COMMISSION ORDERS:

That Permit No. C-30296, heretofore issued to _____

_____ A B C Television Service, Inc. _____ be,

and the same is hereby, declared cancelled effective June 26, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GORDON K. HERRING, ROUTE 1, BOX 311,))
GOLDEN, COLORADO.)

PERMIT NO. C-31916

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Gordon K. Herring

requesting that Permit No. C-31916 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31916, heretofore issued to _____

Gordon K. Herring be,

and the same is hereby, declared cancelled effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Herring
John C. Herring
John C. Herring
Commissioners

Dated at Denver, Colorado,

this 16th day of December, 195 4.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GORDON K. HERRING, ROUTE 1,)
BOX 311, GOLDEN, COLORADO.)

PUC NO. 2720-I

December 16, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gordon K. Herring, Golden, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2720-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

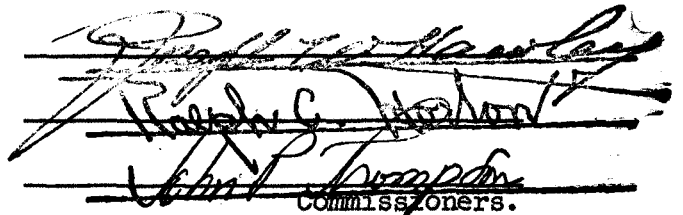
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2720-I, heretofore issued to Gordon K. Herring, Golden, Colorado, be, and the same is hereby, declared cancelled effective November 30, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
M. R. & CLIFFORD P. LATIMER, DBA)
"CENTENNIAL CONCRETE CO.," 3425)
FOX STREET, DENVER 5, COLORADO.)
-----)

PERMIT NO. C-25602

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

M. R. & Clifford P. Latimer, dba "Centennial Concrete Co."

requesting that Permit No. C-25602 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-25602, heretofore issued to _____

M. R. & Clifford P. Latimer, dba "Centennial Concrete Co.," be,

and the same is hereby, declared cancelled effective December 7, 1954/

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners

Dated at Denver, Colorado,

this 16th day of December, 195 4.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MERLE AUBREY MILLER, JR. & CAROL)
LUNGREN & EARL T. BOWER, DBA)
"WYOMING ELEVATOR & SUPPLY CO.,")
BOX 320, WORLAND, WYOMING.)
-----)

PERMIT NO. C-28221

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Merle Aubrey Miller, Jr. & Carol Lungren & Earl T. Bower, dba "Wyoming Elevator &
Supply Co."
requesting that Permit No. C-28221 be cancelled.

FINDINGS

THE COMMISSION FINDS:

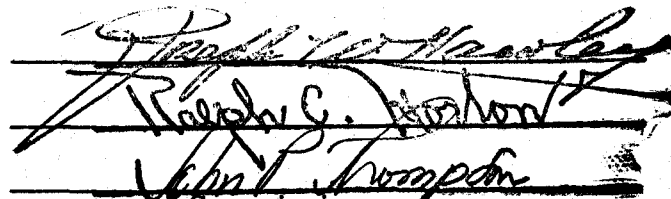
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-28221, heretofore issued to Merle Aubrey Miller,
Jr. & Carol Lungren & Earl T. Bower, dba "Wyoming Elevator & Supply Co." be,
and the same is hereby, declared cancelled effective November 29, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 195 4.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ELMER J. LINGOL, BOX 471, RICO,
COLORADO.

PERMIT NO. C-1357

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Elmer J. Lingol

requesting that Permit No. C-1357 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-1357, heretofore issued to _____

Elmer J. Lingol

be,

and the same is hereby, declared cancelled effective November 19, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank T. Hawley
Ralph C. Jackson
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 16th day of December, 195 4.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SEYMOUR THOMPSON, ROUTE 1, BOX 162,)
GOLDEN, COLORADO.)

PERMIT NO. C-9382

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Seymour Thompson

requesting that Permit No. C-9382 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-9382, heretofore issued to _____

Seymour Thompson be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nathan
John T. Thompson
Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED J. KISSLER, 1435 JAY STREET,)
LAKEWOOD, COLORADO.)

PERMIT NO. C-11817

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Fred J. Kissler

requesting that Permit No. C-11817 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-11817, heretofore issued to

Fred J. Kissler

be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM F. TURCK, BOX 15, SILT,)
COLORADO.)

PERMIT NO. C-16285

December 16 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

William F. Turck

requesting that Permit No. C-16285 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-16285, heretofore issued to

William F. Turck

be,

and the same is hereby, declared cancelled effective December 5, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 16TH day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

INDEPENDENT EASTERN TORPEDO CO.
619 EAST 4th STREET, TULSA,
OKLAHOMA.

PERMIT NO. C-30435

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

Independent Eastern Torpedo Co.

requesting that Permit No. C-30435 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

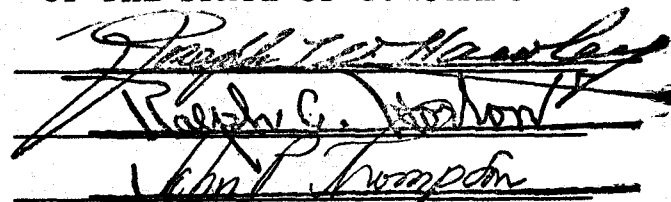
That Permit No. C-30435, heretofore issued to _____

Independent Eastern Torpedo Co.

be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CUDAHY PACKING CO., BOX 270,)
STERLING, COLORADO.)

PERMIT NO. C-18388

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Cudahy Packing Co.

requesting that Permit No. C-18388 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-18388, heretofore issued to

Cudahy Packing Co.

be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Walter G. Watson
Commissioner

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES H. IMATANI, DOING BUSINESS AS)
"HENDERSON SALTING STATION,")
HENDERSON, COLORADO.)
-----)

PERMIT NO. C-28414

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____

James H. Imatani, dba "Henderson Salting Station"

requesting that Permit No. C-28414 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

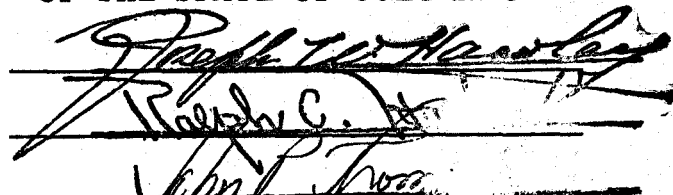
THE COMMISSION ORDERS:

That Permit No. C-28414, heretofore issued to _____

James H. Imatani, dba "Henderson Salting Station" be,

and the same is hereby, declared cancelled effective November 23, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,

this 16TH day of December, 1954/

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SHERMAN STEELE, DOING BUSINESS AS)
"SNAP ON TOOLS," BAYFIELD, COLORADO.)
)
)
)
-----)

PERMIT NO. C-31778

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
Sherman Steele, dba "Snap On Tools,"
requesting that Permit No. C-31778 be cancelled.

FINDINGS

THE COMMISSION FINDS:

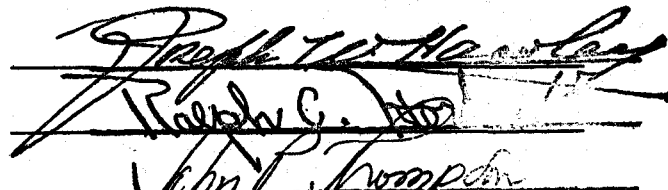
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-31778, heretofore issued to _____
Sherman Steele, dba "Snap On Tools," _____ be,
and the same is hereby, declared cancelled effective November 13, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WALTER L. ERICSON, 418 SO. 14TH,)
BOZEMAN, MONTANA.)

PERMIT NO. C-32650

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Walter L. Ericson

requesting that Permit No. C-32650 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-32650, heretofore issued to

Walter L. Ericson

be,

and the same is hereby, declared cancelled effective November 17, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

People's House
 Charles G. Wood
 17
 John P. Thompson
 Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DON SMITH CHEVROLET CO., INC.,)
GARNETT, KANSAS.)

PERMIT NO. C-30656

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Don Smith Chevrolet Co., Inc.

requesting that Permit No. C-30656 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-30656, heretofore issued to

Don Smith Chevrolet Co., Inc.

be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
R. E. KEITHLEY, 6240 EAST 64TH)
AVENUE, DERBY, COLORADO.)

PERMIT NO. C-16304

December 16, 1954

STATEMENT

By the Commission:

The Commission is in receipt of a communication from

R. E. Keithley

requesting that Permit No. C-16304 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-16304, heretofore issued to

R. E. Keithley

be,

and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Horton
John P. Thompson
Commissioners

Dated at Denver, Colorado,

this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. KEITHLEY, 6240 EAST 64TH)
AVENUE, DERBY, COLORADO.)

PUC NO. 2968-I

December 16, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. E. Keithley, Derby, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2968-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

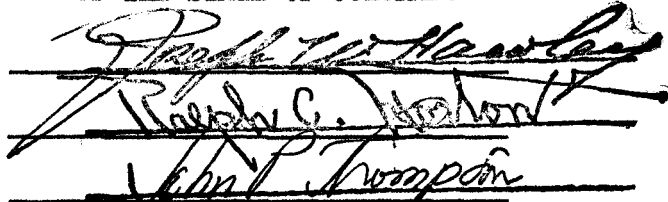
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2968-I, heretofore issued to R. E. Keithley, Derby, Colorado, be, and the same is hereby, declared cancelled effective December 7, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
P. S. BLAKESLEE, STAR ROUTE 2,)
MORRISON, COLORADO, FOR A CLASS "B") APPLICATION NO. 13140-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
-----)

December 10, 1954

Appearances: P. S. Blakeslee, Morrison,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk from farms and ranches within an area of five miles on either side of U. S. Highway 285 extending from Morrison to Bailey, Colorado, and from a point on U. S. Highway 40 where it is intersected by Colorado Highway 93 to Denver, Colorado, with the return of empty cans.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 12, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is a farmer and dairyman residing about two miles northwest of Morrison, Colorado, on U. S. Highway No. 285. Formerly, the milk in the territory involved was picked up under the authority of Foster Truck Line, PUC No. 23. The foster authority was sold to Navajo Freight Lines and the latter has never been interested in this service. One Tex Harris, a former driver for Foster, had bought

a truck from Foster and picked up the milk shipments without authority from this Commission until stopped by the State Patrol.

Applicant has performed the service since August 6, 1954 under temporary authority from this Commission. There are 8 customers in the territory sought to be served, including applicant, and the daily pick-up runs from 19 to 25 cans. Applicant will perform the pick-up service every other day, which will be satisfactory to the present customers, who have requested him to obtain proper authority. His equipment consists of a 1947 one-ton Chevrolet truck with home-made body approved by the Denver Milk Sanitation Board, and his net worth is \$5,000.00. The milk is transported to the Arvada Creamery.

No one appeared in opposition to the granting of the authority sought, and the experience and financial stability of applicant were shown to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That P. S. Blakeslee, Morrison, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk from farms and ranches within an area of five miles on either side of U. S. Highway 285, extending from Morrison to Bailey, Colorado, and from a point on U. S. Highway 40 where it is intersected by Colorado Highway 93 to Denver, Colorado, with the return of empty cans.

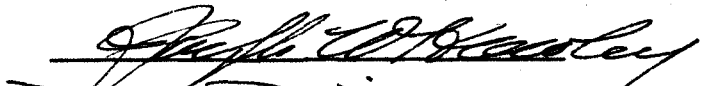
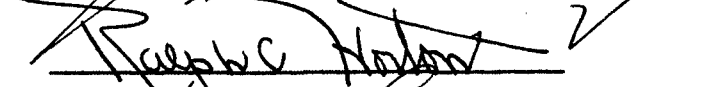
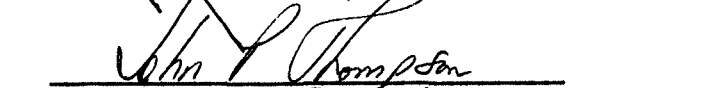
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT A. HAYERS, 1921 SOUTH KNOX)
COURT, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 13142-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

December 10 1954

Appearances: T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc., and
Larson Transportation Co.;
R. E. Turano, Denver, Colo-
rado, for Rio Grande
Motor Way, Inc.;
Bennie Goldstein, Denver,
Colorado, for Goldstein
Refrigerator Line.

S T A T E M E N T

By the Commission:

The instant application was set for hearing before the Commission for November 12, 1954, at ten o'clock, A.M., at which time it was called up for hearing.

Applicant did not appear, either in person or by counsel, and protestants joined in a motion to dismiss the application for failure of applicant to prosecute the same. The motion was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of protestants above referred to should be granted and the application dismissed.


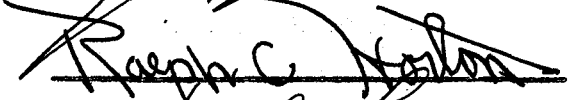

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




COMMISSIONERS.

Dated at Denver Colorado,
this 10th day of December 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED ROGERS, 6719 EDGEWOOD)
DRIVE, ALBUQUERQUE, NEW)
MEXICO.)
-----)

PUC NO. 1943-I
CASE NO. 70946-INS.

December 10, 1954

S T A T E M E N T

By the Commission:

On July 1, 1954, in Case No. 70946-Ins., the Commission entered an order revoking PUC No. 1943-I for failure to keep on file the required certificate of insurance.

Insurance was in effect, but through a misunderstanding between Agent and Assured, proper filings were not made until July 15, 1954. It was agreed to accept the insurance and set aside the revocation, provided back reports of hauling were filed. Proper filing has now been made, and the insurance is in order without lapse.

F I N D I N G S

THE COMMISSION FINDS:

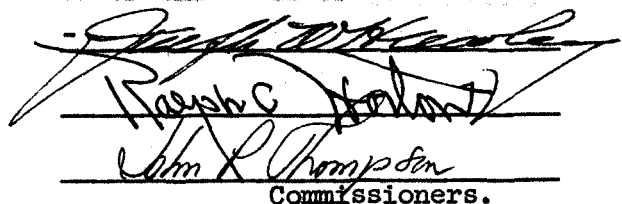
That our revocation order entered in Case No. 70946-Ins. should be cancelled and set aside, and said PUC-1943-I restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on July 1, 1954, in Case No. 70946-Ins., should be, and it hereby is, cancelled and set aside, and said PUC No. 1943-I restored to its former status as of July 1, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. I. ELLIOTT, RIFLE, COLO-)
RADO.)
-----)

PUC NO. 1810
CASE NO. 72505-INS.

December 10, 1954

S T A T E M E N T

By the Commission:

On October 25, 1954, in Case No. 72505-Ins., the Commission entered an order revoking PUC-1810 for failure to keep on file effective Cargo Liability Insurance.

The required insurance was in effect, but through misunderstanding of the Agent, was not properly filed. Insurance has now been filed properly, without lapse, and the order of revocation should be set aside.

F I N D I N G S

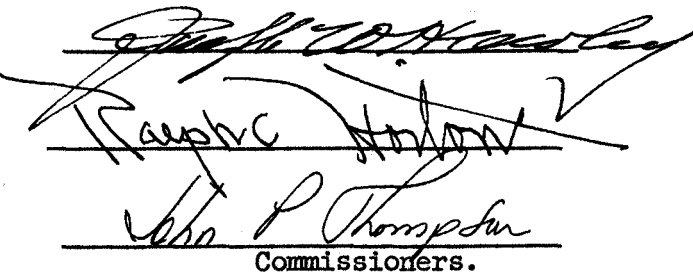
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our revocation order entered in Case No. 72505-Ins. should be cancelled and set aside, and said PUC-1810 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered on October 25, 1954, in Case No. 72505-Ins., should be, and it hereby is, cancelled and set aside, and said PUC-1810 restored to its former status as of October 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD HUDSON, 4600 LAFAYETTE) PUC No. 2789-I
STREET, DENVER 16, COLORADO.)
-----)

December 16, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Howard Hudson, requesting that Certificate of Public Convenience and Necessity No. PUC-2789-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

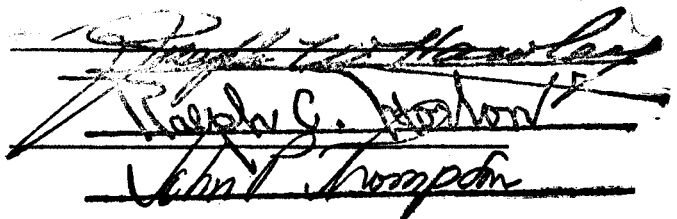
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-2789-I, heretofore issued to Howard Hudson, be, and the same is hereby, declared cancelled, effective June 27, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1954.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|-----------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| IOWA ELECTRIC LIGHT AND POWER COM-) | |
| PANY FOR AUTHORITY TO ISSUE AND) | |
| SELL ITS BONDS IN THE PRINCIPAL) | APPLICATION NO. 13177 |
| AMOUNT OF \$9,000,000.) | <u>SECURITIES</u> |
| ----- | |

December 10, 1954

Appearances: John R. Barry, Esq., Denver,
Colorado, and
Oswald Maland, Esq., Chicago,
Illinois, for applicant;
A. L. Mueller, Esq.,
Paul Elder, and
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

The instant application was filed November 23, 1954, and set for hearing on December 9, 1954, upon proper notice, by this Commission. The matter was, pursuant to such notice, duly heard December 9, 1954, at 9:30 o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and there taken under advisement.

No protests were filed against the granting of authority here sought to consummate the transactions referred to.

The evidence shows that the Petitioner is a corporation, organized, created and existing under and by virtue of the laws of the State of Iowa, and is lawfully transacting a public utility business in the State of Colorado, in that it owns and operates a gas system engaged in the distribution of natural gas to the public in the City of Sterling, Colorado. The Petitioner also owns extensive public utility properties situated within the State of Iowa, and also properties in Minnesota and Nebraska.

The gas properties located in the City of Sterling, Colorado, above referred to, are relatively a very small part of the properties now owned by the Petitioner, constituting less than one per cent of the value of the system of the Petitioner.

The instant application seeks authority of this Commission for Petitioner to issue \$9,000,000 First Mortgage Bonds, Series H, 3-1/8%, to be dated as of January 1, 1955, to mature on January 1, 1985, and to bear interest at the rate of 3-1/8% per annum payable semi-annually.

The Petitioner on June 30, 1954 acquired all of the properties of Northwestern Light and Power Company and by virtue of such acquisition became liable for the payment of bonds of Northwestern Light and Power Company and the assumption of liability thereunder by the Petitioner was authorized by this Commission in an order duly entered on June 28, 1954 in proceedings had responsive to Application No. 12955, and the Petitioner has assumed and agreed to pay the bonds of Northwestern Light and Power Company.

The Petitioner has heretofore executed and delivered a certain Indenture of Mortgage and Deed of Trust dated as of August 1, 1940 to The First National Bank of Chicago, as Trustee, and has supplemented said Indenture of Mortgage and Deed of Trust by eighteen Supplemental Indentures dated as of March 1, 1941, July 15, 1942, August 2, 1943, August 10, 1944, November 10, 1944, August 8, 1945, July 1, 1946, July 1, 1947, December 15, 1948, November 1, 1949, November 10, 1950, October 1, 1951, March 1, 1952, November 5, 1952, February 1, 1953, May 1, 1953, November 3, 1953 and November 8, 1954 (said latter indenture having been delivered subsequent to the filing of the application in these proceedings), and proposes to amend said Indenture of Mortgage and Deed of Trust by a Nineteenth Supplemental Indenture to be dated as of January 1, 1955, draft of which, exclusive of certain property descriptions, is attached to the application filed in these proceedings. Such proposed Supplemental Indenture sets forth in full the terms of the proposed First Mortgage Bonds, Series H, 3-1/8%, for which authority to issue is requested in these proceedings. Said Indenture of Mortgage and Deed of Trust as heretofore supplemented and as it will be supplemented by the proposed Nineteenth Supplemental Indenture will create a lien on substantially all of the fixed physical properties of the Petitioner, including such properties acquired by the Petitioner on June 30, 1954 from Northwestern Light and Power Company above referred to.

The evidence shows that the Petitioner now has outstanding and

secured by its Indenture of Mortgage and Deed of Trust its bonds in the aggregate principal amount of \$31,283,000, consisting of \$15,000,000 principal amount of First Mortgage Bonds, Series C, 3%, due July 1, 1976, \$3,000,000 principal amount of First Mortgage Bonds, Series D, 2-7/8%, due July 1, 1977, \$2,910,000 principal amount of First Mortgage Bonds, Series E, 3-1/8%, due October 1, 1976, \$5,000,000 principal amount of First Mortgage Bonds, Series F, 3-3/8%, due March 1, 1982, and \$5,373,000 principal amount of First Mortgage Bonds, Series G, 3-5/8%, due May 1, 1978.

The evidence shows that the proceeds to be received by the Petitioner from the sale of the First Mortgage Bonds, Series H, 3-1/8%, will be utilized for the acquisition of property, for the construction, completion, extension or improvement of the facilities of the Petitioner and for the reimbursement of moneys actually expended for such purposes from income or from other moneys in the treasury not secured or obtained from the issuance of securities within five years next prior to the date of filing of the application in these proceedings with the Commission.

The evidence shows that there are now outstanding and secured by a lien on the property formerly owned by Northwestern Light and Power Company bonds issued by the Northwestern Light and Power Company in the aggregate principal amount of \$732,000 designated First Mortgage Bonds, Series A, 4%, due August 1, 1966. The Petitioner proposes to call for redemption the bonds of Northwestern Light and Power Company and retire the same from funds in its treasury prior to the issuance of the bonds which in these proceedings are requested to be authorized, and the amount which will be expended for the retirement of said bonds will constitute a part of the cost of acquisition by the Petitioner of the properties of Northwestern Light and Power Company.

The Petitioner has represented that there is a substantial advantage to the Petitioner in retiring the bonds of Northwestern Light and Power Company because (a) unless such bonds are retired the Petitioner cannot issue bonds under its Indenture of Mortgage and Deed of Trust against future additions to the properties acquired by the Petitioner from Northwestern Light and Power Company, and in order to operate under its existing Indenture of Mortgage and Deed of Trust must keep a separate account of such proper-

ties for purposes of operation under its Indenture of Mortgage and Deed of Trust, (b) the properties acquired from Northwestern Light and Power Company by the Petitioner, will, under the provisions of the Indenture of Mortgage and Deed of Trust of the Petitioner, be bondable on the retirement of the outstanding bonds of Northwestern Light and Power Company to an extent in excess of \$732,000 and (c) the standing in the market of bonds hereafter issued by the Petitioner will be better if there does not exist a prior lien on any part of the properties of the Petitioner.

There was introduced in evidence in these proceedings the document appearing as Exhibit A attached to the application filed in these proceedings, which includes a pro forma income statement of Petitioner for the twelve months ended October 31, 1954, a pro forma balance sheet of the Petitioner as of October 31, 1954, and a pro forma statement of earned surplus of the Petitioner for the twelve months ended October 31, 1954, each of which gives effect to the acquisition of Northwestern Light and Power Company by the Petitioner.

From the evidence submitted it is found that the earnings available for interest on the outstanding funded indebtedness of the Petitioner, including the bonds proposed to be issued, are adequate.

F I N D I N G S

After careful consideration of the evidence adduced, and upon all the files, records, and proceedings herein, the Commission is of the opinion, and finds as follows:

1. That the Commission has jurisdiction over, and with respect to, the Petitioner, and the issue of bonds proposed to be issued.
2. That the proposed issue of bonds, and the purposes for which the bonds referred to are to be issued, are consistent with, and permitted by, the provisions of Chapter 137, 1935 Colorado Statutes Annotated, as amended, and are consistent with the public interest.
3. That the foregoing Statement is made a part of these Findings herein, and by reference is incorporated in these Findings.

O R D E R

THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, that the application of the Petitioner is hereby granted and approved; and

1. That the issue by the Petitioner of \$9,000,000 principal amount of its First Mortgage Bonds, Series H, 3-1/8%, secured by the Indenture of Mortgage and Deed of Trust of the Petitioner, as supplemented, hereinbefore described, is hereby authorized and approved;

2. That the Petitioner is hereby authorized to take such steps, actions and proceedings, as may in conformity with applicable law and regulation, be necessary, incidental, or appropriate to the full accomplishment of the transaction hereinabove approved and authorized.

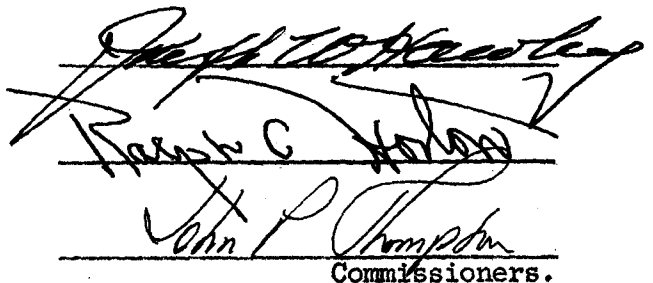
The Commission further orders that, within ninety (90) days from and after consummation of the transaction proposed, the Petitioner shall file its report with this Commission, showing consummation of such transaction;

The Commission further orders that each security issued by the Petitioner, as proposed, shall bear a distinguishing number which may consist of "Colo. Pub. Util. Com. No. 4."

Nothing herein shall be construed to imply any recommendation or guaranty of or any obligation with respect to said securities on the part of the State of Colorado.

This Order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLAINS UTILITIES COMPANY, INC.,)
W. A. DOBSON, E. T. TENG DIN, AND)
RAYMOND NANCE, ALL OF THE SHARE-)
HOLDERS OF PLAINS UTILITIES COM-)
PANY, INC., AND THE INTERMOUNTAIN)
RURAL ELECTRIC ASSOCIATION, FOR AN)
ORDER AUTHORIZING PLAINS UTILITIES)
COMPANY, INC. TO DISTRIBUTE ALL OF)
THE ASSETS OF ITS BUSINESS OF THE)
DISTRIBUTION AND SALE OF ELECTRIC)
ENERGY IN ARAPAHOE AND ADAMS)
COUNTIES, COLORADO, TO THE SHARE-)
HOLDERS OF PLAINS UTILITIES COM-)
PANY, INC., PURSUANT TO A PLAN OF)
PARTIAL LIQUIDATION OF PLAINS)
UTILITIES COMPANY, INC., AND)
AUTHORIZING THE SHAREHOLDERS OF)
PLAINS UTILITIES COMPANY, INC., TO)
SELL, AND THE INTERMOUNTAIN RURAL)
ELECTRIC ASSOCIATION TO PURCHASE,)
ALL OF THE PHYSICAL PROPERTIES AND)
OTHER ASSETS OF SAID BUSINESS.)
- - - - -

APPLICATION NO. 13162

- - - - -
December 13, 1954
- - - - -

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado, by
E. A. Stansfield, Esq., and
Ralph Sargent, Jr., Esq., for
Applicants, Plains Utilities
Company, Inc., and the Share-
holders thereof;
E. T. Tengdin, Kansas City, Kansas,
pro se, and for the Shareholders
of Plains Utilities Company, Inc.;
Cecil R. Ditsch, Esq., Littleton,
Colorado, for Applicant, The
Intermountain Rural Electric
Association;
C. L. Flower, Denver, Colorado,
John M. McNeill, and
Paul Elder, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

Application was filed in this matter on November 12, 1954, jointly

by Plains Utilities Company, Inc., hereinafter referred to as the "Plains Company;" W. A. Dobson, E. T. Tengdin, and Raymond Nance, all of the shareholders of the Plains Company, hereinafter referred to as "the shareholders;" and The Intermountain Rural Electric Association, hereinafter referred to as "Intermountain." By said application, an Order of this Commission is sought, authorizing the Plains Company to distribute all of the assets of its business of the distribution and sale of electric energy in Arapahoe and Adams Counties, Colorado, to the shareholders of the Plains Company, pursuant to a plan of partial liquidation of the Plains Company, and authorizing the shareholders of the Plains Company to sell and Intermountain to purchase all of the physical properties and other assets of said business.

After due notice to all interested parties, the matter was set for hearing, and heard, on Thursday, December 2, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and then taken under advisement by the Commission.

No petitions of intervention or protests were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

The Plains Company is a corporation, organized and existing under and by virtue of the laws of the State of Kansas, has authority to do business in the State of Colorado, and is a public utility, subject to the jurisdiction of this Commission, engaged in the business of the distribution and sale of electric energy to ultimate consumers in the incorporated Town of Deertrail, in the unincorporated Towns of Byers and Strasburg, and in the areas contiguous to said Towns in Arapahoe and Adams Counties, Colorado. The Plains Company is also engaged in the business of operating a water system for pumping, distribution, and sale of water to the public, in the City of Scott City, Kansas, and vicinity thereof. The post office address and principal place of business of the Plains Company is "501 Commercial National Bank Building, Kansas City 1, Kansas."

W. A. Dobson, E. T. Tengdin, and Raymond Nance are all of the shareholders of the Plains Company.

Intermountain is a cooperative association, organized and existing under and by virtue of the laws of the State of Colorado, engaged in the business of the distribution and sale of electric energy for ultimate consumption to both members and non-members of the Association, in the Counties of Adams, Arapahoe, Clear Creek, Douglas, Elbert, El Paso, Jefferson, Park, and Teller, in the State of Colorado, and as to certain properties acquired from other public utilities by application to this Commission is a public utility, subject to the jurisdiction of this Commission. The post office address and principal office of Intermountain is "301 Broadway, Littleton, Colorado."

A certified copy of the Articles of Incorporation of Intermountain, together with all amendments thereto, have heretofore been filed with this Commission in Application No. 12832-Securities, and in Application No. 12833-Securities, and is made a part hereof, by reference.

The Plains Company has heretofore been granted by this Commission, or has heretofore acquired on application to this Commission, and presently holds, the following certificates of public convenience and necessity:

(a) Certificate granted to The Inland Utilities Company, in Application No. 6701, by Decision No. 22970, of date December 5, 1944, and acquired by the Plains Company, by transfer from The Inland Utilities Company, pursuant to authority of this Commission by its Decision No. 32744, in Application No. 10032-Transfer, dated May 25, 1949, wherein the Plains Company was authorized by this Commission to operate as a public utility in the incorporated Town of Deertrail, Arapahoe County, Colorado, and in the unincorporated communities of Byers, Arapahoe County, and Strasburg, Adams and Arapahoe Counties, and in all other territory certificated to The Inland Utilities Company, more specifically described as follows:

"All sections in Ranges 60-West and 61-West in Township 3-South, and in Range 62-West, Townships 1-South, 2-South, and 3-South, in Adams County.

"All sections in Ranges 59-West and 60-West, Townships 4-South and 5-South, and in Ranges 61-West and 62-West,

Township 4-South, in Arapahoe County, as per Application No. 6701, Decision No. 22970, granted December 5, 1944."

Said certificate is on file with this Commission in Application No. 10032-Transfer, and is made a part hereof, by reference.

(b) Certificate granted by Application No. 12262, Decision No. 40431, of date May 6, 1953, wherein the Plains Company was authorized to exercise the franchise rights granted to it in and by Ordinance No. 102 of the Board of Trustees of the Town of Deertrail, Arapahoe County, Colorado, dated February 3, 1953, for the supplying of electric service in said Town.

Said certificate is on file with this Commission in Application No. 12262, and is made a part hereof, by reference.

The Plains Company is presently exercising the franchise rights granted to it in and by Ordinance No. 102 of said Town of Deertrail. Said Ordinance No. 102 granted to the Plains Company, its successors, and assigns, a franchise for the distribution of electric energy in said Town, for a term of twenty-five (25) years. Said franchise will expire on February 3, 1978. A copy of said franchise is on file with this Commission in Application No. 12262, and is made a part hereof, by reference.

The Plains Company is now engaged in the business of the distribution and sale of electric energy in Arapahoe and Adams Counties, Colorado, pursuant to said certificates of public convenience and necessity issued by this Commission and said franchise rights granted to it by the Town of Deertrail. The Plains Company has operated and maintained, and does now operate and maintain, electric transmission and distribution lines and facilities in said counties.

Exhibit No. 1 introduced at the hearing is a map showing, among other things, the electric transmission and distribution lines of the Plains Company. Said facilities include a 13,200 volt line, beginning in Township 4-South, Range 62-West, approximately one mile west of Strasburg, and running in a southeasterly direction through Byers to Deertrail, a distance of approximately 19 miles; a 13,200 volt line running north of Strasburg in Townships 1, 2, and 3-South, Range 62-West, a distance of approximately 17

miles; a 13,200 volt line running south of Strasburg, in Township 4-South, Range 62-West, a distance of approximately $1\frac{1}{2}$ miles; and electric distribution systems in the incorporated Town of Deertrail and in the unincorporated communities of Byers and Strasburg. The Plains Company is presently serving approximately 638 electric consumers. The Plains Company purchases its entire electric energy requirements from Public Service Company of Colorado.

Testimony presented at the hearing disclosed that on October 11, 1954, the shareholders of the Plains Company and Intermountain entered into an Agreement, whereby Intermountain agreed to purchase, and the shareholders agreed to sell, all of the physical properties and other assets of said business of the distribution and sale of electric energy of the Plains Company, which properties and other assets of the Plains Company the shareholders of the Plains Company propose to acquire. A copy of said Agreement, as modified by a Supplemental Agreement dated November 3, 1954, was introduced at the hearing in the instant matter as "Exhibit No. 2," and by reference is made a part hereof. The property and operating rights to be transferred to Intermountain are particularly described in a form of Deed and Bill of Sale attached to Exhibit No. 2, and marked "Exhibit No. 3." The purchase price to be paid by Intermountain for said properties and other assets is Three Hundred Thousand Dollars (\$300,000.00), subject to certain adjustments, as provided in said Agreement, as modified.

Further testimony presented at the hearing disclosed that the shareholders of the Plains Company did, on November 29, 1954, adopt a plan of partial liquidation of the Plains Company, whereby, subject to approval of this Commission, the Plains Company will distribute all of the assets of its said business of the distribution and sale of electric energy to said shareholders, pro rata, in proportion to the number of shares held by each, and to redeem on a pro rata basis, shares of the outstanding Capital Stock of the Plains Company, and said shareholders will assume and agree to pay liabilities of the Plains Company directly and indirectly attributable to said business, in accordance with the requirements of the Resolutions of said shareholders of the Plains Company adopting said plan of partial liquidation, a certified copy of which Resolutions was introduced at the hearing as "Exhibit No. 4."

Pursuant to said proposed plan of partial liquidation of the Plains Company, and as a part thereof, the Plains Company will transfer to the shareholders of the Plains Company each and all of the above-described certificates of public convenience and necessity issued by the Commission and the above-described franchise granted by the Town of Deertrail, and thereupon, the Plains Company will forthwith cease to conduct said business of the distribution and sale of electric energy. Forthwith upon the acquisition by the shareholders of the Plains Company of all of the assets of said business of the distribution and sale of electric energy, including said certificates of public convenience and necessity and said franchise, the shareholders of the Plains Company intend to sell and Intermountain intends to purchase all of the physical properties and other assets of said business of the distribution and sale of electric energy, including said certificates of public convenience and necessity and said franchise, and thenceforth Intermountain intends to assume the operation of said business of the distribution and sale of electric energy, and intends to exercise all the rights, contracts, privileges, conditions, and obligations contained in and incident to said certificates of public convenience and necessity and franchise for the furnishing of electric service in the area therein described.

Testimony presented at the hearing further disclosed that if the authority herein sought is granted, the power purchase contract between Public Service Company of Colorado and the Plains Company for the furnishing of electric energy to the Plains Company is to be cancelled, and the electric energy requirements of Intermountain for furnishing electric service over the facilities to be acquired by Intermountain herein is to be thereafter furnished by the United States Bureau of Reclamation, said electric energy to be wheeled to Intermountain over lines of Public Service Company of Colorado, pursuant to wheeling contracts now in existence between Public Service Company of Colorado and the United States Bureau of Reclamation. The Commission was assured that this change-over in the source of electric energy is to be accomplished coincidentally with the acquisition by Intermountain from the shareholders of the Plains Company of the business of distribution and sale of electric energy heretofore conducted by the Plains Company, and

without any interruption of electric service to the present customers of the Plains Company.

Intermountain proposes to adopt and make its own in every respect all schedules of rates, rules, and regulations of the Plains Company now in effect and on file with this Commission. If the authority herein sought is granted, Intermountain intends to serve the existing customers of the Plains Company, as well as others in the territory now served by the Plains Company as a public utility, subject to the jurisdiction of this Commission.

The acquisition of the said business of the distribution and sale of electric energy of the Plains Company by Intermountain has been approved by the Administrator of the Rural Electrification Administration. Testimony presented at the hearing disclosed that Intermountain presently has sufficient funds available from its General Fund to purchase said properties, and the Administrator of the Rural Electrification Administration has authorized the use of said funds for such purpose.

The Commission is in receipt of a letter dated November 23, 1954, from the Mayor of the incorporated Town of Deertrail, indicating his approval and the approval of the Council of said town of the proposed transaction.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction over the subject matter of the instant application, and of the parties thereto.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof, by reference.

That the proposed distribution by the Plains Company of all of the assets of its business of the distribution and sale of electric energy in Arapahoe and Adams Counties, Colorado, to the shareholders of the Plains Company, pursuant to said plan of partial liquidation of the Plains Company and the proposed sale by the shareholders of the Plains Company and the purchase by Intermountain of all of the physical properties and other assets of said business, as herein set forth, is consistent with the public interest, and should be approved.

That the public convenience and necessity require, and will require, immediately upon the distribution to the shareholders of the Plains Company of all assets of the said business of the distribution and sale of electric energy of the Plains Company, the sale by the shareholders of the Plains Company and the purchase by Intermountain, in accordance with the terms of said Agreement, dated October 11, 1954, as modified, of all of the physical properties and other assets of said business, and thenceforth the operation by Intermountain of the electric distribution system in and about the Towns of Deertrail, Strasburg, and Byers, and in the areas contiguous thereto, in Arapahoe and Adams Counties, Colorado, and the exercise by Intermountain of the rights and privileges conferred by or obtained under said certificates of public convenience and necessity and said franchise now held by the Plains Company.

O R D E R

THE COMMISSION ORDERS:

1. That the distribution by the Plains Company of all of the assets of its said business of the distribution and sale of electric energy in Arapahoe and Adams Counties, Colorado, including said certificates of public convenience and necessity and said franchise, to the shareholders of the Plains Company, in accordance with said plan of partial liquidation of the Plains Company be, and the same is hereby, authorized and approved; and

2. That the sale by the shareholders and the purchase by Intermountain, in accordance with the terms of said Agreement, dated October 11, 1954, as modified, of all of the physical properties and other assets of said business, including said certificates of public convenience and necessity and franchise, immediately upon the acquisition by said shareholders of said assets of said business, is hereby authorized and approved; and

3. That the public convenience and necessity require, and will require, immediately upon the transfer to Intermountain of said physical properties and other assets, that Intermountain operate the said electric distribution system in and about the Towns of Deertrail, Strasburg, and Byers, and in the areas contiguous thereto in Arapahoe and Adams Counties, Colorado; and exercise the right and privileges conferred by and obtained

under those certain certificates of public convenience and necessity heretofore granted by this Commission in Application No. 10032-Transfer, Decision No. 32744, of date May 25, 1949, and in Application No. 12262, Decision No. 40431, of date May 6, 1953; and exercise the rights and privileges conferred by that certain franchise granted by the Town of Deertrail, on February 3, 1953, being Ordinance No. 102 of said town; and

4. That upon the acquisition by Intermountain of said physical properties and other assets, Intermountain shall forthwith adopt as its own, in every respect, all schedules of rates, rules, and regulations of the Plains Company now in effect and on file with the Commission, and the same shall become and remain those of Intermountain until changed according to law and the rules and regulations of the Commission; and

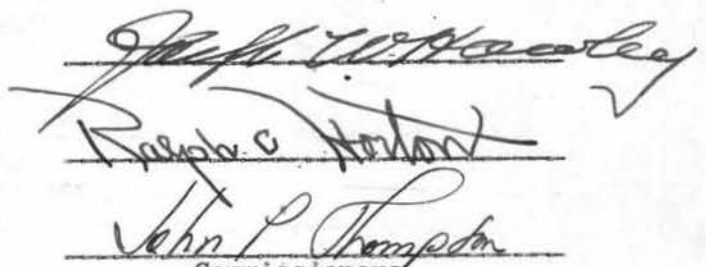
5. That Intermountain shall continue to keep its books and accounts in accordance with the Uniform System of Accounts, as prescribed by this Commission, and shall continue to keep its practices and operations in accordance with the rules and regulations of this Commission applicable thereto; and

6. That Intermountain shall, within sixty (60) days from the date hereof, file with the Commission a certificate showing that it has acquired the physical properties and other assets authorized herein, the date of acquisition of the same, and the final cost to it of said properties; and

7. That jurisdiction hereof be, and the same is hereby, retained, to the end that the Commission may make such further order, or orders, in the premises as it may deem to be proper and desirable; and

8. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

A A A Television Service
Abell Chevrolet Co.
Lawrence C. Adcock
Agricultural Produce Co.
Air Line Oil & Grease
Louis & Irene Aker
E. M. Akins
Alamo Products Co.
C. H. Alderman
C. A. Alexander

902-12th St., Denver 4, Colo.
Ralls, Texas
Rt. 1, Box 99, Rocky Ford, Colo.
Mesquite, New Mex.
319 Waco, Lubbock, Texas
Harvard, Nebr.
Electra, Texas
Box 1057, Alamo, Texas
9842 Cave Creek Road, Phoenix, Ariz.
Guymon, Okla.

D. N. Algier
 H. H. Allen
 Newell G. Allen
 William E. Allen
 Allied Steel E. Service
 Alma Canning Co.
 Alton Mfg. Co.
 Mariano Alvarez
 Ynacio Alvarez
 C. J. Amdahl & Sons
 American Sales Co.
 American Wafer Co.
 Anderson Feed Service
 Anderson Trailer Sales
 Andress Ford Motor Co.
 Andrews Implement Co.
 Leo Andrews
 Louis & Emil Anich
 Arkoma Hatchery
 W. F. Arms & Co., Inc
 Ralph J. F. Arnold
 Thelbert Arnold
 Bennie Arnwine
 Arrow Gas Service Co.
 James B. Ashcroft
 Verble Ashlock
 Austin Trailer Supply
 Walter C. Audtin
 Auto Car Sales
 Automobile Brokers, Inc.
 Avondale Marine Ways, Inc.
 B & B Leasing
 B & B Packing Co.
 B & D Fruit Market
 B & M Ranch Store
 B'NF Signs
 Romulo L. Baca
 Basil Bagwell
 Bailey & Reynolds Motor
 Baird & Abe Air-Ag Service, Inc.

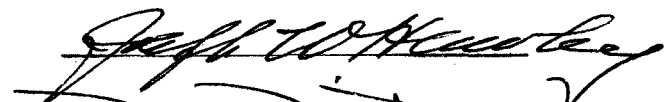
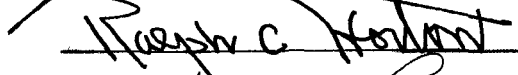

Donna, Texas
 Queen City, Texas
 1025-6th Ave. S. W. Aberdeen So. Dakota
 Rt. 1, Box 320, Wheatridge, Colo.
 Oklahoma City, Okla.
 Alma, Ark.
 Dallas, Texas
 130 Piegan, San Antonio, Texas
 5217 W. Commerce, San Antonio, Texas
 515 E. Main, Pipestone, Minn.
 Littlefield, Texas
 214 W. 22nd St., Joplin, Mo.
 Wichita Falls, Texas
 Iowa 16 West, Sioux Falls, So. Dakota
 Texas Ave. & Ord Ave., Shreveport, La.
 Fayetteville, Ark.
 433, Thain Road, Lewiston, Idaho
 Haxtun, Colo.
 Siloam Springs, Ark.
 1313 Central, Kansas City, Kans.
 Box 6, Empire, Colo.
 Clemenceau, Arizona
 Rt. 2, Anna, Texas
 1001 E. Main, Farmington, New Mexico
 102 E. Gladdin, Farmington, New Mexico
 3202 Big Bend, Maplewood, Mo.
 South Rt. 3, Farmington, New Mexico
 1106 No. 6th, Springfield, Oregon
 Harry Hines Blvd., Dallas, Texas
 300 LeMay Ferry Road, St. Louis, Mo.
 Box 1030, New Orleans, La.
 9980 Union, Battle Creek, Mich.
 San Antonio, Texas
 717 Oak, Clovis, New Mexico
 Box 475, Pagosa Springs, Colo.
 708-8th Ave., (rear) Greeley, Colo.
 3210 Frutas St., El Paso, Texas
 Tulsa, Okla.
 Levelland, Texas
 Box 1295, Sterling, Colo.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.




 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations and persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Baldwin Beverage Co.
Baldwin Furniture Marx
Banana Supply Co.
Bannock Steel Co.
Emzy Barker
Victor Barnes
Ben Barnett
Barnett Motor Co.
Norman V. Barnett
Robert Bartlett

Roberts Dale, Alabama
4216 W. 14th St., Chicago, Ill.
325 Terminal Market, San Antonio, Tex.
Pocatello, Idaho
P. O. Box 145, Elgin, Texas
Wellington, Tex.
2801 Birch Park, Ft. Worth, Texas
Lubbock, Texas
2601 W. Broadway, Enic, Okla.
1801--19th, Lubbock, Texas

Charles & Roberta Bassett
 Paul Bateman
 Billy Joe Beacham
 Lawrence Beckler
 Lawrence Beitenbaugh
 Earl T. Bell
 J. O. Beltz
 Bemis Chevrolet, Inc.
 Paul Benavidez
 Beneke Corp.
 L. H. Benham
 R. L. & H. L. Bennett
 R. L. & H. L. Bennett
 Floyd Benton
~~Berg Dorf Pipe & Supply Co.~~
 Jack Berkley
 W. A. Berry
 C. E. Bertling
 R. F. Bertling
 G. H. Bess
 Best Floral Shop
 Raymond Richis Bettis
 Bibler Bros. Lumber Co.
 Biddy & Stanfield
 Larry Biedeback
 Big Three Welding & Equip. Co.
 Big Three Welding Equipment
 Bill's Floor Covering
 Birmingham Steel & Supply
 W. H. Bit Co.
 Blackard Trailer Sales
 Blackwell & Son Honey Co.
 A. L. Blakeman
 Haskell L. Blazer
 Doyle W. & Joseph Bloder
 Bloomfield Motor Co.
 Blue Bird Trailer Sales
 Bob's House of Parts
 Bobs Trailer Ranch
 Erwin C. Bockman

1402 Washington, Rocky Ford, Colo.
 Gen. Del., Spur, Texas
 2001 Palm, Abilene, Texas
 Milford, Nebr.
 Behore, Kansas
 512 Highland Ave., Sheffield, Ala.
 101 Cresta Rd., Colorado Springs, Colo.
 Gen. Del., Plainview, Kans.
 Box 61, La Jara, Colo.
 Columbus, Miss.
 Canyon, Texas
 417 Spring, Springdale, Ark.
 Grapeland, Texas
 Yellville, Arkansas
~~1523 S. E. 29th, Oklahoma City, Okla.~~
 Slaton, Texas
 Tulsa, Texas
 Marble Falls, Texas
 Marble Falls, Texas
 Overton, Texas
 606 Norris Ave., McCook, Nebr.
 2126 No. Belvedere, Tucson, Arizona
 Scottsville, Ark.
 108 State, Alamosa, Colo.
 Vista, Calif.
 P. O. Box 165, Albuquerque, New Mex.
 Borger, Texas
 621 So. 4th, Brighton, Colo.
 Box 4006, Tulsa, Okla.
 Box 389, Riverton, Wyoming
 Box 831, Sidney, Nebr.
 Rt. 10, Box 320, Oklahoma City, Okla.
 Box 53, Sterling, Colo.
 Rt. 7, Greenville, Tenn.
 Grand Lake, Colo.
 New Madrid, Mo.
 Metropolis, Ill.
 1009 So. Nevada, Colorado Springs, Colo.
 San Leandro, Calif.
 Rt. 1, Box 403, Ft. Collins, Colo.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Boise Implement Co.
Bollinger Fruit & Produce
Norman S. Bond
Tony Bonnell Co., Inc.
Lau Borella
Carl Boulton
A. V. Boutwell
Ethel L. & Melvin J. Bovey
J. C. Boyds
Boys Glass Shop

4000 Fairview, Boise, Idaho
Rt. 1, Box 378, Leesburg, Florida
1811 Grace St., Wichita Falls, Texas
1815 No. 9th St., St. Louis, Mo.
Kimball, So. Dak.
Idabel, Okla.
1132 First Ave., Birmingham, Ala.
Henderson, Colo.
Alto, Texas
17 S. Wahsatch, Colo. Spgs., Colo.

Ernest Brackin
 Bramble Trucking Corp.
 Paul Bramel
 George Braunston
 Bray Chevrolet Co.
 Bray Motors
 Bredthauer Motor Co.
 Breeding Inc.
 James Breland
 T. L. Brice Co.
 N. G. Bridges & Kimsell
 Lawrence Britenbach
 Britt Grain Co.
 Broadway Motor Co.
 Archie F. Brodie
 Broker Schultz Transit
 H. R. Brooks & Partin
 Eddie Brown
 Ferris H. Brown
 Browns, Inc.
 Nelson Brown
 Browning Trucking Co.
 Elmer A. Brumbaugh, Sr.
 G. E. Brumbaugh
 John G. Brunker
 Buck's War Surplus
 Buddy's Super Market
 Eugene Bullock
 Harold Buniger
 Clyde Bunt
 Jack Burford
 Fred O. Burke
 Floyd Burks
 Addison A. Burnside
 John W. & Walter M. Butler
 T. H. Butler
 C & M Mfg. Co.
 Calgary Steel Tank Co.
 Callahan Used Cars
 Ray Callaway

Ferris, Texas
 P. O. Box 1015, Pohokey, Fla.
 211 La Branch, Houston, Tex.
 4301 Dover St., El Paso, Texas
 P. O. Box 638, Tahoka, Texas
 Elk Point, So. Dak.
 Scotia, Nebr.
 P. O. Box 244, Enid, Okla.
 683 Walker, Orlando Florida
 Branch & Sycamoch, Sherman, Texas
 2824 Jefferson N. E., Albuquerque, N M.
 Belpre, Kansas
 Lamesa, Texas
 Vancouver, Wash.
 Bowie, Texas
 P. O. Box 587, Rochester, Minn.
 1415 Westwood, Oklahoma City, Okla.
 316 E. Main St., Cordell, Okla.
 221 E. 11th, Portales, New Mex.
 Gen. Del., Roosevelt, Utah
 P. O. Box 195, Depew, Okla.
 310 Galveston, Wichita Falls, Texas
 Inavale, Nebr.
 Guide Rock, Nebr.
 10315 W. Greenfield, West Alis, Wisc.
 305 S. Main, Sunset, Utah
 Wellington, Texas
 Gen. Del., Cozad, Nebr.
 % R. B. Mosher, Rt. 1, Fruita, Colo.
 Hallesville, Texas
 R. R. 1, Lindsay, Okla.
 Rt. 2, Box 304, Golden, Colo.
 722 So. 14th, Frederick, Okla.
 810 Green, McKinney, Tex.
 508 N. 9th St., Rocky Ford, Colo.
 Princeton, Tex.
 18026 So. Broadway, Gardenia, Calif.
 Calgary, Canada
 Elk Point, So. Dak.
 714 W. 16th St., Ada, Okla.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
 Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Leonard Orville Calvert
Campbell & Westrand
Candro Marble Co.
B. J. Cantrell
Capitol Garden Nursery
Roy Capps
Burl Cardwell
E. F. Carney Sales Co.
Lawrence T. Carpenter
Ed. D. Carr

Adair, Okla.
Benkelman, Nebr.
821 Maryville Pike, Knoxville, Tenn.
Floydada, Tex.
Oklahoma City, Okla.
McKinney, Texas
129 Poplar, North Little Rock, Ark.
439 N. W. 47th, Oklahoma City, Okla.
Rt. 1, Monte Vista, Colo.
Rt. 2, Lexington, Nebr.

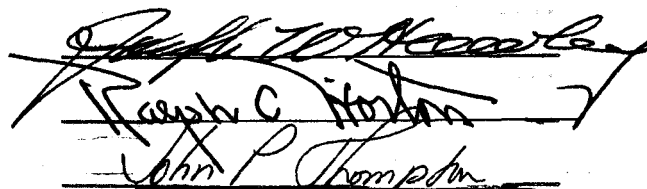
Orville L. Carr
 Roman Carrasco
 Carson Motor Co.
 Carson Motor Sales
 Cecil M. Carwile
 Cascade Water Co.
 Joe Casillo
 Mike Castro
 Frank Caswell
 Kyle Caudill
 Central Eureka Corp.
 Chamberlin's Firestone Dealer Store
 Leslie M. Champion
 Chambers-Fuller Motor
 Collier E. Chaney
 Joe Chase
 Joe Bill Chase
 George Cheatham
 Cjkar's, Inc.
 Clarendon Motor Co.
 Clark Equipment Co.
 G. L. Clark
 Albert Clausen
 J. L. Clay
 Harlen Lee Cleese
 Lee Clement
 A. H. Cline
 W. R. Cline
 Lee Clinton
 Lavonne Cluck
 Clyde's Fruit & Produce
 Jas. O. Coats
 Hershel Cogdill & W. F. Carter
 R. W. Coggin
 Edward Colligan
 Tom R. Collins
 Collum Motor Co.
 Colorado Liquid Fertilizer Co.
 Colorado Potato Co.
 J. C. Commander, Jr.

Lexington, Nebr.
 1134 Waverly, San Antonio, Tex.
 Lubbock, Texas
 2040 E. Washington St., Indianapolis, Ind.
 25 Eagle St., Terre Haute, Ind.
 P. O. Box 1502, Farmington, New Mex.
 Sunset, La.
 524 W. Cevallos, San Antonio, Tex.
 Wheeler, Texas
 318 Badgeron, Sioux City, Iowa
 Rt. 6, Caldwell, Idaho
 8445 W. Colfax, Lakewood, Colo.
 Nortons Auto Court, Alamosa, Colo.
 Lubbock, Texas
 Iola, Texas
 4397 No. 35th, Glendale, Ariz.
 617 Manitou Ave., Manitou Spgs., Colo.
 Grapeland, Texas
 503 So. Michigan St., So. Bend, Ind.
 Clarendon, Texas
 Cantrell Rd. & Booker Sts., Littlerock, Ark.
 Hearne, Texas
 409 No. 13th, Norfolk, Nebr.
 Worland, Wyo.
 Yuma, Colo.
 Rt. 4, Amarillo, Texas
 1919-8th, Lubbock, Tex.
 Joplin, Mo.
 P. O. Box 122, Hartville, Mo.
 1902-2nd Ave., Scottsbluff, Nebr.
 P. O. Box 1226, Lake Alfred, Florida
 Cleveland, Texas
 Rt. 3, Box 3567, Albuquerque, New Mex.
 516 Colorado, Chickasha, Okla.
 1320 Cass, St. Louis, Mo.
 1107--65th St., Lubbock, Texas
 421 So. Cuyler, Pampa, Tex.
 Box 376, Manzanola, Colo.
 1455 Tremont, Alamosa, Colo.
 310 E. Wabash, Lubbock, Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO


 Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a commercial carrier permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

- (a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.
- (b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.
- (c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.
- (d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

| | |
|------------------------------------|--|
| Concrete Products Co. | 940 Pioneer, Ft. Collins, Colo. |
| Conejos County Gas & Equipment Co. | Box 44, Antonito, Colo. |
| Connally Bearing Co. | Box 2129, Amarillo, Texas |
| Connel & Wise | P. O. Box 573, Abilene, Texas |
| Continental Roof Corp. | 2802 North Ave., Grand Junction, Colo. |
| Controls Motor Co. | Neeligh, Nebr. |
| Carl Conway | 2642 Caravos, St. Louis, Mo. |
| Lawrence J. Cook | 1709 W. 19th St., Pueblo, Colo. |
| Cook Motor Co. | Eldorado, Kansas |
| Arthur L. Cooper & R. D. Gilliland | Muleshoe, Texas |

| | |
|------------------------------|---|
| Gerald H. Coppinger | Rt. 4, Box 79-C-2, Mesquite, Texas |
| Cornelios Motor Co. | 201 Henderson, Ft. Worth, Texas |
| Correct Craft, Inc. | Pine Castle, Florida |
| Clifford Cosper | Belton, Texas |
| Leonard Covington | Cimmaron, Colo. |
| Cowan Pontiac Co. | Lampasas, Texas |
| Cowden Mfg. Co. | Gen. Del., Springfield, Ky. |
| Cowles Motor Co. | Sharon Springs, Kans. |
| Conley Cox | 901 N. Mesa Verde Ave., Aztec, New Mex. |
| Darrel Cox Motors | 1605 So. Nevada, Colorado Springs, Colo. |
| Leona Cox | Belton, Texas |
| Cox Motor Co. | P. O. Box 147, Pleasanton, Kans. |
| John Craddock | Tiptonville, Tenn. |
| William J. Craft | 301 So. 7th, Montrose, Colo. |
| Crane Carrier Corp. | Tulsa, Okla. |
| Crawler Parts Corp. | 1951 Bell St., Montgomery, Ala. |
| Robert Crosley | 99 Bayview Ave., Fairhope, Ala. |
| Marian H. Crossland | Haxtun, Colo. |
| Roy Crow | Saginaw, Texas |
| J. R. Crowder | Texarkana, Texas |
| A. R. Crowe | 410 West First, Corsicana, Texas |
| Mayo Culp | Junction, Texas |
| L. O. Culvert | Adair, Okla. |
| Cumberledge Motor Co. | 4750 So. State, Murray, Utah |
| Gale Cumming | 1510 E. Nora, Springfield, Mo. |
| J. T. Cummings | 301 No. Fla., Amarillo, Tex. |
| G. R. Cunningham | 702 Lexington, Laredo, Texas |
| J. J. Cunningham | 4208 Ong, Amarillo, Tex. |
| Curtis Motor Sales | 117 Turner St., Borger, Texas |
| Custer Farm Equipment | Custer City, Okla. |
| J. E. Cuthbertson | Comanche, Tex. |
| Roy Cutsinger | Vici, Okla. |
| J. F. Daniels | 401 Main, Bentonville, Ark. |
| R. E. Daniels | Boerne, Texas |
| Darnell-Benson Buick Co. | Shelbyville, Tenn. |
| Ernest Davenport | Deleon, Tex. |
| Harley C. Davidson | Granger, Texas |
| Q. H. Davis | Box 972, Brownfield, Texas |
| David Brothers | Irman, Nebr. |
| Davis-Child, Inc. | 12th & Williams St., Great Bend, Kans. |

Before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
Commissioners

Dated at Denver, Colorado
this fifteenth day of
December, 1954

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Harold Davis
I. W. Davis
James Davis
Roy C. Davis
Victor Davis
Davis & Wilson
L. F. Davison
Day-McAllister Motor Co.
Day & Night Motor Sales
Dean Brothers

Gen. Del., Ashdown, Ark.
Electra, Texas
Box 414, Shawnee, Okla.
765-6th, Durango, Colo.
Corsicana, Texas
6100 Natural Bridge, St. Louis, Mo.
1462 Engine, Whistler, Ala.
5901 East Colfax, Denver 20, Colo.
2229 East Lake St., Minneapolis, Minn.
Alma, Ark.

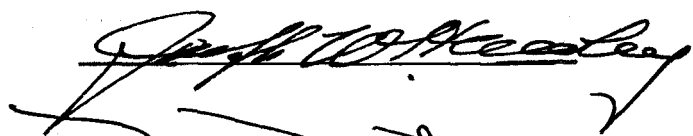
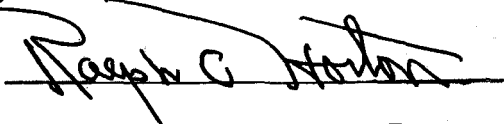
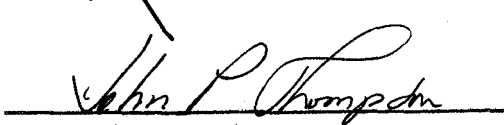
M. E. Deatherage
 William P. Delaney
 Delph-Allison Hide Co., Inc.
 Demoss Motor Co.
 Leonard Dempsey
 Jim. Dempster
 Freeman Denwalt
 Derry Motors
 H. W. Deter
 Lawrence & Robert Dietz
 C. W. Diffey
 T. W. Dillahunt & Cleve Story
 Direct Distributing Co., Inc.
 Dixie Cup Co.
 Dixie Packing Co., Inc.
 Dodd Nash Co.
 Ray Dohle Auto Sales
 Chris Dominguez
 Don's Refrigeration Service
 Dorsey Trailers
 George W. Dougherty
 John Dougherty
 Douglas Conoco Service
 Jack Dowlearn
 Down Town Motors
 Carl R. Downing
 Loy Drake
 E. D. Dressel
 H. L. Drinning
 Drivette Motor Co.
 S. A. Drysdale
 Dudley Trucking Co.
 Duke City Oil Co.
 C. A. Durgin
 U. P. Dyke Motor Co.
 Eagle Implement Co.
 Floyd Eaker
 Royce L. East
 Harold C. Easter
 Roland Eden Auto Sales

2120 E. Broadway, Lubbock, Texas
 3220 A 6th East, Salt Lake City, Utah
 1650--11th St., Denver 4, Colo.
 Hotchkiss, Colo.
 608 No. 7th, East Grand Forks, Minn.
 505 So. 56th, Tulsa, Okla.
 Rt. 1, Calumet, Okla.
 Wood, So. Dakota
 Tensleep, Wyo.
 Orleans, Nebr.
 Nacogdoches, Texas
 Hesperus, Colo.
 5202 So. Lamar, Dallas, Texas
 4411 Midland Blvd., Ft. Smith, Ark.
 Highway 11 North, Hattiesburg, Miss.
 Portageville, Mo.
 2509 Natural Bridge Ave., St. Louis, Mo.
 2215 Union Blvd., Colorado Springs, Colo.
 315 Alpert, Ft. Collins, Colo.
 Gen. Del. Elba, Ala.
 Bedford, Iowa
 Inman, Nebr.
 Akron, Colo.
 501 Glamis, San Antonio, Texas
 19th & Capital, Cheyenne, Wyo.
 Gen. Del., Saguache, Colo.
 Republican, Nebr.
 Lamar, Colo.
 7546 So. Lamar St., Dallas, Texas
 Memphis, Tenn.
 5525 Graham, Ft. Worth, Texas
 Box 368, Deming, New Mex.
 6780 No. 4th, Albuquerque, New Mex.
 Happy Valley, Carlsbad, New Mex.
 1515 So. Baltimore, Kirksville, Mo.
 Eagle, Colo.
 908 Indiana, Malden, Mo.
 Clay Center, Nebr.
 634 Filmore, Topeka, Kans.
 4111 Natural Bridge, St. Louis, Mo.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

J. B. Ehram & Sons Mfg. Co.
Eighth Street Auto Ranch
Em Kay Car Leasing, Inc.
Bill Emerson
Leonard & Clarence Engstrom
Enyeart Farm Service
Erickson Memorial Co.
L. E. Erwin
Bruce Estphal
Charles Evans

Enterprise, Kans.
555 So. 8th, Colorado Springs, Colo.
6850 So. Cottage Grove, Chicago, Ill.
3025 No. Main, Ft. Worth, Texas
Junction City, Kansas
McCook, Nebr.
920 Speer Blvd., Denver 4, Colo.
Greenville, Texas
Box 156, Springfield, Colo.
Wills Point, Texas

| | |
|---|---|
| Don L. Evans | Rt. 1, Evergreen, Colo. |
| R.D. Evans | 516 So. Sequoia, Roswell, New Mex. |
| Export Chemical Corp. of Colo. | 1590 West 12th Ave., Denver 4, Colo. |
| Fairway King, Inc. | 3228 Diane, Oklahoma City, Okla. |
| Hubert Farmer | 2316 West 2nd, Corsicana, Tex. |
| Farmers Exchange | East Main St., Clarksville, Ark. |
| Farmers Market | 5018 Lomas Blvd., N. E., Albuquerque, New Mex. |
| W. L. Farris | Rt. 1, Fremont, Nebr. |
| Earl Fellers | 900 W. Bridge, New Braunfels, Tex. |
| Fencl Chevrolet, Inc. | 610 Madison Ave., Oak Park, Ill. |
| Geo. Fetzner | Augusta, New Jersey |
| Max Fiel Wholesale Eggs | Box 888, Aztec, New Mex. |
| R. E. Finch | Hagerman, New Mex. |
| Fischers O K Rubber Welders | 831 Grand Ave., Glenwood Springs, Colo. |
| Lemrod Fite | San Jacinto, Calif. |
| C. W. Flanary | 804 Highland, Amarillo, Tex. |
| Jay C. Flater | 2503 West St. Vrain, Colorado Springs, Colo. |
| Fleetwood Trailer Co., Inc. | 919 E. South St., Anaheim, Calif. |
| Alexander Flores | 2203 W. Travis, San Antonio, Tex. |
| Liperson Folkerson | Omaha, Nebr. |
| Food Mart | Second & Maryland, Big Lake, Texas |
| Food Market | Tulsa, Okla. |
| Charles Fortenberry | 1190 N. E. First, Homestead, Fla. |
| James Fortner | Box 7, Jackson, Tenn. |
| Four Corners Uranium Corp. | 434 U. S. National Bank Bldg., Denver 2 Colo. |
| Tommy Foust | 1500 Roberts St., Amarillo, Tex. |
| N. J. Fox & Sons, Inc. | Shelby, Michigan |
| Jay Francis | Wilsey, Kansas |
| Orin & Don Francis | Enid, Okla. |
| Raul Franco | Tynan, Tex. |
| Frank Brothers Lumber Co. | Bochito, Okla. |
| G. P. Freeman | Athens, Tex. |
| George H. Frick | Box 445, Ft. Pierre, So. Dakota |
| Friday Lumber Co. | I B. Country Club Hill, Toscaloosa, Ala. |
| Eddie Fritzler | Russell, Kans. |
| Elmer Froman | 120 So. Cameron, Brush, Colo. |
| George T. Frost, Inc. | 1950 Washington Blvd., Ogden, Utah |
| Fruit Distributing Co. | 66 Beauregard, Mobile, Ala. |
| Fruitdale Garden Market | 11221 West 44th Ave., Wheatridge, Colo. |
| Lloyd A. Fry Roofing Co. | Stroud, Oklahoma |

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. H. H. H. H.
Ralph C. H. H. H.
John P. H. H. H.
Commissioners

Dated at Denver, Colorado
this fifteenth day of
December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highways compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similiar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by;

G & J Produce
Gene Gaede
Gafford Bros Wholesale Fruit
Hardy Gage
Gaither Motor
Jose Garcia
James A Garland
Garnett Church Furn
Leslie Garrison
J A Gatliffetal

1101 E Central Wichita Kans
3202 Lawrence Ave Kansas City Kans
2707 Ave H Lubbock Texas
Kamay Texas
712 - 4th St Lubbock Texas
Dilley Texas
1132 So Central Expressway Dallas Texas
Garnett Kansas
Box 56 Riverton Wyo
Tieton Washington

George Geer
General Auto Rental Co
Jay Gentry
Peter George
Graydon L Gibson
Gibson Milling Co
Wayne Giger
W B Giles
Austin Gimlin
Dale Gleed
Glen's Garage & Used Cars
Glen's Pastry Shop
Geo Glende Car Co
W L Golightly Inc
Gonzales Brothers
Joe Claude Gonzales
Nick Gonzales
Goodrich Bros
Gordon & Pope Supply Co
Gore Brothers
J B Gore
Graber Supply Co
Jerry Graham
Grants Used Cars
Granux Corp
Grapette Products Co
Graves Mfg Co
P F Gray
Donald Green
Earl C Green
Geo T Green
Green Spray Market
Griffith Motor Co
Harvie C Griswold
Griswold Seed Co
Grocery Products Co Inc
Manuel Guajardo
Delfino Guevara
Gulnard Bros
H & H Auto Sales

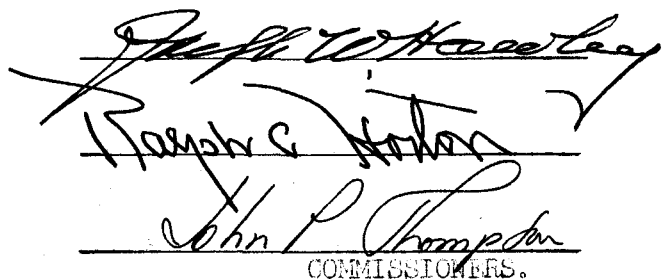
Otselic New York
6600 No Broad St Philadelphia 26 Pa
Ashdown Arkansas
Box 184 Erie Colo
Snyder Texas
2521 Isleta Blvd Albuquerque N Mex
Guiderock Nebraska
Douglas Georgia
Rueter Missouri
556 Marion St Salt Lake City Utah
743 E Pikes Peak Colorado Springs Colo
118 No Weber Colorado Springs Colo
3151 So State Salt Lake City Utah
Box 15243 Houston 20 Texas
301 Terminal Market San Antonio Texas
Box 126 Trinidad Colo
Box 13 Taos N Mex
Box 165 Tridell Utah
2468 E Lancaster Ft Worth 3 Texas
Comanche Texas
3620 College Beaumont Texas
Box 293 Brush Colo
Rodgers Arkansas
Moses Lake Washington
1127 E 76th Pl Chicago Ill
157 Grinsted St SE Camden Ark
Box 751 Clinton Okla
Great Bend Kans
Box 135 Garvin Okla
Portales N Mex
2115 Santa Fe Dr Pueblo Colo
725 So Mekuseukey Wewoka Okla
Highway 71 & Brook St Neosho Mo
Rt 2 Ninnekah Okla
422 No Santa Fe Salina Kans
Nashville Tenn
700 E Overland El Paso Texas
116 So 7th Ave Crystal City Texas
Charlotte No Carolina
1500 Galena St Denver 8 Colo

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this fifteenth day of
December, 1954.


COMMISSIONERS.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the courtesy patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that 11 of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Levi Haapala & Sons Inc
H A Hagg
Wiley & Robert Hahn
W S Hair
Eugene Hale
Jim & John Hall
M K Hall
E F Hamilton
Rick E Hamilton
Gus Hampl

Dassel Minnesota
Sioux Falls South Dakota
1931 So 14th St Omaha Nebr
Harlington Texas
Box 705 Sherman Texas
318 Cimarron Ave La Junta Colo
Portales New Mexico
2355 No National Springfield Mo
970 Osborne Rd Minneapolis Minn
Burke South Dakota

Lynn H Hansen
 Jim Harden
 Hardwick & Key
 Harper Motors
 Paul D Harrison
 Alma N Harsh
 J L Haskins
 Kenneth F Haslett
 W H Hayes
 George H Hedrick
 Ben Hefner
 Heil Co
 Jodie Heine
 Donald J Henderson
 Joe Hendricks
 Walter F Henneken
 Alywen Henrie
 R W Henthorn
 R E Herrin
 H N Herwig
 Sy Hess Motor Sales
 Stanley Hess
 Hi State Oldsmobile Co
 Robert L Hight
 Earl Hightower
 Richard Higson
 Emmett Hill
 Jim Hill
 Hillig Brothers
 Himes Feed Co
 George E Hoffman
 Monroe Hohenberger
 Jack N Holcomb
 Holder & Kuehl Produce
 Bill Holladay
 Holland, L P
 Everett L Holley
 W M Holman
 V M Holmes Jr
 Holyoke Implement Co

1125 E 4th Ave Mesa Arizona
 813 $\frac{1}{2}$ W Manhattan Santa Fe N Mex
 1101 East Central Wichita Kans
 5800 Wadsworth Arvada Colo
 214 Brush Creek Blvd Kansas City 12 Mo
 Rt 3 Box 396 Greeley Colo
 2815 Regient Shreveport La
 Box 432 Overton Texas
 3208 South H St Lubbock Texas
 Frederick Oklahoma
 715 Fillmore Amarillo Texas
 3000 West Montana Milwaukee Wisc
 Rt 2 Waxa Texas
 Westbrook Texas
 1301 Lea Clovis N Mex
 3325 Airway Ave Overland Mo
 1422 No Locust Denton Texas
 Loxley Alabama
 Wills Point Texas
 Guthrie Oklahoma
 1307 W 6th Amarillo Texas
 4009 Ashley Rd St Anns Mo
 1150 No 3rd Laramie Wyo
 622 E Overland Scottsbluff Nebr
 Rt 3 Box 23 Bowie Texas
 Auborndale Florida
 Payette Idaho
 Riverton Wyoming
 1547 No Mosley Wichita Kans
 23rd & Sterling Independence Mo
 Leakey Texas
 Blanco Texas
 916 So Forest Chanute Kans
 Rocky Ford Colo
 616 W Mississippi St Floydada Texas
 General Delivery Electra Texas
 910 W 11th Corsicana Texas
 715 So 12th Frederick Okla
 Reklaw Texas
 Holyoke Colo

before this Commission, to obtain permits authorizing ssid corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

[Signature]
[Signature]
[Signature]
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

F J Hommel
Everett Hook
Harry Hooker
Hiram N Hoover
W R Hopkins
Horatio Lumber Co
W W Horn
W W Horner
R L Howard
D T Hubbard

Clarendon Texas
Syracuse Kansas
2302 Virginia Joplin Mo
Box 312 Farmington N Mex
Roscoe Texas
Horatio Arkansas
Sanford Florida
Sanford Florida
Wibaux Montana
Espanola New Mexico

C C Hudson & H H Houd
S K Huffman
W S Hughes
Lee Hull
John D Hulsey
A W Husband
E W Hutchins
F W Hutchins
Chester Hutchinson
Hutchinson Lumber
Hygrade Food Products Corp
D R Jackson
Jacksonville Showcase & Mfg Co
Jaques Sales & Service
Robert Henry Jay
J R Jaynes
G Winston Jeide
R E Jensen
Jerry & George Used Cars
W L Jetton
J D Jewell Inc
Joe's Vending Service
Johnson Bros
Johnson Buick Co
C H Johnson
Charles E Johnson
D H Johnson
Dale Johnson
Fred E Johnson & Son
Fordtram Johnson
Jack Johnson Jr
Johnson & Lentz
Johnson Seed Co
Johnson & Son
Johnson Trailer Sales
Boyd Jones Linc-Merc Inc
D S Jones
Victor Jones
Reginald Curtis Jordon
Joy-Youts Motor Co

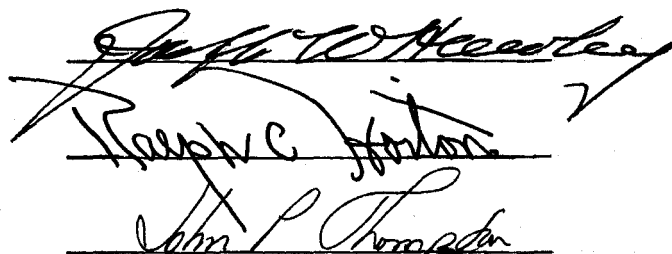
Preston Oklahoma
Hallesville Texas
Rt 2 Loxley Alabama
2511 W St Vrain Colorado Springs Colo
DeLeon Texas
Cordell Oklahoma
Loxley Alabama
Loxley Alabama
Box 121 Tres Piedras N Mex
Manchester Iowa
2811 Michigan Ave Detroit Mich
Hudson Colorado
Jacksonville Florida
Denison Texas
Hasty Colorado
E Main St Bonham Texas
P O Box 506 Mecca Calif
743 W Washington Pontiac Ill
702 No Santa Fe Salina Kans
McKinney Texas
P O Box 642 Gainesville Georgia
1601 E Caramillo Colorado Springs Colo
614 Minn Ave Breckenridge Minn
P O Box 427 Lake City Iowa
Anchorage Alaska
Box 435 Dolores Colo
Rt 2 Benson North Carolina
Pratt Kansas
P O Box 604 Nampa Idaho
Junction Texas
P O Box 35 Morse Texas
50 No Trenton Tulsa Okla
300 W Chestnut Enid Okla
Provo Utah
3727 E Sprague Ave Spokane Wash
25th St & Ave L Kearney Nebr
Center Texas
821 W Cypress Rogers Ark
Garvin Oklahoma
515 So Main Borger Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this fifteenth day of
December, 1954.


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

- (a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.
- (b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.
- (c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.
- (d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Judd Produce Co
Junction Market
R. L. Keel
Keetons, Inc.
Kellogg Motor Co.
Hawley Kemp
Ken's Service
A. L. Kennamer
Kerr-Cochran, Inc.
E. S. Kerr

258 E. Timmons, Nashville, Tenn.
Brighton, Colo.
Sidney, Nebr.
Fayetteville, Ark.
Wichita, Kans.
2627 Woodyhill Dr., Nashville, Tenn.
Ogallala, Nebr.
Floydada, Tex.
Second & Colorado, Hastings, Nebr.
2039 So. 45th, Lincoln, Nebr.

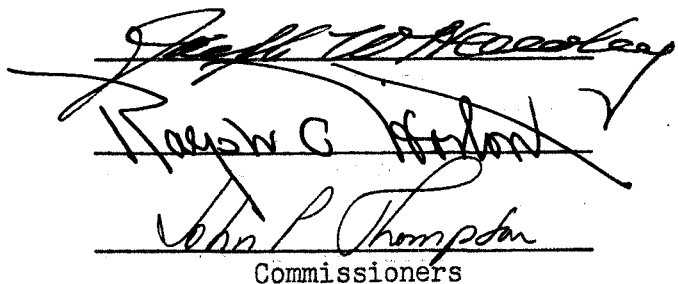
Jack L. Kerrick
 Dean Kidd
 Edward Kieffer
 F. P. Kiewit
 W. E. Killian
 Cecil Kimball
 King Trucking & Cattle Co.
 Darrel Kinney
 Pat B. Kinnison
 LeRoy Kirkland
 A. L. Kizer
 O. N. Knerl & Sons
 A. L. Koeling
 Ned Kofford
 Jess Oleo Krenzel
 Alfred H. Kueker
 Kymes Used Cars
 M. R. Lacy
 C. M. Lain
 Lakes Used Cars
 R. S. Lamb
 D. D. Lambert
 Lanasa & Wexler
 Lancaster Corporation
 C. C. Lane Motor Co.
 LaQuey Used Cars
 Ruben Leach
 Leo Leadley
 J. R. Leatherman
 William Leckner
 W. F. Ledger
 Alvin Lee
 Walter R. LeGalley
 Cloyd Legg
 Oscar Lehman
 Leonard Lenore
 Leshner Corporation
 Lesn Pontiac Co.
 T. W. Lewallen
 H. W. Lewis

307 Houston, Shamrock, Tex.
 Frederick, Okla.
 14320 Telegram Rd., Flatrock, Mich.
 Bonner Springs, Kans.
 Ft. Payne, Alabama
 McKinney, Texas
 Kaysville, Utah
 Ralls, Texas
 Welch, Okla.
 Hollis, Okla.
 604 West Central, Ft. Worth, Tex.
 Ponca, Nebr.
 P. O. Box 464, Mt. Enterprise, Tex.
 266 West 4th North, Orem, Utah
 Leoti, Kans.
 1816-6th St., Greeley, Colo.
 201 Orchard, Dallas, Oregon
 209½ No. Pate, Carlsbad, New Mex.
 Rt. 2, Cleburne, Texas
 4285 So. Santa Fe., Englewood, Colo.
 365 So. Main, Fairfax, Okla.
 Sweetwater, Texas
 Box 728, Key West, Florida
 Box 2166, Ft. Worth, Tex.
 945 S. Main St., Salt Lake, Utah
 Odessa, Texas
 Brownfield, Tex.
 Gordon, Nebr.
 Woodward, Okla.
 Kimball, Nebr.
 Lockner, Tex.
 Aline, Okla.
 Buffalo, Tex.
 Pampa, Tex.
 Woodward, Okla.
 Farmersville, Tex.
 Central Ave., Hamilton Ohio
 115 West 4th, Pratt, Kans.
 Colorado City, Tex.
 Eagle, Colo.

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carrier by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


 Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

- (a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.
- (b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.
- (c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.
- (d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

John Lee Lewis
Matt Lewis Motor Co
Charles Liberto Co
Liberty Materials Co
Lile Brothers Motor Co
Lindley Produce
Lindner & Wood White Motor Sales
Ling Grain & Supply
Harold Lohman
Lombard Auto Sales

Jacksonville Texas
300 No Main Shamrock Texas
Memphis Tennessee
Industrial Blvd at Hines Dallas Texas
112 E Race Searcy Ark
Ralls Texas
712 So Second West Salt Lake City Utah
Jetmore Kansas
Gen Del Independence Iowa
Portland Oregon

Lone Star Packard Co
 Lone Star Trailer Co of Texas
 Dorwin Loomis
 Lorentzen Hdwe Mfg Corp
 Los Fresnos Canning Co
 Loveland Lumber & Supply Co
 J D Lowe Jr
 John Lowery
 Lowrey Produce
 Lucky B Group
 Lufkin Wholesale Grocery Co
 Lundgren & Matthews Equip Service
 D C Luttrell
 M & M Produce
 M & M Produce Co
 Earl S Manard
 Manorette Inc
 J B Maples
 Market Produce Co
 Marquardt Motors
 Bill Martin
 Carl Martin Used Cars
 F J Martino
 Mashburn Transfer & Storage
 Clifford Maxwell
 N L Maynard
 McAfee's Inc
 D L McBroom
 J Kenneth McCall
 Ray McCammond
 Homer McClune
 Leon J McClure
 E C McCracken
 D F McCraw
 Harold C McCray
 McCue Transfer
 M D McCurdy
 E D McCutchen
 McDonald Bros
 J B McDowell

701 Fillmore Amarillo Texas
 Terrell Texas
 Oshkosh Nebraska
 720 Monroe Hoboken New Jersey
 Gen Del Los Fresnos Texas
 900 E 14th St Loveland Colo
 Henderson Texas
 Gen Del Ashdown Ark
 113 So 10th St Nebraska City Nebr
 317 Mining Exchange Bldg Colo Spgs Colo
 223 E Dozier Lufkin Texas
 5802 Colorado Blvd Denver 16 Colo
 Broken Bow Okla
 5th & Iowa Sioux City Iowa
 Eldorado Arkansas
 P O Box 515 Crowell Texas
 361 E Main St Chilton Wisc
 314 E Redbud Junction Texas
 315 E First Ft Worth Texas
 Tekamah Nebraska
 420 Coler Neosho Mo
 2231 So Broadway Denver 10 Colo
 Springtown Arkansas
 Childress Texas
 2801 North Ave Grand Junction Colo
 2505 So Flores San Antonio Texas
 Amarillo Texas
 Electra Texas
 Palmer Lake Colo
 Spearman Texas
 Odessa Texas
 1306 - 16th Wichita Falls Texas
 Vici Oklahoma
 Shelby No Carolina
 219 Colorado Ave La Junta Colo
 Hutchinson Kansas
 Box 308 Mt Vernon Mo
 1550 Xanthus Tulsa Okla
 Rt 1 Box 41 Weston Colo
 Box 861 Tulia Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

[Handwritten signatures]
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requests hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

C. L. McElroy
O. B. McEntyre
K. L. McGinn
McLane Motor Co.
Jack McLaughlin Motor Co.
McLaughlin Motor Co.
McLean Auto Co.
A. G. McMahon
Jas. T. McMillian
Lonnie McQueen

Eufala, Okla.
820 Beech, Plainview, Texas
West Point, Texas
Russell, Kans.
Hereford, Texas (P O Box 1006)
Valley Center, Kans.
1332 So. Broadway, Denver 10, Colo.
Rt. 5, Box 120-A., Rusk, Texas
2609 So. Agnew, Oklahoma City, Okla.
417 Edwards, Clovis, New Mex.

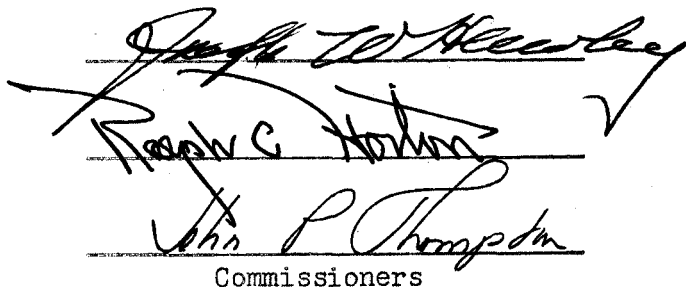
Sandy McTavish Motors
 Sam Menkin
 Mercury Coach Corp.
 Clifford Merrick
 Metal Lab. Equipment Co.
 R. P. Metcalf
 Ben Meyers
 Miami Products & Chemical
 S. B. Middlebrook
 Midwest Chevrolet Corp.
 Midwest Poultry Co.
 Milk Produce Co.
 Harvey C. Miller
 W. L. Miller
 Miller's Wrecking Yard
 Milwhite Mud Sales
 Mimick & Ryan
 Frank E. Mingus
 Minnequa Supply
 Missouri Pallet Co.
 Missouri Valley Freightways, Inc.
 Mitchell Construction Co.
 C. L. Mizell dba Mizell Motor Co.
 Mobile Transport Co.
 Modern Oil Field Service Co.
 Monte Carlo Wind Ind.
 Jack Montgomery
 Ben Montoya
 Winfield Moon
 Dwight Mocre
 Earl Moore
 James M. Moore
 Moran Pipe & Supply Co.
 Moran Pipe & Supply Co., Inc.
 E. W. Morehead
 Charles R. Morell
 Morgan Automobiles, Inc.
 Jack Morgan
 Morrell-Brown Olds Co.
 Frank Morris

1324 Broadway, Sacramento, Calif.
 Box 243, Cheyenne, Wyo.
 4211 Lower Beaver, Des Moines, Iowa
 809 North Huston, Portales, New Mex.
 854 Liberty Ave., Brooklyn, New York
 Gen. Del., Brutton, Ala.
 722 Main, Longmont, Colo.
 520 Lonoke St., Dayton, Ohio
 Vernon, Texas
 7th & 8th on Cincinnati St., Tulsa, Okla.
 So. Sioux City, Nebr.
 Eau Claire, Wisc.
 Rt. 1, Box 306, Seagoville, Tex.
 1659 Virginia St., Mobile, Ala.
 Box 123, Rangely, Colo.
 Big Springs, Texas
 Columbus, Nebr.
 830 So. Pickwick, Springfield, Mo.
 2109 East Evans, Pueblo, Colo.
 Van Buren, Mo.
 West Washington, Blair, Nebr.
 307 No. Allen Ave., Farmington, New Mex.
 111 So. Second, Norton, Kans.
 119 East 5th St., Kansas City, Mo.
 Box A-2, Brush, Colo.
 337 Delanan, New Brunswick, New Jersey
 Gateway, Colo.
 211 West 3rd, Walsenburg, Colo.
 Cullman, Ala.
 Lamesa, Texas
 Box 246, Clovis, New Mex.
 Belton, Tex.
 Seminole, Okla.
 Box 2686, Tulsa, Okla.
 Alta Loma, Texas
 Jerryville, Illinois
 5965 Southwest Ave., St. Louis, Mo.
 Overton, Texas
 206 Church St., Ottumwa, Iowa
 711 Bradshaw, Denton, Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carrier by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations and persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Raymond W Morris
Tom Morris
A J Morrow
Mozark Poultry Co
Muller Bros
Vernon E Mullikin
Murdo Auto Co
Clarence Murphree
J L Murphy
W N Murphy Equipment

Deertrail Colorado
1005 Georgia St Albuquerque N Mex
279 Lemay Ferry Rd St Louis Mo
Cassville Missouri
6380 Sunset Blvd Hollywood Calif
Box 154 West Terre Haute Ind
Murdo South Dakota
2104 N W 33rd Oklahoma City Okla
Hubbard Texas
Rt 9 Box 634 Springfield Mo

Murray Motor Co
 Nib Musso
 Myrtle Motors Co
 Myrtle Point Used Cars
 Nahas Motor
 National Glass Mfg
 National Pallet Corp
 Nebraska Egg & Poultry Co
 Neff Auto Sales
 Ben Nefner
 Marius D Nelson
 Joseph Nesser Motors
 Merle E Neville
 Newman Inc
 Miles Newton
 Homer Nickel
 Encarnacion Niebla
 Woodrow Niell
 Ronald G Norred
 Samuel L Norrid
 Northwest Implement & Supply Co
 Northwestern Motor Co
 L L Norwood
 Nowata Pipe & Supply Co
 J H Nowlin
 O K Rubber Welders
 J W O'Brian
 Pat O'Byrne
 R W Offerle
 Richard Ohashi
 Felix Olguin
 Oliver's Pies
 Otis O'Mary
 Oliver W Orcutt
 Francisco Ortiz
 Owatonna Mfg Co
 Charles H Owen
 Ozark Furniture & Repair
 Pacific Molassas Co
 Pacific Packers By-Products

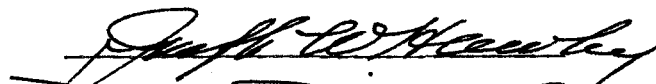

Delta Colorado
 420 University Trinidad Colo
 Box 330 Myrtle Creek Ore
 Box 1404 Myrtle Point Ore
 2101 Broadway Sacramento Calif
 212 So 9th Ft Smith Ark
 Gen Del Raymondville Mo
 David City Nebraska
 112 - 3rd St So Nampa Idaho
 c/o Salt Lake Auto Auction Salt Lake City Utah
 Newman Grove Nebraska
 6536 Chippewa St Louis Mo
 Girard Kansas
 701 So Maybell Tulsa Okla
 Van Buren Arkansas
 San Angelo Texas
 1301 Atchison St Trinidad Colo
 Santa Anna Texas
 4012 - 1st Ave Birmingham Ala
 Rt 2 Box 216 Amarillo Texas
 Box 465 Goodland Kans
 948 E Main St Farmington N Mex
 Checotah Oklahoma
 Nowata Oklahoma
 O'Donnell Texas
 924 Main Alamosa Colo
 Van Buren Arkansas
 Jacksonville Texas
 Box HH Meeker Colo
 714 E 8th Cheyenne Wyo
 513 Park Ave Ft Lupton Colo
 5552 Alcott St Denver 11 Colo
 1020 W 6th St Amarillo Texas
 2421 - 16th Ave Ct Greeley Colo
 Box 202 Asherton Texas
 Owatonna Minnesota
 1322 Penn Joplin Mo
 302 So 9th St Canon City Colo
 Houston Texas
 Box 3091 Fresno Calif

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.


 Joseph C. Horton

 John P. Thompson
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carrier by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Charles Parker
Donald Parker
O T Parker
Fred Parkhurst Lincoln Mercury
Parks Motor
Ed L Parris
Passlers Dressed Beef Co
Bruce Payne
J H Payne
Harold Perry

Clearfield Utah
Fairview Oklahoma
Wenachee Washington
404 No Federal Mason City Iowa
6200 Independent Kansas City Mo
3413 Hilltop Ft Worth Texas
Rt 2 Box 47A Elkland Mo
Rt 3 Ada Oklahoma
Box 96 Bullard Texas
Mapleton Kansas

Perry Lumber Co
 A M Perryman
 Perryton Motor Co
 Peterson & Son
 Sam Petty
 H Lloyd Philamalee
 Phillips Cesspools & Septic Tanks
 Frank Phillips
 J P Phillips
 T H Phillips Motor Co
 Oliver E Phipps
 Edward Piburn
 A T Pickett
 L T Pickett
 Pioneer Fire Proof Door
 Pipe Line Awode Corp
 E M Piper
 Plains Brokerage Co
 Plains Oil Co
 Leon Poag
 Pollard Contracting Co
 Poston Feed Store
 Ed Powell
 H J Powell
 M C Powell Jr
 Prairie State Oil & Grease Co
 R E Prather
 Curly Price
 Prichard Transfer Inc
 Priebe & Sons Inc
 Arvel Prince
 Orval Pulliam
 Robert A Purvis
 Puyear & Spencer
 Dewey Pyle & Son
 Andrew J Quebendeaux
 Bernard Radke
 Ralston Purina Co
 Ralph Ramey
 Ranch Room

Antonito Colorado
 Borger Texas
 409 So Main Perryton Texas
 Box 368 Kimball Nebr
 Brady Texas
 1818 East C St Torrington Wyo
 Imperial Nebraska
 1317 Tate St Corinth Miss
 Leaky Texas
 Gen Del Cokeville Tenn
 Crestone Colorado
 1603 Grauyler Dallas Texas
 400 No D St Brownfield Texas
 406 Takoka Rd Brownfield Texas
 811 So Fulton St Mt Vernon N Y
 320 So 25th W Ave Tulsa Okla
 Dallas Texas
 Lubbock Texas
 Stratton Nebr
 Chickasha Okla
 Box 225 Rangeley Colo
 No Graham St Stephenville Texas
 Neosho Missouri
 412 No 1st Durant Okla
 Anna Texas
 Danville Illinois
 Coolidge Texas
 Rock Springs Texas
 72 No 4th East Price Utah
 Food Terminal Kansas City Kans
 Gen Del Dumas Texas
 Ponca City Oklahoma
 Box 101 Beulah Colo
 8416 Tenino Dallas Texas
 Butler Missouri
 Opelousas Louisiana
 222 Cedar St Julesburg Colo
 3007 Pierce St Amarillo Texas
 Hennessee Oklahoma
 5100 E Belknap Ft Worth Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of said Rules and Regulations of this Commission Governing Commercial Carrier by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Ranch Trailer Sales
Bevell Randall
Randall Truck Sales
G E Randles
S G Raper
Jim S Rarden
Rasmussen Used Cars
B M Ratliff
Vear T Ray
Reading Brass Co

Chandler Arizona
Clovis New Mexico
6834 San Fernando Glendale Calif
Parsons Kansas
Lawn Texas
813¹/₂ W Manhattan Santa Fe N Mex
North #4 Omaha Rapid City So Dakota
Comanche Texas
Naturita Colorado
37 W Carleton Rd Hills Dale Mich

Thurman L Real
 Dewey J Redding
 Emory Reece
 T D Reece
 Reed Used Cars
 Reese Motor Co
 Refrigerated Transit Inc
 Rich Reiling Pig Mkt
 Reinking Grain & Supply Co
 Reliance Mfg Co
 Reynolds Equipment Co
 Garnett Rhodeman
 Cecil L Rice
 George Ricker
 Marvin Riggs
 Riley's Used Cars
 C W Roach
 Robbins Floor Products Inc
 Earl G Roberts
 Roberts Propane Service
 H M Robertson
 Claud Rogers Implement Co
 Paul Rogers
 W A Rogers
 James Romero
 Rood Produce
 Rosenburger's Inc
 John E Rostek
 Leo R Rounsavell
 Frank Rountree Produce Co
 Homer Royce
 Rucker Bros
 Rudy's Ranch Market
 C H Rule
 Rush Mfg Co Inc
 O F Russ
 Francis Ryan
 S & S Produce
 A Gene StClair
 Joe Salem

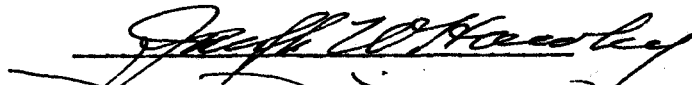


Corsicana Texas
 Lyons Nebraska
 Sherman Texas
 Centerville Mississippi
 Plainview Texas
 Twin Falls Idaho
 1320 Cass St Louis Mo
 Wesley Iowa
 Campbell Nebraska
 Chicago Illinois
 Box 56 Green Castle Ind
 106 Chestnut Wamego Kans
 Rt 1 Farmersville Texas
 Produce Florida
 Rt 1 San Saba Texas
 Pittsburg Kansas
 915 Champa Denver 4 Colo
 Gen Del Tuscumbia Ala
 Box 213 Dexter Missouri
 Vona Colorado
 Sapulpa Oklahoma
 Frisco Texas
 Seligman Missouri
 Seldon Kansas
 Box 312 Ignacio Colo
 Silom Springs Arkansas
 Hemingford Nebraska
 1304 No College Ave Ft Collins Colo
 Gen Del Brush Colo
 1404 Broadway Monett Mo
 417 Skancke McPherson Kans
 Colbert Oklahoma
 3800 Wadsworth Wheatridge Colo
 Friend Nebraska
 508 - 20th St Ft Smith Ark
 Box 743 Farmington N Mex
 7555 Osceola Westminster Colo
 50 No Trenton Tulsa Okla
 1695 So Quivas Denver 19 Colo
 1105 - 35th St North Birmingham Ala

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954




 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

I E Sammons
Dan J Sanders
G C (Gordon) Sanders
McCall C Sanders
Santa Fe Motor Co
Sartor & Barger
S S Schenck
Raymond C Schmidt
Schoenfield Mills
Schoening Motors

Route 1 Artesia N Mex
2421 E 4th St North Platte Nebr
404 W State St Terrell Texas
Weimer Texas
Santa Fe N Mex
Teague Texas
Tribune Kansas
Franklin Nebraska
Houston Texas
Glenwood Iowa

Neil Scholer
 Schramm Inc
 Norman W Schulze
 Joe Schwab Motor Co Inc
 Scotchman's Corner
 Henry Scott
 Leonard J Scott
 Scott Sales Co
 Egger Scudder Co
 SealRite Mfg Co
 Floyd Searle
 Searle Gas & Appliance
 H C Segraves
 Select Craft
 Phearon Self
 Sentinel Truck Leasing Co
 Servall Finance Inc
 Service Chevrolet Co
 Shari Candies Inc
 Bill Sharp Motor Co
 R W Sharp
 J R Sharpe
 Shastid Brothers
 Victor Shaver
 Shawnee Warehouse & Cold Stg Inc
 Sheridan Brewing Co
 Shields Construction Co
 Merlin E Shields
 Shirley, W I
 Shoemaker Oil Co
 Virgil Dwight Shull
 J W Shumaker
 Ben L Siefert
 D J & W L Sievers
 L M Simmons
 Geo B Simons
 Lloyd Simpson
 Orville Simpson
 Furman H Sipes
 George M Skinner

140 Polar No St Paul 9 Minn
 Garfield Ave West Chester Pa
 Box 226 Westcliffe Colo
 5202 Leary Way Seattle Wash
 1501 So 1st St San Jose Calif
 1110 Paradise Vernon Texas
 Box 136 Oklahoma City Okla
 917 Ogden St Denver 18 Colo
 909 So 7th St Sioux City So Dak
 107 E 3rd St McCook Nebr
 215 E Bayaud Denver 9 Colo
 Vernal Utah
 207 Mason Cape Girardeau Mo
 Pine Castle Florida
 Rt 2 Altoona Ala
 5009 Excelsior Blvd Minneapolis Minn
 2001 E Platte Ave Colorado Springs Colo
 Fayette Iowa
 408 Cedar Mankato Minn
 Gen Del Concordia Kans
 Gen Del Moody Texas
 Rt 4 Weatherford Texas
 Springdale Arkansas
 224 Phoenix Ave Willcox Ariz
 421 No Oklahoma Shawnee Okla
 Sheridan Wyoming
 Box 676 San Luis Colo
 415 E 9th Salt Lake City Utah
 Amhurst Texas
 Rt 1 Box 148 Arvada Colo
 2087 S High Denver 10 Colo
 Bristol Virginia
 322 W 3rd Fairbury Nebr
 Elgin Nebraska
 Gen Del Crosbyton Texas
 Lancaster Texas
 1115 Mulberry St Durant Okla
 1420 College Blvd Durant Okla
 2110 S W 30th Oklahoma City Okla
 Rt 6 Topeka Kans

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
 Commissioners

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the reaspects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Albert S Smith
C E Smith
Elvin Smith Trucking Co
Smith's Fruit & Vegetable Market
Smith Lumber & Hay Co
Merton O Smith
Smith Motor Co
Smith Trailer Sales
W D Smith
W Oscar Smith

Rt 2 Alamosa Colo
111 S Central Hartford Mich
P O Box 848 Boulder Colo
Harrison Arkansas
Chambers Nebraska
Rt 3 Grand Junction Colo
1st & Fulton Garden City Kans
801 W Yellowstone Casper Wyo
Lubbock Texas
3025 Purington Ft Worth Texas

| | |
|--|---|
| Smitty's Auto Wrecking & Trailer Sales | P O Box 673 Grand Junction Colo |
| Smoky Mountain Fruit | Knoxville Tennessee |
| Snake River Equipment Co | 425 Park Dr Idaho Falls Idaho |
| A Sonner & Son | Scott Louisiana |
| Elmo Sorenson | Gunnison Utah |
| South Main Auto Sales | 711 So Main Cleburn Texas |
| South West Industries Inc | P O Box 5081 Oklahoma City Okla |
| South Western Porcelain Steel Corp | Gen Del Sand Springs Okla |
| Southern Central Co | Memphis Tennessee |
| Southern Pipe & Supply Co | Box 882 Ada Okla |
| Southwest Industries Inc | P O Box 5081 Oklahoma City Okla |
| Specialty Products Inc | 6017 E Rosedale Ft Worth Texas |
| Edith Spiess | 523 $\frac{1}{2}$ Douglas Las Vegas N Mex |
| O Spires | 16 Maywood St Larwill Ind |
| Sport Car Sales | McHenry Illinois |
| Mary Spradlin | Springfield Missouri |
| Spring Trailer Co | Bonham Texas |
| Spruill Trailer Sales | Great Bend Kansas |
| Victor E Stadter | 7608 E Mooney Dr San Gabriel Calif |
| Philip T Stafford | Kremmling Colorado |
| Stage Motor | 1602 Ave H Lubbock Texas |
| Standard Magnesium Corp | 106 S Frisco Tulsa Okla |
| Paul Stanley | Mooreland Oklahoma |
| J H Stark | Ottawa Kansas |
| Stark Wetzel & Co Inc | 725 Gardner Lane Indianapolis Ind |
| State Furniture Co | 200 So Broadway Denver 9 Colo |
| Jimmy A Steadman | Box 125 Grand Bay Ala |
| Bob Steele Ready Mix Cement | Rangely Colorado |
| Stewart Brothers | 1618 So Zarzamora San Antonio Texas |
| Jack Stewart | Idabel Oklahoma |
| Stilwell Commission Co | Stilwell Oklahoma |
| Roy Stinebaugh | Farmersville Texas |
| Stocks & Gramlich Inc | Moab Utah |
| B L Stokes | P O Box 503 Shamrock Texas |
| Story Corp | Fulton Alabama |
| Stroud Lumber Co | Greenwood Arkansas |
| Lloyd Summers | Roscoe Texas |
| Sunny State Dist Co | 701 No First Albuquerque N Mex |
| Super Auto Sales | Pocatello Idaho |
| Supreme Trailer Co | P O Box 2 Bonham Texas |

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this fifteenth day of
December, 1954.

[Handwritten signatures of three commissioners]
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Sessions Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by Law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Supreme Victor M Home
Thomas H Sutton
Howard K Swain
Sweetwater Cotton Oil Co
H Tanner
Taormina Canning Co
W E Tapley
Taylor Brothers
Delbert Taylor
Joe J Taylor

Bonham Texas
400 S W 10 Oklahoma City Okla
1517 Beckham St West Columbia So Carolina
Sweetwater Texas
P O Box 4233 Jackson Miss
225 So 9th Donna Texas
Gen Del Idabel Okla
Gen Del Tonkawa Okla
Gen Del Ada Oklahoma
Guthrie Oklahoma

Less Taylor Motor Co Inc
 Taylor & Son
 Texas Fruit Processing Co
 Texline Paint Mfg Co
 Raymond Thamheuser
 H C Tharp
 C C Thomas
 Thomas Lumber Co
 R F Thomas
 Thomason Lumber Co
 Paul E Thompson
 Charles Threlkeld
 Thriftway Stores
 A E Throop
 Tillman Bros
 Bazzel Tipps
 Todd Poultry & Egg Co
 C C Toenzen
 Tom Tomaras
 T B Tomberlin
 Tompkins Chevrolet Co
 Trailer Home Service
 Transportation Vehicle Inc
 Trend Furniture Inc
 Tri-City Car Co
 T W Trout
 Arthur O Trujillo
 J M Trujillo
 J G Turner
 Union Bus Sales Co
 United Tire & Wheel Co
 United Transport Co
 Upton Gardens Inc
 Valley Implement Co
 Russell VanCleave
 Edward E VanNortwick
 Lee Vaughn Motor Co
 Velm Body & Fender
 Lucian Venable
 Vernal Sand & Gravel Co


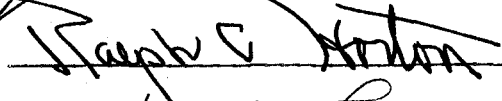

Salt Lake City Utah
 Canyon Texas
 3914 Pacific Dallas Texas
 1219 So Industrial Dallas Texas
 Gonzales Texas
 5153 W 12th Tulsa Okla
 Salem Virginia
 Gen Del Buffalo Mo
 410 N Montgomery St Gilmer Texas
 Broken Bow Oklahoma
 Fountain Colorado
 1504 E Durango St Phoenix Ariz
 Des Moines Iowa
 Webb City Missouri
 Las Cruces New Mexico
 Rangely Colorado
 Perryton Texas
 133 No 7th St Brighton Colo
 306 W Osborn Phoenix Ariz
 Millsap Texas
 127 So Maple Eldon Mo
 131 Summers Fitchburg Mass
 230 Greenport Ave Brooklyn N Y
 9885 W Colfax Lakewood Colo
 416 Perry St Davenport Iowa
 Springdale Arkansas
 1317 E Abriendo Pueblo Colo
 222 Willow Rd Albuquerque N Mex
 Gen Del Corsicana Texas
 960 Richards Vancouver British Columbia
 79 W 9th So St Salt Lake City Utah
 746 S Central Los Angeles Calif
 720 Caramillo Colorado Springs Colo
 Safford Arizona
 5325 So Grant Englewood Colo
 920 E 6th Cozad Nebr
 Nacona Texas
 Third & Yelm Ave Yelm Wash
 Wills Point Texas
 Box 205 Vernal Utah

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December, 25, 1954.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado
 this fifteenth day of
 December, 1954.




 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

- (a) Failure to file application as required by Law and Rule 2 of the Rules and regulations of this Commission Governing Commercial Carriers by Motor Vehicle.
- (b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.
- (c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.
- (d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

M C Vick
Viking Mfg Co Inc
Virginia Metal Products Corp
W A C Trucking Co
Charles W Wade
Waggoner Produce Co
Clell Waldrop
Walker & Bridges Used Cars
Walker & Tucker
Tommy Walter

1604 N E 8th St Amarillo Texas
12257 E Ball Rd Anaheim Calif
Gen Del Orange Va
Carrelton Texas
803 - 4th Ave N Nashville Tenn
Gen Del Centerville Iowa
Bexar Alabama
Elk City Oklahoma
R F D Mancos Colo
3636 W Park Oklahoma City Okla

M W Walters
D D Ware
Warren Moss Co
Warren Motor Co
Waterbury Motor Co
John Waters
John C Watson
Watson Motor Co
Sam Watson
W J Watson
Wayne Iron Works
Jim Weatherford
James F Weaver
L A Weaver Cabinet Shop
Hugh Webb
Weelborg Produce
P T Weese Trailer Sales
Chesley H Welch Jr
Andrew J Weller
Wertz Grain Co
Abbott Wesley
West Coast Motor Sales
West Fall GMC Trucking
John B West
M C West
Western Motor Co
Western Pump Dist Inc
Westfield Inc
Wetmore Lath Co
Lanash Wexler
Wheatridge Spudnut Shop
Wheeler Bridge Lumber
Wheeler Lumber Bridge
L D Whiddon Masonry Co
White Arrow Mining Co
Monte White Motors Inc
Preston White
White River Dist Inc
L A Whitfield
William B Whitley

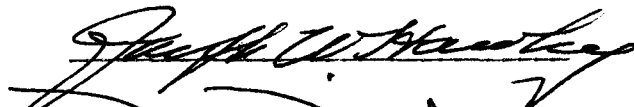
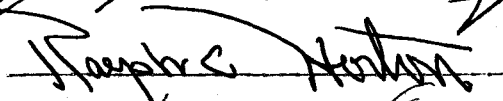

Sanford Florida
1110 Walnut St Sweetwater Texas
Warren Wisconsin
Elko Nevada
Jamesport Missouri
1817 $\frac{1}{2}$ S W Brookline Oklahoma City Okla
321 Putman St Texarkana Ark
600 W Clovis Tumcumcari N Mex
367 Washington Pl Englewood N J
La Mesa New Mexico
Wayne Pennsylvania
Rt 1 Box 740 Globe Ariz
Tribune Kansas
5727 Johnson Kansas City Kans
Pea Ridge Arkansas
1466 Lothrop Omaha Nebr
Marion Indiana
Jefferson Colorado
917 Preston Pharr Texas
Fleming Colorado
Elfrida Arizona
7240 S Tacoma Way Tacoma Wash
2534 McGee Kansas City Mo
Chelsea Oklahoma
Overton Texas
Winner South Dakota
Lubbock Texas
2675 Riverside Dr Los Angeles 39 Calif
Wetmore Colorado
Key West Florida
7057 W 38th Wheatridge Colo
7th & Michigan Norfolk Nebr
1749 W Second St Hastings Nebr
Amarillo Texas
344 North Ave Grand Junction Colo
32nd & Leavenworth Omaha Nebr
2222 Tappa Rd Albuquerque N Mex
Gen Del Batesville Ark
3521 W Aluminum St Phoenix Aria
P O Box 688 Robstown Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this fifteenth day of
December, 1954.




Commissioners

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. J. JEFFRIES TRUCK LINES, INC.,)
OKLAHOMA CITY, OKLAHOMA, FOR AUTH-)
ORITY TO OPERATE BETWEEN POINTS)
AND PLACES WITHIN THE STATE OF)
COLORADO.)
-----)

APPLICATION NO. 12996

December 17, 1954

Appearances: Stockton, Linville and
Lewis, Esqs., Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

On June 21, 1954, the above-styled application was filed with
the Commission.

Said application was thereafter set for hearing at the Hearing
Room of the Commission, 330 State Office Building, Denver, Colorado,
August 24, 1954 at ten o'clock A. M.

On August 18, 1954, at the request of attorney for applicant,
said hearing set for August 24, 1954 was vacated.

The Commission is now in receipt of a communication from
John H. Lewis, Attorney for Applicant herein, stating that said applicant
no longer desires to prosecute said application, and requesting dismissal
thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

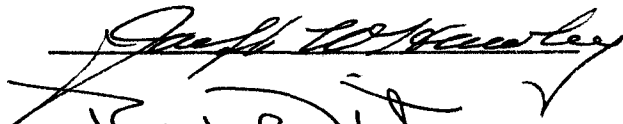
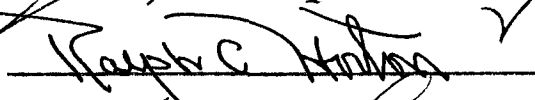

O R D E R

THE COMMISSION ORDERS:

That Application No. 12996 should be, and the same hereby is,
dismissed, at request of attorney for applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1954.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE A. KING, JR., DOING BUSINESS AS)
"KING TRANSPORTATION COMPANY," GRAND)
JUNCTION, COLORADO, FOR AUTHORITY)
TO TRANSFER PERMIT NO. A-545 TO)
EPHRAIM-KING TRANSPORTATION, INC.,)
2909 WEST SEVENTH AVENUE, DENVER,)
COLORADO.)
-----)

APPLICATION NO. 12246-Transfer

December 17 1954

Appearances: Haynie and Hotchkiss Esqs.,
Grand Junction, Colorado,
for applicants;
T. A. White, Esq., Denver,
Colorado, for The Denver
and Rio Grande Western
Railroad Company, Rio
Grande Motor Way, Inc.;
A. J. Fregeau, Denver Colo-
rado for Weicker Transfer
and Storage Company;
John P. O'Rourke Esq., Mont-
rose, Colorado, for P. J.
Holzmeister.

S T A T E M E N T

By the Commission:

Inasmuch as the Commission has been advised that the above-
styled applicants no longer desire to prosecute Application No. 12246,

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

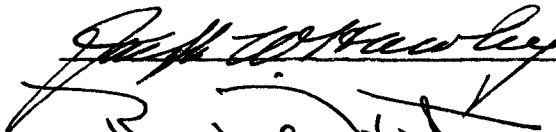


O R D E R

THE COMMISSION ORDERS:

That Application No. 12246 should be, and the same hereby
is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|---------------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| HUBERT HALL, DOING BUSINESS AS) | |
| "DENVER-PARKER TRUCK LINE," PARKER,) | |
| COLORADO, FOR AUTHORITY TO TRANSFER) | <u>APPLICATION NO. 13210-Transfer</u> |
| PUC NO. 1556 TO CARL JOHNSON, DOING) | |
| BUSINESS AS "DENVER-PARKER TRUCK) | |
| LINE," PARKER, COLORADO.) | |
| -----) | |

December 17, 1954

S T A T E M E N T

By the Commission:

By the above-styled application, Hubert Hall, doing business as "Denver-Parker Truck Line," Parker, Colorado, owner of PUC No. 1556, seeks authority to transfer said operating rights to Carl Johnson, doing business as "Denver-Parker Truck Line," Parker, Colorado, said PUC No. 1556 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

Freight between Denver and the territory described as follows:

Beginning at the City Limits of Denver at a point which intersects said City Limits one mile east of the Denver-Parker Highway; thence along the line paralleling said highway a distance of one mile east thereof to a point where said line would intersect the north section line of Section 3, Township 6-South, Range 66-West; thence east to the NE corner of Section 1, Township 6-South, Range 66-West; thence one mile south to the SE corner of said Section 1; thence southwesterly to the SW corner of Section 28, Township 6-South, Range 66-West; thence northwesterly to the NW corner of Section 3, Township 6-South, Range 67-West; thence one mile more or less to the SW corner of Section 35, Township 5-South, Range 67-West; thence north five miles to the NW corner of Section 11, Township 5-South, Range 67-West; thence west one mile; thence north one mile; thence west one mile to the SW corner of Section 23, Township 4-South, Range 67-West; thence north two miles more or less to the channel of Cherry Creek; thence northwesterly along the channel of Cherry Creek to the City Limits of the City and County of Denver, and also milk and cream to Denver from that part of the above-described territory lying east of Cherry Creek;

All of above operating rights lying west of Cherry Creek transferred out of said authority (Decision No. 29455).

Said authority extended (Decision No. 39741) to include:

Transportation of milk and cream to Denver from the following described area, and freight and express, generally, between Denver, Colorado, and the following-described territory:

Beginning at a point where the Parker-Happy Canon Road crosses Cherry Creek as located in the NE $\frac{1}{4}$ of Section 21, Township 6-South, Range 66-West; thence south along the channel of Cherry Creek to the Parker Castle Rock Road, being approximately on the south line of Section 34, Township 6-South, Range 66-West; thence southwesterly along said Parker Castle Rock Road to a point on the south line of Section 4, Township 7-South, Range 66-West; thence west approximately one-half mile more or less to the SW corner of said Section 4; thence north two miles to the SW corner of Section 28, Township 6-South, Range 66-West; thence northwesterly approximately four miles on a diagonal line through Sections 29 and 19, Township 6-South, Range 66-West; and Sections 13 and 11, Township 6-South, Range 67-West to a junction with the Parker Happy Canon Road, as located in the SE $\frac{1}{4}$ of Section 11; thence southeasterly on the Parker Happy Canon Road to Cherry Creek, being the point of beginning.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Hubert Hall, doing business as "Denver-Parker Truck Line," Parker, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1556, with authority as set forth in the preceding Statement, which is made a part hereof, by reference, to Carl Johnson, doing business as "Denver-Parker Truck Line," Parker, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

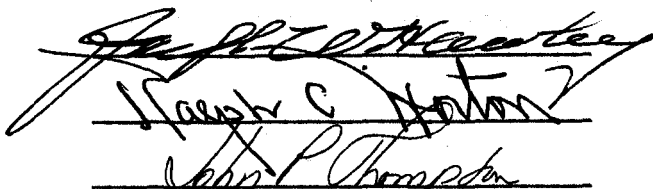
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| P. L. DILLON, DOING BUSINESS AS) | |
| "GARDEN CITY TRANSPORT," 102 NORTH) | |
| MAIN STREET, GARDEN CITY, KANSAS,) | |
| FOR AUTHORITY TO TRANSFER INTER-) | |
| STATE OPERATING RIGHTS TO GARDEN) | |
| CITY TRANSPORT, INC., 102 NORTH) | |
| MAIN STREET, GARDEN CITY, KANSAS.) | |
| ----- | <u>PUC NO. 1233-I-Transfer</u> |

December 17, 1954

Appearances: Floyd D. Strong, Esq., Topeka,
Kansas, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, P. L. Dillon, doing business as "Garden City Transport," Garden City, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act, to operate as a common carrier in interstate commerce, and PUC No. 1233-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Garden City Transport, Inc., a corporation, Garden City, Kansas.

The records and files of the Commission fail to disclose any reason why said transfer should not be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

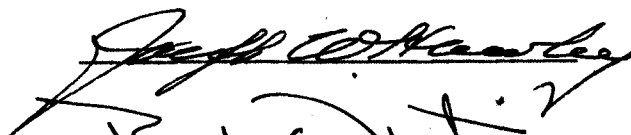
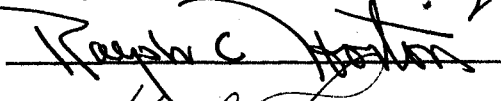

That P. L. Dillon, doing business as "Garden City Transport,"

Garden City, Kansas, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1233-I to Garden City Transport, Inc., Garden City, Kansas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A DETERMINATION FOR RATE-MAKING)
PURPOSES OF THE REASONABLE VALUE OF)
ITS ELECTRIC, GAS AND STEAM HEATING)
PROPERTIES PRESENTLY DEVOTED TO)
PUBLIC USE, THE FAIR RATE OF RETURN)
THEREON, AND THE GROSS REVENUE TO)
WHICH IT MAY BE ENTITLED.)

APPLICATION NO. 12827

December 17, 1954

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado, by
E. A. Stansfield, Esq., and
Ralph Sargent, Jr., Esq., for
applicant;
Leonard Campbell, Esq., Denver,
Colorado, for the Colorado
Municipal League and pro se;
James Groves, Esq., Grand Junction,
Colorado, for the City of
Grand Junction, Colorado;
John C. Banks, Esq., and
Malcolm D. Crawford, Esq., Denver,
Colorado, for the City and
County of Denver;
John M. Sayre, Esq., Boulder, Colo-
rado, for the City of Boulder,
Colorado;
Harry Howard, Esq., Monte Vista,
Colorado, for the City of
Monte Vista, Colorado;
John R. Clayton, Esq., Greeley, Colo-
rado, for the Home Light and
Power Company;
William T. Secor, Esq., and
Jack Kennedy, Esq., Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The Public Service Company of Colorado (sometimes referred to herein as "Applicant," or "Company,") filed an application with the Commission on March 19, 1954, requesting this Commission to fix a date for a hearing for the purpose of receiving evidence to enable the Commission to

review all of Applicant's electric, gas, and steam heating operations to determine, for rate-making purposes, the reasonable value of Applicant's electric, gas and steam heating properties presently devoted to public use, the factors which may have a bearing on such value, the fair rate of return thereon, and the gross revenues to which Applicant may be entitled; and to make such further findings and orders in the premises as may be just and proper.

The Commission set the matter for hearing on May 4, 1954, after due notice to all interested parties. The Notice of Hearing was sent to the Mayors or other appropriate city officials of all incorporated cities and towns in which the Company serves 100 or more customers with electricity or natural gas, or both. Notice was also sent to each one of the Company's wholesale electric purchasers, to all municipalities which purchase at wholesale all or a part of their electrical requirements from the Company, to each of the Company's electric consumers which are served under special contracts, and to the Colorado Municipal League. Full publicity regarding the filing of the application was given by the Company through advertisements in some sixty-two daily and weekly publications of general circulation in the areas of the cities served by the Company.

The hearing on the direct case of the Company was held on May 4, 5, and 6; cross-examination of Company witnesses was held on June 28 through July 2, 1954, inclusive. The direct case of protestants and the staff was heard on July 19 and 20, and the cross-examination on the above was heard on August 9 and 10. The hearing in toto consumed approximately eleven days; 144 exhibits were introduced and received, and the record consists of approximately 1300 pages of testimony. Briefs were submitted at the conclusion of the hearing by Applicant, the Colorado Municipal League, and the staff.

Applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, with authority to do business in said State; its Articles of Incorporation, together with all the amendments thereto, have heretofore been filed with this Commission.

Applicant is a public utility, as defined in Section 3, Chapter 137, 1935 Colorado Statutes Annotated, and is engaged in the generation, purchase, transmission, distribution, and sale of electric energy, and the purchase, distribution, and sale of natural gas within the State of Colorado. Applicant is also engaged, to a minor extent, in rendering steam heating service within a limited area of the business district of the City and County of Denver. Applicant also renders bus service in the City of Boulder, but this service is not a part of the present application.

The post office address and principal office of Applicant is the Gas and Electric Building, 900 Fifteenth Street, Denver, Colorado. Applicant maintains various division offices throughout the State to facilitate the conduct of its business.

Applicant supplies electric service at retail in seventy-six incorporated cities and towns in the State of Colorado, including the home-rule cities of Boulder, Denver, Grand Junction, Monte Vista, and Sterling, and in various other communities and out-lying rural territories in its service area. Applicant supplies at wholesale for re-sale the electrical requirements of Colorado Central Power Company, Home Light and Power Company, Plains Utilities Company, Inc., and The Garbondale Light and Power Company, all of which are privately-owned electric utilities operating in the State of Colorado; the City of Glenwood Springs, the Towns of Dacono and Erie, which are municipally-owned electric systems in the State of Colorado. In addition, Applicant supplies electric energy to various public authorities. Applicant supplies natural gas service at retail in twenty-eight incorporated cities and towns in the State of Colorado, including the home-rule Cities of Boulder, Denver, Fort Collins, and Grand Junction, and in various other communities in its service area. In the rendering of service at retail, Applicant serves some areas with gas only and some areas with electricity only, while in others it serves both electricity and gas. At the end of the Year 1953, Applicant served 160 steam heating customers in the City and County of Denver.

Growth of Company

In the past ten years the areas served by the Company have

experienced a considerable growth in population, which in turn has increased the demand for gas and electric services. In 1944, the Company served 150,473 electric customers, as compared with 238,292 at the end of 1953, an increase of 58%. The number of gas customers during the same period increased from 97,112 to 138,516, or 94%. The number of steam heating customers increased from 67 in 1944 to 160 in 1953. In addition to the growth in customers, there was also the growth in per-customer usage, by both the electric and gas customers. During the period under consideration, the average residential customer increased its use of electricity from 906 kilowatt hours per year in 1944 to 1861 kilowatt hours per year in 1953. The residential gas customers increased their average use from 78,000 cubic feet of gas to 166,000 cubic feet of gas per year.

In the past ten years the gross addition to the Company's property, plant and equipment was in excess of \$118,750,000, of which \$88,000,000 was electric, \$30,000,000 gas and \$750,000 for steam heating. This represents an over-all increase in the Company's property, plant and equipment of 175% when compared to the Year 1944. The average investment in electric facilities per customer increased from \$356 to \$556 for this period. The corresponding figures for the gas department reveal that the investment per customer increased from \$145 in 1944 to \$218 in 1953. In addition to the growth in the property, plant and equipment mentioned above, the Company has also experienced a substantial increase in many of its operating costs.

History of Company and Rates

The Public Service Company of Colorado was incorporated through a merger, pursuant to the laws of the State of Colorado, on September 3, 1924. The present Company represents a consolidation of approximately 50 gas and electric companies formerly operating in the State of Colorado. The first predecessor company, The Denver Gas Company, was organized in 1869, to provide gas service in the City of Denver; the Denver Steam Heating Company, also a predecessor, was organized in 1879, to supply steam heating service in Denver; the first electric service was instituted in 1881 by the Colorado Electric Company. These services have been continuous to date through the various

predecessor companies. Prior to November 29, 1943, Public Service Company was a part of the holding company system of Cities Service Company. However, subsequent to that time Public Service Company has become an independent company, and the affairs of the company have been controlled and managed by a local Board of Directors and local management, with headquarters in Denver. The Company has approximately 14,850 stockholders, of which 4,860, or 33%, reside in Colorado.

The Company, at the present time, owns all of the equity stocks of four operating subsidiaries, as follows:

Cheyenne Light, Fuel and Power Co.
The Pueblo Gas & Fuel Co.
Colorado-Wyoming Gas Co.
Western Slope Gas Company.

In addition, the Company owns 256,503 shares, or 15%, of the stock of Colorado Interstate Gas Company.

Since the incorporation of Public Service Company in 1924, the Company has never increased its electric rates. Through the years the Company has made rate reductions in its electric service. In 1933, the Company's average charge per kilowatt hour for residential electric service was 6.05¢, which, by 1943, had been reduced to 4.10¢, and by 1953 was 2.78¢.

The history of the gas rates follows a close parallel to the electric rates with the exception of one temporary emergency rate increase granted the Company in January, 1954. In 1933, the average bill per 1,000 cubic feet of gas (MCF) for residential customers was 87.2¢; by 1943, this had been reduced to 76.8¢; by 1953, it was 47.3¢.

The temporary gas increase mentioned above was granted by the Commission in Investigation and Suspension Docket No. 361, and it was the understanding of all concerned at that time that the Company was then preparing an application to this Commission for a general investigation of all of its operations in the electric, gas and steam heating departments. The instant application is in accordance with the Company's stated plan; the present proceeding is to enable the Commission to determine the over-all needs of the Company, and to make its findings in accordance therewith.

Reasonable Value of Company Property

The Company, in its presentation, introduced exhibits and had various witnesses testify regarding the reasonable value of the Company property devoted to public service in the State of Colorado.

Mr. R. C. Gude, an Assistant Treasurer and Director of Rates and Property Accounting of the Company, testified as to the net investment of the Company of the electric, gas and steam departments, as of December 31, 1953. This witness listed the various elements that he believed should be considered to arrive at a rate base, by showing the actual net investment by departments, as of December 31, 1953, and the average investment by departments for the Year 1953. The investment in the departments was added together to obtain the total investment for the combined company. He also gave the pro forma figures on the same basis. The purpose of the proforma was to reflect the acquisition by the Company of the Arvada Electric Company, the purchase of which had been approved by the Commission in its Decision No. 42215, of date March 11, 1954. This adjustment was for the purpose of reflecting known changes which should be adjusted in considering the test year.

Another witness for the Company was Mr. A. M. Rife, a Consulting Engineer, in the employ of Day and Zimmermann, Inc., of Philadelphia. Mr. Rife presented testimony regarding the reproduction cost new and the present value of the Company property by departments and of the combined Company, all as of December 31, 1953. The witness stated that the original cost of the Company and the continuing property records were the basic source of data for the preparation of an inventory. The inventory list, as prepared from the records of the Company, was checked in the field, and at the same time the property was inspected to determine the accrued depreciation. By the use of cost index multipliers, the reproduction cost new of the property was obtained at the prices prevailing about September 31, 1953. Company data was used for the period from September 30 to December 31, 1953, for the additions and retirements of property to bring the reproduction cost figures to the end of the test year. By deducting the accrued depreciation, as determined by the field inspection, the present value of the Company property was obtained.

Another witness, Mr. T. E. Seelye, a Vice-President of Day and Zimmermann, presented testimony based on his opinion as to the reasonable value of the properties of the Company for rate-making purposes. This testimony was also given on the basis of the electric, gas, and steam heating departments and a summation of the departments to arrive at the total of the combined Company. Set out below is the tabulation comparing the two sets of figures arrived at by Mr. Rife and Mr. Seelye:

| <u>Mr. Rife</u> | <u>Electric</u> | <u>Gas</u> | <u>Steam</u> | <u>Combined</u> |
|-------------------|-----------------|--------------|--------------|-----------------|
| Present Value | \$174,559,621 | \$41,196,998 | \$2,052,302 | \$217,808,921 |
| <u>Mr. Seelye</u> | | | | |
| Reasonable | | | | |
| Value | \$135,302,827 | \$40,007,049 | \$1,227,359 | \$176,537,235 |

All of the above figures are as of December 31, 1953, the end of the test year, and include the items of construction work in progress, property held for future use, acquisition adjustment, materials and supplies, and cash working capital. Deductions have been made for accrued depreciation and contributions in aid of construction.

Mr. G. E. Goldthwaite, a licensed professional engineer from New York City, a consultant with wide experience in the field of utility regulation, testified on behalf of the Colorado Municipal League. Mr. Goldthwaite presented two average net investment-type rate bases for the test year on a pro forma basis on the combined electric, gas and steam departments. The witness explained the various elements he had included or excluded in his rate base, and his reasons therefor. He also made a working capital study, based on a time delay or lag study method for the purpose of determining working capital in his rate base calculations. His study of working capital shows that the Company has available to it, \$5,048,000 to use as cash working capital. This amount is available from funds received from the rate payer. The witness treated this amount as a deduction from the cash working capital needs of the Company in his rate bases.

In one of his exhibits, Mr. Goldthwaite arrives at the figure of \$142,897,000 as a net average investment rate base for the combined Company for the test year. This figure includes the following items: plant in service, plant held for future use, acquisition adjustment, construction work

in progress, and working capital consisting of cash, materials and supplies and temporary investments. The cash working capital in this rate base, in the amount of \$5,169,000, is reduced by the \$5,043,000 previously referred to. The net rate base figure is arrived at by deducting the depreciation and amortization reserves, contributions and advances in aid of construction and income tax reserve.

Mr. Goldthwaite's second proposed rate base amounted to \$126,808,000, and differed from his first calculation set out above in the amount of \$16,089,000, as a result of the elimination of construction work in progress and temporary cash investments.

The staff also presented exhibits and testimony in regard to the rate base and items it felt should be included in or excluded from said base. The staff exhibits were on both an average original cost rate base for the test year and a year ending original cost rate base, as of December 31, 1953.

Before proceeding to discuss the various elements to be included in the rate base, we believe it appropriate to discuss first the type of rate base to be used. In Application No. 11245, Decision No. 38593, of date May 6, 1952, In The Matter of the Mountain States Telephone & Telegraph Company, we reviewed the Colorado Supreme Court Decision in the Case of Ohio and Colorado Smelting and Refining Company vs. Public Utilities Commission, 68 Colo. 137, decided by the Colorado Supreme Court in 1920, and the United States Supreme Court Decisions in Federal Power Commission vs. Natural Gas Pipe Line Company, 315 U. S. 575, 62 S. Ct. 736, and Federal Power Commission vs. Hope Natural Gas Company, 320 U. S. 591, 64 S. Ct. 281, and concluded we could:

"fix the valuation of a public utility's property as its original cost, less depreciation, and may set a fair rate of return on that valuation, so that it will produce revenues enabling the utility to maintain its credit and attract the capital necessary for the proper discharge of its public duties."

We see no reason to change our thinking at this time from that expressed above. The above decisions do not, in our opinion, limit the Commission to any particular method, and as stated by the United States Supreme Court in Federal Power Commission vs. Hope Natural Gas Company, supra, 287 (64 S. Ct.):

"Under the statutory standard of 'just and reasonable' it is the result reached, not the method employed, which is controlling."

We believe, therefore, that if we use net original cost and the end results are within a zone of reasonableness, neither so high as to provide a windfall to the stockholders by an unreasonable charge to the rate payers, nor so low as to be confiscatory to the Company and a temporary boon to the rate payers, then we will have satisfied the interests of both the customer and the investor.

Having decided to use an original cost type of rate base, we still have a choice of the use of an average base for the test year or a year ending base. We think that in times of inflation such as we have been experiencing and having in mind the matter of attrition and regulatory lag, there is much to be said in favor of a year-end rate base. An objection might be voiced on the use of an end-of-period rate base, that it would not fit equally well in a period of deflation. We are not bound by precedent, however, and must judge each application on its merits at the time it comes before us under the conditions then prevailing. By using an end-of-period rate base, we are in fact giving recognition to money actually invested and are not resorting to estimates or pro forma figures as of some future date. We also note that the Company plans a construction program for the years 1954, 1955, and 1956, which calls for an expenditure of \$69,000,000, or an average of \$23,000,000 per year. Nearly eleven months have gone by already since the end of the test period in this matter, and additional time will have elapsed before the Company can place rates into effect as a result of our findings herein. Because of the factors enumerated above, we will use an end-of-period net original cost type rate base, as of December 31, 1953. Our rate base will also be adjusted on the basis of the addition of the Arvada Electric Company property.

Plant in Service
Electric Department

Company Exhibit No. 50 shows the utility plant in service as \$120,012,760 for the electric department, which includes the Arvada Electric Company as a pro forma adjustment previously referred to. Staff Exhibit No.

S-38 has the plant in service figure as \$119,799,509 after making certain adjustments (Exhibit No. S-37) as a result of a field examination and information contained in Company exhibits submitted in this proceeding.

The staff recommended a reduction in the electric plant in service in the amount of \$213,251. Of this total amount, \$89,961 represents, in part, unrecorded retirements; no objections as to the exclusion of this amount were raised. However, the remaining balance of the amount, viz., \$123,290, represents the Salida steam plant; the Company, in its brief, objected to the exclusion of this item. We have reviewed the testimony and Company's objections, and we believe the adjustment, as proposed, should be made. If we are making rates for the future and adjusting for property that is not yet in service, (property held for future use and plant under construction), then conversely, we should adjust for property that will not be in use in the foreseeable future. The Company witness, on cross-examination, stated the Salida Plant might be retired in the next couple of years. (Trans. Vol. II, Pg. 416). Even though this plant could be used as a stand-by until it is retired, we still feel the adjustment should be made. Exhibit No. 8 shows that this plant generated only 420 Kilowatt hours in 1953. The plant is up for retirement, and we will deduct it from the rate base.

There was no dispute over the plant in service for the steam and gas departments, and these amounts are set forth together with the electric department to obtain the combined plant in service, as follows:

| | |
|--|----------------------|
| Electric department plant in service.... | \$119,799,509 |
| Steam department plant in service..... | 1,174,785 |
| Gas department plant in service..... | 37,803,244 |
| | <u>\$158,777,538</u> |

Common Utility Plant in Service

As the Company has three operating departments involved in this proceeding, an allocation must be made of the common property of the utility to the various departments. Some of the items of common utility plant are service centers, storehouses, office building, transportation equipment, etc. The Company witness testified as to the method the Company used for allocating the common plant, and no objections were raised as to the method used or the results obtained. We will accept the Company allocation. The breakdown

by the departments is as follows:

| | |
|---|-------------|
| Common utility plant allocated electric | \$3,121,821 |
| Common utility plant allocated steam | 7,172 |
| Common utility plant allocated gas | 2,882,393 |
| Total combined | \$6,011,386 |

Other Plant Allocations

The Zuni Electric Plant had certain equipment installed for use by the steam department in supplying steam service consisting of a stage valve in the turbine for bleeding steam from the turbine, and additional equipment for treating make-up water. This cost allocation was made by deducting from the electric property the amount of \$429,479 and adding this same figure to the steam department plant to take care of actual uses of the property. We believe this allocation to be proper and will accept it.

Construction Work in Progress

This account is used for plant under construction until such time as the plant is placed in service, at which time the dollar amount is transferred to the plant in service account. Again, the Company has its money invested, and while it may be some time before the plant goes into service, the same premise holds, that we are making rates for the future, and we will, therefore, include this item in the rate base. This account represents a substantial sum of money and to disallow it in the rate base would, in our opinion, be unfair to the Company and its investors. However, as we intend to include it in the rate base, we will also add the interest charged during construction to the net operating revenues so as to avoid any duplication resulting from the capitalization of said interest. The construction work in progress for the various departments and the combined company are set out as follows:

| | | |
|------------------|-------------------------------|-------------|
| Electric Dept. | Construction Work in Progress | \$9,766,955 |
| Steam Department | " " " " | 5,169 |
| Gas Department | " " " " | 164,445 |
| Total Combined. | | \$9,936,569 |

Utility Plant Held for Future Use

The only utility plant held for future use is in the electric department and consists of land at the Valmont Plant and structures for increasing the cooling water supply at Valmont, in the amount of \$178,198. As the Company has exercised good judgment by purchasing in advance, we will allow it in the

rate base. This is not intended as a blanket invitation for investments for speculative purposes, but applies only when management exercised prudent judgment as to property needed in the future for utility purposes.

Utility Plant Acquisition Adjustment

The plant acquisition adjustment account shows a balance of \$497,743, for the electric department, and \$164,133 for the gas department, making a total of \$661,876. There is no acquisition adjustment for the steam department.

In the Uniform System of Accounts prescribed by the Commission, the acquisition adjustment account is set up for the purpose of showing the difference between the original cost of the property when it was first devoted to public use and the purchase price paid by the acquiring utility. While it is true that the Commission has jurisdiction of the purchase and sale of the physical assets of utilities under its jurisdiction and would not approve any transaction not consistent with the public interest, we still do not feel it necessary to include this account in an original cost type rate base. We have permitted this Company to recoup the amount of money in this account by amortizing it over a period of fifteen years. (In the Matter of the Original Cost Study of Public Service Company of Colorado, Case No. 4693, Decision No. 41682, of December 9, 1953). Applicant will not be penalized by the treatment accorded it herein, but to include it in the rate base would, in our opinion, place an undue burden on the rate payer. Accordingly, we will disallow the plant acquisition adjustment.

Material and Supplies

The Company has the following amounts in materials and supplies by departments:

| | |
|---------------|-------------|
| Electric..... | \$3,346,837 |
| Steam..... | 690 |
| Gas..... | 1,051,115 |
| Total..... | \$4,398,642 |

Included in the above amount, however, is merchandise for re-sale, as follows:

| | |
|---------------------------------|-----------|
| Public Service Elec..... | \$172,807 |
| Acquired from Arvada Electric.. | 7,895 |
| Gas..... | 177,857 |
| Total..... | \$358,559 |

While none of the exhibits introduced in the instant record made any adjustments for merchandise for re-sale, nevertheless, we believe such an adjustment should be made. Merchandise for re-sale is not a proper element in our opinion to be included in a rate base. The Company is, in effect, requesting the customer to pay a return on money the Company has invested in saleable merchandise from which the customer will not derive any benefit. We do not consider merchandise as property presently devoted to public use in the furnishing of utility service. We also note that this Company loses money on its merchandising and by including this loss in its operating expenses, it expects the customer to subsidize the merchandising business. We will disallow merchandise for re-sale as a part of materials and supplies, and delete it from the rate base. Subsequently, we will also adjust for the loss due to this merchandising so that the customer will not be underwriting the merchandising business.

The balance remaining after our adjustment, is for such items as fuel, poles, wire, pipe, valves, fittings, etc., and as such, is a necessary part of the utility business. We will allow materials and supplies as follows, after adjusting for merchandise for re-sale:

| | |
|--------------------------|-------------|
| Electric Department..... | \$3,166,135 |
| Steam Department..... | 690 |
| Gas Department..... | 873,258 |
| Total Combined | |
| Materials and | |
| Supplies..... | \$4,040,083 |

Cash Working Capital

The Company calculated its working capital needs by taking one-eighth year operating expenses (exclusive of depreciation, taxes, purchased power, and purchased gas for boiler fuel), plus fifteen days average expenses for purchased power and purchased gas for boiler fuel, for the electric department. The same method was used for the calculation of working capital for the steam heating and gas departments, with the exception that for the gas department, the amount included fifteen days average expense of gas purchased for re-sale.

The results of the above calculations are set forth below by departments, as follows:

| | |
|---------------|------------------|
| Electric..... | \$1,513,094 |
| Steam..... | 21,500 |
| Gas..... | <u>1,127,356</u> |
| Total Working | |
| Capital..... | \$2,661,950 |

The staff took the position that the Company did not need this working capital, as the Company has sufficient tax accruals that can be used as working capital, and these accruals are more than adequate for this purpose. Exhibit No. S-27-A shows the monthly balances on accrued taxes for the test year and the average monthly balance for the various taxes, as follows:

| <u>Federal Taxes</u> | <u>State Taxes</u> | <u>Other Taxes</u> | <u>Total</u> |
|----------------------|--------------------|--------------------|--------------|
| \$6,946,317 | \$310,797 | \$2,315,027 | \$9,572,141 |

Even if we take into account the new Federal Tax Law which will decrease the retention period in which the Company will have the accruals available before paying Federal Income Taxes, we still believe that the tax accruals are and will be sufficient as cash working capital.

We have already referred to Mr. Goldthwaite's lag study on working capital, and his calculations, in our opinion, further strengthen the staff's position in this matter.

We do not deny the need for working capital by the Company, but do believe that it is necessary to consider the source of the funds for working capital. The rates charged by the Company and paid by the customer include a sufficient amount to allow the Company to pay all of its taxes. As the tax is not due and payable at the time the customer pays his bill, the Company can retain a portion of the customer's payment until such time as the taxes are due. The taxes due in the future are set up in the accrual account, and the Company uses the money in its business until such time as the tax must be paid. Exhibit No. S-27-A shows by months the amount of money accrued for taxes by the Company. To the extent that these tax accruals are available to the Company as working capital, it is cash provided by the customer and he should not have to pay a return on money he has furnished.

The use of tax accruals in lieu of working capital has also been accepted by other Commission, and in the case of the Maine Public Utilities

Commission in PUC vs. Bangor Hydro-Electric Company, 92 PUR NS 46, the Company made a determination of its working capital needs based on materials and supplies, plus one and one-half months' maintenance and operating expenses, and then after arriving at the dollar amount of working capital in the amount of \$511,236, the Commission had this to say, at Page 53:

"From the company's Exhibit 5 as filed in this case, page 10 reports the amount of income taxes for 1950 as \$591,072.82, and further, on page 9 (as corrected) of the same exhibit, the taxes for 1951 as \$680,493.04; therefore, we find that for the year 1951 such tax accruals provided a monthly average cash balance of \$540,996.61, as shown on page 54.

"This cash, provided by the rate payers and available to meet working capital requirements, is more than sufficient to offset what would otherwise be required as hereinbefore set forth. To allow the company a return upon these funds supplied by the ratepayer, not the investor, would, in our judgment, produce inequitable results."

The Georgia Public Service Commission, in re Georgia Power Company, in Docket No. 206-U of February 15, 1952, 93 PUR NS 277 at page 285, made the following comment in regard to cash working capital:

"The staff of the Commission urged the elimination of Cash Working Capital. This treatment was based on the premise that accrued taxes are substantial and are more than sufficient to provide for the company's cash working capital requirements at the present time. Since accrued taxes represent a source of cash funds to the company as an operating expense deduction, and since there is always a substantial balance of such accruals prior to the time of payment, it appears entirely proper to give no added consideration to Cash Working Capital, and this treatment will be followed."

The use of tax accruals to off-set cash working capital is not confined to gas and electric companies, and the Georgia Public Service Commission, in re Southern Bell Telephone and Telegraph Company, in File No. 19315, Docket No. 195-U of November 1, 1951, 91 PUR 97, at page 109, made the following statement:

"On cross-examination, the company developed that under the new Federal income tax law, corporate income taxes would become payable on a more current basis and that this would substantially reduce the balance in the

accrued tax account. While this is true, accrued taxes include other than income tax accruals, and even under the new tax law there will be some delay in the payment of income taxes subsequent to the month in which they are incurred. In view of the substantial excess of accrued taxes over working capital requirements, it appears that even under the amended tax act, accrued taxes will be sufficient to meet working capital requirements. Accordingly, working capital will not be included in this case, since these funds are provided through accrued taxes and have not been supplied by the company."

Without quoting further from other Commission decisions, the following list of citations all have to do with the disallowance of cash working capital and the substitution therefor of tax accruals:

Alabama Public Service Commission, 92 PUR (NS) 97;
Arkansas Public Service Commission, 94 PUR (NS) 97;
Georgia Public Service Commission, 91 PUR (NS) 97;
Oregon Public Utilities Commissioner, 93 PUR (NS) P. 1;
Maryland Public Service Commission, 95 PUR (NS) 129;
Michigan Public Service Commission, 85 PUR (NS) 327.

We will disallow cash working capital in the rate base, on the premise that the tax accruals are sufficient to provide the Company with cash working capital.

Contributions in Aid of Construction

This account represents money contributed by the customer for the construction of facilities and as such, is deductible from the rate base. Mr. Goldthwaite, the Company, and the staff, have all shown these contributions as a deduction from the rate base. The year ending figures on the pro forma basis are as follows:

| | |
|--------------------------|-------------|
| Electric Department..... | \$ 684,000 |
| Steam Department..... | 68,725 |
| Gas Department..... | 4,439,991 |
| Total Contributions..... | \$5,192,716 |

Mr. Goldthwaite has also shown a deduction for "Advances in Aid of Construction." These advances are due and payable to the customer under the terms of the extension policy of the Company. If the time limit under the extension policy expires before the customer receives all of his money back, the unrefunded balance of the advances is transferred to the account, "Contribution in Aid of Construction." As these advances are refundable

while in the account "Advances in Aid of Construction" we will not deduct them from the rate base. It is not possible to determine what the future holds for "Advances." If the customer is refunded his money, then the cost of the plant is financed by the investors, and it should be included in the rate base. When the advances that are not repaid to the customer are transferred to "Contributions in Aid of Construction," then, and only then, in our opinion, do they become a deductible item.

Reserve for-Depreciation and Amortization

An adjustment must be made in the reserve for depreciation for the electric plant due to the removal from the rate base of the \$213,251 previously adjusted herein. After making this adjustment, the Reserve for Depreciation and Amortization is as follows:

| | |
|--------------------------|---------------------|
| Electric Department..... | \$21,131,845 |
| Steam Department..... | 531,927 |
| Gas Department..... | 5,494,265 |
| Total..... | <u>\$27,158,037</u> |

The protestants herein have raised the question on the adequacy of the depreciation reserve. It is an admitted fact that in times past the charge for depreciation expense has varied and that in certain years the over-all composite rate for depreciation was much less than the rate the Company is using at the present time. If the Company had continued its past practices to the extent that the reserve was distorted, certainly an adjustment should be made at this time.

Applicant submitted an exhibit in this proceeding, at the request of the staff (Exhibit No. 87), showing the results of two depreciation studies the Company had made. One study was as of December 31, 1950, and the other as of December 31, 1953. The studies were on the basis of remaining average life of the depreciable plant and were made as a guide to management to determine if the depreciation reserve, as of the dates of the studies, was within reasonable limits. We believe the results as shown in Exhibit No. 87 justify the position of the Company that at the present time the reserve for depreciation is adequate for the purpose for which it was created. We note from Page 2 of Exhibit 87 that the percentage of depreciation reserve to total depreciable plant of the combined company, including bus equipment,

is 16.93%. This percentage does not appear to be out of line when we consider the amount of new plant that has been added in recent years. For the purpose of this proceeding, we believe the depreciation reserve is adequate.

Rate Base

A summary of all of the elements that we have included in the rate base by departments and for the combined Company is as follows:

| | <u>Electric Department</u> | <u>Steam Heating Department</u> | <u>Gas Department</u> | <u>Combined Departments</u> |
|--------------------------|--------------------------------|-------------------------------------|---------------------------|---------------------------------|
| Utility Plant in Service | \$119,799,509 | \$1,174,785 | \$37,803,244 | \$158,777,538 |
| Common Utility Plant | | | | |
| Allocated | 3,121,821 | 7,172 | 2,882,393 | 6,011,386 |
| Plant Allocated to Steam | | | | |
| Heating Department | | 429,479 | | 429,479 |
| Plant Allocated from | | | | |
| Electric Department | (429,479) | | | (429,479) |
| Construction Work in | | | | |
| Progress | 9,766,955 | 5,169 | 164,445 | 9,936,569 |
| Utility Plant Held for | | | | |
| Future Use | 178,198 | | | 178,198 |
| Materials and Supplies | 3,166,135 | 690 | 873,258 | 4,040,083 |
| Total Investment | <u>\$135,603,139</u> | <u>\$1,617,295</u> | <u>\$41,723,340</u> | <u>\$178,943,774</u> |

Less

| | | | | |
|--------------------------|----------------------|--------------------|---------------------|----------------------|
| Reserve for Depreciation | | | | |
| and Amortization | (\$ 21,131,845) | (\$ 531,927) | (\$ 5,494,265) | (\$ 27,158,037) |
| Contributions in Aid of | | | | |
| Construction | (684,000) | (68,725) | (4,439,991) | (5,192,716) |
| Total Net Investment | <u>\$113,787,294</u> | <u>\$1,016,643</u> | <u>\$31,789,084</u> | <u>\$146,593,021</u> |

() - Represents Red Figure.

Income and Expenses

The Company keeps its books and records in accordance with the National Association of Railroad and Utility Commissioners' Uniform System of Accounts, as prescribed by this Commission. The Company has also been making annual reports to this Commission since its incorporation in 1924. In addition, the Company also reports to the Securities and Exchange Commission, and has been doing so since 1936. Annual reports for statistical purposes have also been made to the Federal Power Commission since 1937. In addition, the books and financial statement of this Company have been audited and certified to by Arthur Young and Company, an independent firm of certified public accountants. The staff of the Commission has checked the books of the Company prior to the hearing herein, and there was no question raised as to the

authenticity or accuracy of any of the accounts.

For the purpose of this proceeding, the Company has accounted for its revenue and expenses by departments, and has combined them for the total company. Since the Company keeps its revenue accounts by departments and the direct expenses attributable to these departments, these items are readily ascertainable. However, there are certain expenses that are common to the various departments and these must be allocated to obtain the breakdown by departments. One of the largest of these items is Income Tax. The Company witness explained that the total income tax is first calculated for the Company as a whole, and then it is allocated to each department in proportion to net operating revenue before deducting Income Tax. An adjustment was made for the electric department because of the test year deduction resulting from the use of accelerated amortization of defence facilities on electric plant under Section 124-A of the Internal Revenue Code. Depreciation expense is allocated on the basis of depreciable property in each department after allocating for common property to the departments and then applying the annual depreciation rates to the respective classes of property to the average depreciable plant balances to arrive at the charge for each department for the year. Automotive equipment depreciation expense is accounted for on a unit basis through a clearing account and spread along with other automotive transportation costs to the various accounts according to the use of the equipment. Property taxes are allocated to the various departments based on utility plant, number of customers, gross operating revenue and net operating revenues applicable to each department. Administrative and general expenses, where applicable, are apportioned direct to the department, and where necessary, are otherwise allocated between departments on the basis of salaries and wages charged to the respective departments. Employees' welfare expenses are distributed to the various departments on the basis of the number of employees in each department. Injury and damage reserve accruals are distributed on the basis of actual cost by maintaining a separate reserve for each department. Fire insurance is allocated on the basis of the value of property insured in each department. Most of the other administrative and General Expenses which

require allocations are distributed on the basis of total operating revenue deductions for the respective departments less interdepartmental gas purchases. "Customers Accounting and Collection Expense" are allocated on the basis of the number of customers in each department.

The Company has made its allocations as briefly outlined above and there was no question raised at the hearing as to the method of these allocations. As a result of the testimony in the hearing, however, we believe certain adjustments should be made to certain of the expense items of the Company. As a result of our deleting from the rate base certain electric plant in the amount of \$213,251, an adjustment must be made in the depreciation expense in the sum of \$2,718, as shown on Exhibit S-37.

Regulatory Commission Expense

The question was raised at the hearing in regard to the manner in which the Company has handled the expenses for the present rate case. The test year includes an amount of \$93,244, and at the request of the Commission, the Company filed the additional expense for the rate case up to and including October, 1954. This additional amount came to \$87,242. This amount includes the \$46,000 payment to Day and Zimmermann referred to in the information filed by the Company at the request of the Municipal League. The total of these items comes to \$180,486.

In order to amortize the regulatory expense over a three-year period, as we believe to be proper in this instance, the following adjustments are necessary:

| | |
|--|-----------|
| Total rate case expense to October, 1954.... | \$180,486 |
| 1/3 expense for test year..... | 60,162 |
| Amount included in test year by Company.... | 93,244 |

$\$93,244 - \$60,162 = \$33,082$ -- Amount to be deleted.

If we deduct \$33,082 in expenses, it is equivalent to adding that much to earnings, and so taxes must be paid on \$33,082. The tax factor for the total Company is .5364. In other words, for every dollar of income, 53.64¢ must be paid in taxes.

$\$33,082 \times .5364 = \$17,745$ taxes
 $\$33,082 - \$17,745 = \$15,337$ additional net earnings.

We will allocate the amount of \$15,337 between the electric and gas depart-

ments on the same percentage basis that the Company used, namely, 56% to the electric department and 44% to the gas department. The dollar amounts to the two departments are \$8,589 electric, and \$6,748 gas. We believe the above adjustments are necessary to correct the test year for non-recurring expenses.

Merchandise and Jobbing Expense

We previously mentioned that an adjustment would be made for the loss due to merchandise and jobbing. The annual report of the Public Service Company reveals that the electric department lost \$165,401 while the gas department lost \$41,025 for the test year 1953. The Arvada Electric Company, now incorporated in this proceeding as a part of the Public Service Company, lost \$150 in its electric merchandise jobbing.

The following calculations are necessary to correct for the loss on merchandise and jobbing which we will disallow:

| | |
|---|-----------|
| Company Electric Department..... | \$165,401 |
| Arvada Electric Department..... | 150 |
| Total loss on Merchandise and Jobbing, Elec. Dept..... | \$165,551 |
| Company Gas Department loss..... | \$ 41,025 |
| (on merchandise and jobbing) | |

If we decrease the expenses, we increase income, so again we have to adjust for taxes.

| | |
|----------------------------|---|
| $\$165,551 \times .5364 =$ | \$88,801 taxes |
| $\$165,551 - \$88,801 =$ | \$76,750 increase in net earning, Electric Department. |
| $\$41,025 \times .5364 =$ | \$22,006 taxes |
| $\$41,025 - \$22,006 =$ | \$19,019 increase in net earnings, Gas Department |
| $\$76,750 + \$19,019 =$ | \$95,769 increased net earnings combined Company. |

The reasons for the above corrections were outlined under the section "Materials and Supplies."

Set out below is the Income and Expense of the Company by departments for the test year, together with the corrections as made by the Commission:

Electric Department

| <u>Income</u> | <u>Company</u> | <u>Commission</u> |
|---|---------------------|---------------------|
| Operating Revenues | \$29,929,009 | \$29,929,009 |
| <u>Expenses</u> | | |
| Operating Revenue Deductions | \$24,372,700 | \$24,372,700 |
| Adjustment for Depreciation Expense after taxes | | (2,718) |
| Total Electric Operating Revenue Deductions | <u>\$24,372,700</u> | <u>\$24,369,982</u> |
| () - Denotes red figure. | | |
| Net Operating Revenue | \$ 5,556,309 | \$ 5,559,027 |
| Plus Interest Charged Construction | 413,983 | 413,983 |
| Plus Income Taxes Allocated to other Income | 59,920 | 59,920 |
| Plus Correction for Merchandise and Jobbing | | 76,750 |
| Plus Regulatory Commission Expense | | 8,589 |
| Net Operating Earnings | <u>\$ 6,030,212</u> | <u>\$ 6,118,269</u> |

Steam Department

| | | |
|---------------------------------------|------------------|------------------|
| <u>Income</u> | | |
| Operating Revenues | \$ 350,286 | \$ 350,286 |
| <u>Expenses</u> | | |
| Total Operating Revenue Deductions | \$ 300,833 | \$ 300,833 |
| Net Operating Revenue | <u>\$ 49,453</u> | <u>\$ 49,453</u> |
| Plus Income Allocated to other Income | 533 | 533 |
| Net Operating Earnings | <u>\$ 49,986</u> | <u>\$ 49,986</u> |

Gas Department

| | | |
|---|---------------------|---------------------|
| <u>Income</u> | | |
| Operating Revenue | \$24,773,296 | \$24,773,296 |
| <u>Expenses</u> | | |
| Total Operating Revenue Deductions | 22,499,300 | 22,499,300 |
| Net Operating Revenue | <u>\$ 2,273,996</u> | <u>\$ 2,273,996</u> |
| Plus Interest Charged Construction | 26,468 | 26,468 |
| Plus Taxes allocated to other Income | 24,522 | 24,522 |
| Plus Correction for Merchandise and Jobbing | | 19,019 |
| Plus Regulating Commission Expense | | 6,748 |
| Net Operating Earnings | <u>\$ 2,324,986</u> | <u>\$ 2,350,753</u> |

Combined Departments

| | | |
|---------------------------------------|---------------------|---------------------|
| <u>Net Operating Earnings</u> | | |
| Electric Department | \$ 6,030,212 | \$ 6,118,269 |
| Steam Department | 49,986 | 49,986 |
| Gas Department | 2,324,986 | 2,350,753 |
| Total Combined Net Operating Earnings | <u>\$ 8,405,184</u> | <u>\$ 8,519,008</u> |

Reference has been made heretofore to Section 124 A of the Internal Revenue Code and the accelerated amortization of defense facilities in the electric plant. In brief, this Company holds several Certificates of Necessity permitting the Company to amortize over a period of sixty months, for Federal Income Tax purposes, certain portions of its electric facilities. This Commission, in Application No. 12631, Decision No. 41748, of date December 15, 1953, specified how this Company should handle this particular matter. We see no reason at this time to change any of the procedures set forth in the above application. The manner in which the Company has handled taxes and depreciation expense herein as a result of its Certificates of Necessity will not affect these items for rate-making purposes. Accordingly, no changes are necessary in this proceeding as a result of Section 124 A of the Internal Revenue Code.

Before making any changes in applicant's income and expenses for the test year, we carefully reviewed all the evidence in this matter, and have also taken into account the briefs submitted. Our failure to make changes in any items is therefore not the result of oversight, but rather because we do not feel that the evidence warrants such a change.

Rate of Return

W. D. Virtue, Vice-President of the Public Service Company, presented testimony for the Company on the rate of return that he considered necessary for the Company if it is to continue to attract capital to enable the Company to finance its building program for the future and to maintain its credit rating. In approaching the rate of return that he deemed necessary, he stated that there were several factors that the Commission should consider before arriving at its decision. The factors he mentioned were attrition, regulatory lag and the so-called "cost of capital." To arrive at his cost of capital he used the three components of capitalization of the Company, viz., debt, preferred stock and common equity. He based the cost of debt and preferred stock on the interest and dividend rates respectively. In the case of the common stock component, he stated, in effect, that while it is sometimes computed on its relationship of earnings, or dividends, or both, to the market price of the

common stock, he did not believe in the case of the Company, the market price of common stock should be used as a guide to the cost of capital. Since Public Service is a combination company with electric, gas, and steam operations with investments in subsidiary companies, it has a slightly different status than many other companies in the utility field. In addition to four subsidiary utility companies, Applicant also owns the Green and Clear Lakes Company, a non-utility, and has an investment in the Colorado Interstate Gas Company in the amount of \$1,875,014. Of the four subsidiary utilities, Cheyenne Light, Fuel and Power Company is subject to regulation by the Public Service Commission of Wyoming; the Pueblo Gas and Fuel Company and the Western Slope Gas Company are subject to regulation by this Commission, although not parties to this proceeding; and the Colorado-Wyoming Gas Company is subject to regulation by the Federal Power Commission. The Colorado Interstate Gas Company is also subject to regulation by the Federal Power Commission. Because the market price of Applicant's stock necessarily reflects the value of its holdings in its common stock, it was Mr. Virtue's position that it would be practically impossible to determine accurately how much effect these holdings had on the market price of the common stock of the Company. As a result of this, he believed that the market price of common stock should not be used in this instance as a guide to determine the cost of capital. However, in order that the Commission might have something on which to base its judgment, Mr. Virtue felt that evidence could still be submitted that would be of value if two conditions were met. The first condition was that the guide itself must be proper, and secondly, it should be used only as a guide and not as the rate of return itself.

Mr. Virtue first determined the historical cost to Applicant of its debt and preferred stock. He based this calculation on the interest requirements on the debt and the annual dividend requirements on the preferred stock, including the net annual amortization charges and found the annual composite rate for debt to be 3.22%, and for preferred stock to be 4.49%.

On the assumption that a comparison of Applicant with other utilities having corresponding credit risks would be the best approach to determine the

common stock component, Mr. Virtue made a comparison of the Company with what he believed to be the maximum number of companies similar to Applicant. The ultimate ideal, of course, would be to find the company or companies identical with applicant having the same characteristics, but since this is impossible, he believed the next best procedure was to find a list of companies that were reasonably similar to Applicant. Having found his list of companies, it was then his purpose to compare the return being made on the common stock equity of these companies with Public Service.

As a starting point to obtain his comparable utilities, Mr. Virtue obtained a list of 86 companies which comprise the entire Nos. 1, 2, and 3 Common Stock Lists of electric companies and combination electric and gas companies of the firm of Duff and Phelps, a consulting firm in the field of public utility investments, and security analysts. Public Service is included in the No. 2 lists of Duff and Phelps, but was eliminated from this list for the purpose of the study herein. While none of these companies in these lists is identical with Public Service, he felt that the group was reasonably representative. Starting with the list of 86 companies, Mr. Virtue, by a process of elimination from this list, finally arrives at 39 companies which he believes are reasonably comparable for the purpose herein. Some of the reasons for eliminating certain companies from this list were: recent increases in rates not reflected for a sufficient period of time in the Company earnings; rate cases pending; relatively small increases in capitalization as contrasted to the relatively large increase of Applicant since the Year 1946, and certain miscellaneous other reasons which he felt were sufficient cause to delete companies from his list. Having arrived at his final number of companies, he further compared them with Applicant on the basis of common stock equity ratio, and pay-out ratio. Of the 39 companies remaining on his list Mr. Virtue called attention to the fact that since he stressed one of the important items to be compared was the rate of growth, the 107% increase in Applicant's capitalization is within the range of the 109% median of his selected companies. The "average" rate of growth for the 39 companies was 127.8%. Based on these results, he felt this group was representative as far as this control point was

concerned. The common stock equity ratio of his 39 companies is around 34% to 35% which he felt was reasonably comparable to Applicant. The comparison of the pay-out ratio which he considered extremely important was 67% for the 39 companies, 72% for the entire electric industry and 56% for Applicant.

The pay-out ratio of Applicant, in his opinion, has been very beneficial to the Company and he believed it to be a major factor in establishing the credit of the Company. As in any other business, he felt that the amount of equity in the property has a bearing on the ability of the owner to finance by means of debt or preferred stock. It was his opinion that because of the large retention of earnings, the Company was able to command a lower cost for its senior securities. However, he believed that the low pay-out ratio has to meet with the approval of the common stockholders and this apparently has been the case in the past history of Applicant, as evidenced by its pay-out policy.

The earnings of the 39 companies on Mr. Virtue's list for common stock equity in 1953 was 12.9% for the arithmetical average and 12.8% based on the median. A further selection from the 39 companies by the retention of only those 16 companies in the No. 2 Duff and Phelps' list, again excluding applicant, reveals that for the Year 1953 their earnings on average common stock equity amounted to 13.1%.

In order to apply the results obtained from the study, Mr. Virtue computed the capitalization ratio of the Company. Starting with the pro forma capitalization as of December 31, 1953, he eliminated the investments in the four subsidiary companies, the investment in the Colorado Interstate Gas Company, and the Earned Surplus Restricted for Future Federal Income Tax. The resulting capitalization ratios that he computed are as follows:

| | |
|--------|---------------------|
| 46.77% | Debt |
| 21.81% | Preferred Stock |
| 31.42% | Common Stock Equity |
| 100% | Total |

By applying the above capitalization ratios to the composite rates for the cost of debt and preferred stock, and the common stock equity earnings of his similar companies he arrived at what he termed a "fair return guide" to rate of return. Applying the capitalization ratios to the component costs,

Mr. Virtue obtained the following:

| <u>I All Comparable Companies</u> | | | <u>II Most Comparable Companies</u> | | | |
|-----------------------------------|--|------------------------|-------------------------------------|--|------------------------|---------------|
| | <u>Capital- ization Ratios</u> | <u>Annual Rate</u> | <u>Return</u> | <u>Capital- ization Ratios</u> | <u>Annual Rate</u> | <u>Return</u> |
| Debt | 46.77% | 3.22% | 1.51% | 46.77% | 3.22% | 1.51% |
| Preferred Stock | 21.81% | 4.49% | 0.98% | 21.81% | 4.49% | 0.98% |
| Common Stock Equity | 31.42% | <u>12.90%</u> | <u>4.05%</u> | 31.42% | 13.10% | <u>4.12%</u> |
| Over-all | | | 6.54% | | | 6.61% |

Having arrived at the above rates of return of 6.54% and 6.61%, Mr. Virtue felt that these amounts should be increased to include the effects of regulatory lag and attrition. In the light of all these considerations, Mr. Virtue concludes that the figure of 6.75% is the rate of return this Commission should allow. Mr. Virtue next applies the 6.75% rate of return to the Year End 1953 net investment rate base of the electric, steam and gas departments to arrive at the minimum net operating earnings requirement for the Year 1953 on a pro forma basis. By subtracting the actual net operating earnings pro forma for 1953 from his previously determined minimum net operating earnings requirement for each department, he finds the additional net operating earnings requirement. By dividing the additional net operating earnings requirement by the "tax factor," he arrives at the corresponding gross operating revenue requirement.

Set out below are the requirements arrived at by Mr. Virtue for the various departments of the Company:

| | <u>Electric</u> | <u>Steam</u> | <u>Gas</u> |
|--|--------------------|-----------------|---------------------|
| Minimum Net Operating Earnings Requirement | \$7,828,000 | \$70,000 | \$2,245,000 |
| Less: Net Operating Earnings for Year 1953, <u>Pro Forma</u> | <u>6,030,000</u> | <u>50,000</u> | 2,325,000 |
| Additional Net Operating Earnings Requirement | <u>\$1,798,000</u> | <u>\$20,000</u> | <u>\$ (80,000)</u> |
| Gross Operating Revenue Requirement | <u>\$3,879,000</u> | <u>\$43,000</u> | <u>\$ (173,000)</u> |

() - Denotes red figure.

It will be noted that the Company on the above basis shows the gas

department to be earning in excess of the 6.75% Mr. Virtue advocates.

Mr. David A. Kosh, of Washington, D. C., a consultant specializing in public utility matters with considerable experience in the determination of "cost of capital" and "rate of return" for public utilities, presented testimony on behalf of the Colorado Municipal League. In presenting his testimony, Mr. Kosh stated that the cost of capital to be considered herein should not be based on the so-called "bare bones" but should include the full cost of capital by allowing the cost of financing and pressure. He described the full "cost of capital" as: "the rate of earnings at which the utility's credit will be established and fully maintained, so as to allow it to obtain capital at reasonable terms." The full cost of capital as he envisions it is equivalent to the regulatory term "fair rate of return." The fair rate of return that he arrived at should be applied to a rate base which reflects primarily net original cost to arrive at the rate of return in dollars, after due allowances for taxes and reasonable and applicable expenses.

The cost of capital in Mr. Kosh's opinion is the price investors demand for the use of their capital in the light of the uncertainty of the particular situation and in the light of alternative investment opportunities. To determine the cost of capital of a particular utility, Mr. Kosh first determines if the securities of that company are held by the general public and if they are traded. If these conditions are true, then he believes that the ratio of earnings to the market price are evidence of the terms on which investors are willing to invest their money.

In the instant matter, Mr. Kosh determined the cost of debt and preferred stock of Applicant by an analysis of the past history of the financing of the Company. In his cost of debt for Applicant, Mr. Kosh arrives at the figure of 2.97% but since this figure does not include the net discount and expense associated with the debt previously retired and no longer outstanding, it differs from that obtained by Mr. Virtue. After commenting on the method used by the Company in the handling of these so-called "embedded costs" he elects to use the same figure of 3.22% as Mr. Virtue with the comment, however, that by this action the earned surplus of the Company has been relieved

of the charges that might have been charged to it because the Company has elected to amortize the embedded costs.

Mr. Kosh goes one step further in his determination of debt cost by endeavoring to determine what the cost of debt will be in the future to Applicant, since the Company has outlined additional debt financing for the future. By an examination of the bond yields of the companies listed in Moody's, he determined what he believed to be the future cost of financing separately for the electric and gas departments of the Company. By comparing the bonds of Applicant which are rated AA by Moody's with other utility bonds, paying particular attention to bonds listed as AA, he concluded that an electric utility similar to the electric department of Applicant could sell bonds at a cost of 3.25%. After taking into account the cost of financing of the bonds, he finally arrived at the total future cost of debt as 3.35%. By an analysis of the existing capital structure of Applicant, he arrived at the percentage of each type of capital allocated to the electric, gas and steam departments. He then determined the amount of additional debt in the future that would be apportioned to the electric department and by combining the existing debt with the proposed additional debt, he arrived at a combined debt of 3.28% for the electric department.

Approximately the same procedure was followed to determine the cost of additional debt money for the gas department and Mr. Kosh arrived at a final figure of 3.50% which he considered to be conservative. By combining 3.50% with the existing 3.22% of outstanding debt, he arrived at the average cost of debt of 3.31% for the gas department.

Mr. Kosh next proceeded to determine the cost of future financing by preferred stock, but since the Company, as far as he knows, is not proposing future preferred stock financing, he finally arrived at the conclusion that the present figure of 4.49% is about in line and he will, therefore, use this figure.

The cost of equity can best be determined in Mr. Kosh's opinion by the money market and an analysis of what investors are currently paying for investments of similar uncertainty in that market. By an analysis of earnings-

price ratios, an estimate can be made of what investors are willing to pay for earnings in any particular company. The earnings price ratio is the percentage ratio of earnings per share to the market price per share of stock. Mr. Kosh does not advocate the use of earnings price ratios indiscriminately, but believes that if the ratios to be analyzed are comparable to the Company in question in a representative period of time, then the information obtained will be of benefit to the Commission. The representative period must include a long enough period of time, and preferably a complete cycle of utility stock prices and earnings price ratios, rather than a short period of time such as a week, month, or even a year, that would tend to give a "spot ratio."

Mr. Kosh selected the period of 1947 to 1953, both years inclusive, as being a representative period constituting a full cycle. By the use of a cyclical period, Mr. Kosh maintains the short-run or spot influences are eliminated. The period selected, however, must be of recent date, since we are interested in the current costs of equity and not the past historical costs. The use of the full cycle also tends to eliminate periods of highs or lows which could give a misleading answer.

Mr. Kosh also takes cognizance of the fact that the Company has money invested in subsidiary companies, and also in the Colorado Interstate Gas Company, and that these investments represent a complicating factor in the determination of the cost of equity. However, in resolving this difficulty, Mr. Kosh feels that if the investments in the subsidiaries and Colorado Interstate are risks of a similar nature, then the earnings price ratios of Applicant would be unaffected by these outside holdings. If Mr. Kosh were to assume that all of these holdings were of a corresponding risk, then he might have used the earnings price ratios of the Company and been justified in so doing. However, Mr. Kosh did not do so, but he did select a group of companies that he felt constituted an investment opportunity similar to the electric and gas department of applicant, and by an analysis of the market's appraisal of that group, "imputed" a cost of equity to the Company.

Mr. Kosh computed the cost of equity separately for both the electric and gas departments of the Company. In selecting his "barometer" companies for

the electric department he used certain criteria, selecting companies that offered a comparison with Applicant on the basis of size, capital structure, major types of business, types of energy sold, proportion of energy purchased, bond rating, times charges earned, surplus position, and operating ratio. Out of 125 electric utilities in the United States, he finally selected 11 companies that met the criteria he had set up.

After selecting the 11 companies, Mr. Kosh next plotted the earnings-price ratios against the dividend pay-out for the companies for the years 1947-1953. He next computed mathematically the relationship between the earnings-price ratios and dividend pay-out ratios of the 11 companies, and plotted this curve. From the mathematical relationship of the earnings-price ratio to dividend pay-out ratio of his similar 11 companies, Mr. Kosh next selects the dividend pay-out ratio appropriate for applicant, and, having this, he can then obtain the earnings price ratio which is the cost of equity before cost of financing and pressure.

Mr. Kosh believes that investors prefer higher dividend pay-outs and they are therefore willing to pay more per dollar per dividend than per dollar of retained earnings. The result of this preference by the investors is a lower cost of equity at the higher pay-out ratio as compared with the cost at the lower pay-out ratio. This premise was supported by the data and mathematical calculations of his 11 "barometer" companies.

In order to obtain the pay-out ratio he believes the Company should use, Mr. Kosh takes note of the statement by Mr. Loiseau that the electric and gas companies generally pay out in dividends upward of three-quarters of earnings available to common stock. Mr. Kosh further notes that this Commission, in its Mountain States Telephone and Telegraph Order, of date October, 1953, Decision No. 41363, said:

"A surplus of two years' dividends is generally regarded as the minimum protection for an investment quality stock."

Applicant, at the end of the test year, had about 3.4 years of common dividends in its earned surplus and Mr. Kosh did not believe that there would be any large write-off to surplus in the foreseeable future. Since the

Company's existing debt and preferred financing are on very favorable terms, he felt further that with normal retained earnings in the future, the earned surplus could continue to retain its favorable position, and the Company could increase the dividend pay-out to at least the industry level of 75%. Mr. Kosh therefore uses the 75% figure in his determination of the cost of equity for both the electric and gas departments.

By applying the 75% pay-out ratio from his previously computed formula, Mr. Kosh arrives at an earnings-price ratio of 8.42%. In order to allow for the cost of financing and pressure, Mr. Kosh increases this ratio by 10% to arrive at a total cost of equity for the electric department of 9.36%.

Mr. Kosh followed practically the same procedure to determine the cost of equity for the gas department. He set up certain criteria and then selected the companies that fitted his standards. As a result of his selection, Mr. Kosh considered three gas companies that he believed were sufficiently similar to Public Service so that he could use them in the determination of the cost of equity for the gas department. Mr. Kosh plotted the earnings-price ratio against the dividend pay-out to determine the effect of dividend pay-out on the cost of equity. His calculations showed that the cost of equity decreased as the dividend pay-out increased. Again using the 75% pay-out ratio that he previously determined to be appropriate for applicant, he found by mathematical calculation the cost of equity to be 7.92% before cost of financing and pressure. Allowing for pressure and the cost of financing by adding 12.5% to his previously determined cost of equity, he arrives at a total cost of equity for the gas department of 9.05%.

Mr. Kosh made a study of certain stock issues of electric and gas companies, both as to offers direct to the public and through subscription rights, to obtain an idea of how much should be allowed for both the cost of financing and for pressure. He defined pressure as the effect a new offering of stock has on the market by the depressing of the price due to the additional supply of shares available. Another explanation he offered was that the investors feel that there may be a lag until the new money hits its full

earning stride. As a result of these studies, he arrived at the percentages previously enumerated for the cost of financing and pressure for both the electric and gas departments.

Set out below in tabular form are the results of Mr. Kosh's analysis by departments, taking into account the existing capital structure and the prospective capital structure. All of the costs as determined by Mr. Kosh are based on the 75% pay-out ratio which he deems appropriate for Applicant.

Electric Department

| | <u>Existing</u> | | | <u>Prospective</u> | | |
|---------------------|---------------------------------------|----------------------|---------------|---------------------------------------|----------------------|---------------|
| | <u>Capitali- zation Ratio</u> | <u>Cost Rate</u> | <u>Return</u> | <u>Capitali- zation Ratio</u> | <u>Cost Rate</u> | <u>Return</u> |
| Debt | 47% | 3.22% | 1.51% | 49% | 3.28% | 1.61% |
| Preferred Stock | 22% | 4.49% | 0.99% | 17% | 4.49% | 0.76% |
| Common Stock Equity | 31% | 9.36% | <u>2.90%</u> | 34% | 9.36% | <u>3.18%</u> |
| Total | | | 5.40% | | | 5.55% |

Gas Department

| | <u>Existing</u> | | | <u>Prospective</u> | | |
|---------------------|---------------------------------------|----------------------|---------------|---------------------------------------|----------------------|---------------|
| | <u>Capitali- zation Ratio</u> | <u>Cost Rate</u> | <u>Return</u> | <u>Capitali- zation Ratio</u> | <u>Cost Rate</u> | <u>Return</u> |
| Debt | 47% | 3.22% | 1.51% | 49% | 3.31% | 1.62% |
| Preferred Stock | 22% | 4.49% | 0.99% | 17% | 4.49% | 0.76% |
| Common Stock Equity | 31% | 9.05% | <u>2.81%</u> | 34% | 9.05% | <u>3.08%</u> |
| Total | | | 5.31% | | | 5.46% |

As a result of his study, Mr. Kosh concludes that a fair rate of return for the electric operations of Applicant is in the range of from 5.40% to 5.55%. Both of these figures, in his opinion, are above the "bare bones" cost of capital, since he has made a liberal allowance in his component of cost before arriving at these rates. As a matter of judgment, he concludes, however, that the fair rate of return for the electric department is no more than 5.75%.

Also, in considering the gas department of Applicant, Mr. Kosh arrives at a fair rate of return within the range of from 5.31% to 5.46%. Again he considers these percentages to be above the "bare bones" because of his

liberality in allowances. His conclusion, on a judgment basis, is that the fair rate of return for the gas department should not exceed 5.75%.

No determination of a separate rate of return was made by Mr. Kosh for the steam department, mainly because a similar approach could not be adopted because of lack of data. However, since the steam operation constitutes such a small percentage of the total Company operation, he does not believe that an investor would make a separate independent appraisal of this operation but would consider it as a part of the over-all Company. He concludes, however, that in view of his over-all study of the Company, the fair rate of return for the steam department of the Company should not exceed 5.75%.

Mr. Kosh concludes that the fair rate of return by departments, and hence for the total Company, should not exceed 5.75%, and that this rate of return should be applied to a rate base which reflects primarily net original cost.

Mr. Kosh further discusses his reasons for applying this rate of return against a net original cost rate base. Of the companies Mr. Kosh selected for comparison with Applicant, a majority of both the electric and gas companies are regulated on an original cost-type of rate base. Since he has used these companies in arriving at his cost of equity, he feels that it logically follows that his resultant cost of equity and the fair rate of return based thereon should be applied to an original cost-type of rate base.

It is apparent from the testimony that there is no difference of opinion between the Company witnesses and Mr. Kosh in regard to the cost of debt and preferred stock. There is, however, a difference of opinion in regard to the cost of equity. In our approach to what we believe should be the over-all rate of return to the Company after an allowance for its operating expenses, depreciation, and taxes, we have in mind that it is the end result that must be justified. We must allow the Company sufficient net income to guarantee the payment of all of its fixed charges, with enough income remaining to allow the payment of a dividend sufficient to enable Applicant to continue to attract capital, with some portion of its earnings to be retained in surplus. Bearing all of these points in mind, and having also in mind the interests of the

investor and the rate payer, the factors of attrition and regulatory lag, we believe that a rate of return of 6% on a year-ending net original cost type rate base is fair, and sufficient for Applicant to continue to perform the duties of a public utility, as we visualize them. The determination of this rate of return resulted from due consideration of all the elements which, in our judgment, were relevant, having in mind that the mere substitution of figures in a formula does not necessarily produce the correct result.

While our approach to the cost of capital has been on the basis of the separate electric and gas departments, we believe that since Applicant is an integrated company the rate of return that we have found to be fair should apply equally to all three of the departments of Applicant. If each department were a separate company, it might be that a different rate of return might apply as between the types of companies involved, but in this instance, we feel Applicant should be treated as one integrated company and the rate we have determined is on that basis, after due consideration of the various departments involved.

We have considered the methods of approach to this perplexing problem of rate of return that were used by both the Company and the Protestants, and have carefully weighed their presentation. We have utilized the cost-of-capital approach in arriving at our answer herein, realizing that the results vary, depending upon the conditions assumed. We have not applied either approach blindly, but have given due consideration to all the factors that we feel have a bearing in determining the rate of return. We believe that the end result is above the "bare bones" cost of capital, and lies within the zone of reasonableness that we set as a goal. Our rate of return will result in the following components for the cost of Applicant's securities, based on the existing ratios of Applicant's capital structure which we believe to be appropriate.

Combined Company

| | <u>Capitalization Ratio</u> | <u>Annual Rate</u> | <u>Return</u> |
|---------------------|---------------------------------|------------------------|-----------------------|
| Debt | 46.77% | 3.22% | 1.51% |
| Preferred Stock | 21.81% | 4.49% | 0.98% |
| Common Stock Equity | 31.42% | 11.17% | <u>3.51%</u> 6.00% |

Required Revenue

Applying our 6% rate of return, which we believe to be fair, to the net original cost year-ending rate base previously determined, we arrive at the following results:

| <u>Net Investment, December 31, 1953</u> | | | |
|---|--------------|--------------|---------------------------------|
| <u>Electric</u> | <u>Steam</u> | <u>Gas</u> | <u>Combined Departments</u> |
| \$113,787,294 | \$1,016,643 | \$31,789,084 | \$146,593,021 |
| <u>Required Rate of Return at 6%</u> | | | |
| \$ 6,827,238 | \$ 60,998 | \$ 1,907,345 | \$ 8,795,581 |
| <u>Actual Net Operating Earnings as Adjusted</u> | | | |
| \$ 6,118,269 | \$ 49,986 | \$ 2,350,753 | \$ 8,519,008 |
| <u>Amount of Increase or (Decrease) in Net Operating Earnings</u> | | | |
| \$ 708,969 | \$ 11,012 | \$ (443,408) | \$ 276,573 |
| <u>Amount of Increase or (Decrease) in Gross Revenues</u> | | | |
| \$ 1,529,599 | \$ 23,400 | \$ (961,422) | \$ 591,577 |

The increase or decrease in gross revenues is obtained by dividing the net increase or decrease in net operating earnings by the "tax factor" to allow for the payment of taxes. In other words, for every dollar of increase or decrease in net operating earnings, there must be a corresponding increase or decrease in gross revenue of approximately \$2.14, for the over-all Company. An examination of the above tabulation reveals that while the electric and steam heating departments are in need of an increase in revenue to bring them to the required fair rate of return, the gas department is making an excess on the same basis. The over-all increase for the combined Company is arrived at by deducting the excess earnings in the gas department from the additional needed revenue in the electric and steam departments. We will provide that

when the Company files new rate schedules to increase its earnings for the electric and steam departments, it shall also file new rates to reduce its earnings in the gas department.

At the hearing, motions were introduced on behalf of the Municipal League, the City and County of Denver, and the City of Boulder, and these motions were taken under advisement. After reviewing the motions and the basis therefor, we feel that they should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction over and with respect to the Applicant, and has jurisdiction to promulgate these Findings and the following Order.

That the reasonable value as of December 31, 1953, of the property of the Public Service Company of Colorado devoted to public service within the State of Colorado is set forth by departments, and for the combined Company, as follows:

| | <u>Electric Department</u> | <u>Steam Heating Department</u> | <u>Gas Department</u> | <u>Combined Departments</u> |
|-------------------------------|--------------------------------|---|---------------------------|---------------------------------|
| Utility Plant in Service | \$119,799,509 | \$1,174,785 | \$37,803,244 | \$158,777,538 |
| Common Utility Plant | | | | |
| Allocated | 3,121,821 | 7,172 | 2,882,393 | 6,011,386 |
| Plant Allocated to Steam | | | | |
| Heating Department | | 429,479 | | 429,479 |
| Plant Allocated from | | | | |
| Electric Department | (429,479) | | | (429,479) |
| Construction Work in Progress | 9,766,955 | 5,169 | 164,445 | 9,936,569 |
| Utility Plant Held for Future | | | | |
| Use | 178,198 | | | 178,198 |
| Materials and Supplies | <u>3,166,135</u> | <u>690</u> | <u>873,258</u> | <u>4,040,083</u> |
| Total Investment | \$135,603,139 | \$1,617,295 | \$41,723,340 | \$178,943,774 |
| Less: | | | | |
| Reserve for Depreciation | | | | |
| and Amortization | \$(21,131,845) | \$ (531,927) | \$(5,494,265) | \$(27,158,037) |
| Contributions in Aid of | | | | |
| Construction | <u>(684,000)</u> | <u>(68,725)</u> | <u>(4,439,991)</u> | <u>(5,192,716)</u> |
| Total Reasonable Value | \$113,787,294 | \$1,016,643 | \$31,789,084 | \$146,593,021 |

() - Represents red figure.

That the fair rate of return on the above-determined total reasonable value of the property of the combined departments of Public Service Company of Colorado devoted to public service within the State of Colorado is 6%.

That the revenue to which said Company is entitled to enable it to realize such fair rate of return is set forth below by departments and for the combined Company, delineating the required net operating earnings and the amount of increase or decrease in the gross revenue necessary to obtain these earnings.

| <u>Required Rate of Return at 6%</u> | | | <u>Combined Departments</u> |
|---|--------------|-------------|---------------------------------|
| <u>Electric</u> | <u>Steam</u> | <u>Gas</u> | |
| \$6,827,233 | \$60,998 | \$1,907,345 | \$ 8,795,581 |
| <u>Amount of Increase or (Decrease) in Gross Revenues</u> | | | <u>Combined Departments</u> |
| <u>Electric</u> | <u>Steam</u> | <u>Gas</u> | |
| \$1,529,599 | \$23,400 | (\$961,422) | \$ 591,577 |

That the motions introduced on behalf of the Municipal League, the City and County of Denver, and the City of Boulder, should be denied.

That the facts which may have a bearing on such reasonable value and fair return are set forth in the above and foregoing Statement, which, by reference, is made a part of these Findings, and incorporated herein.

O R D E R

THE COMMISSION ORDERS:

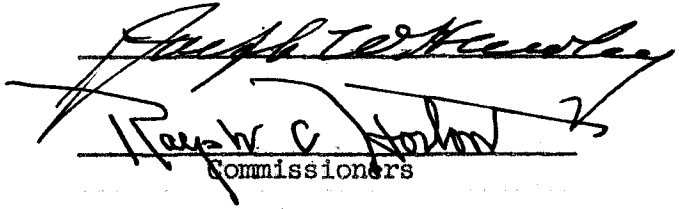
That the above-stated Findings should be, and hereby are, adopted as the Findings of The Public Utilities Commission of the State of Colorado in the above-entitled action.

That the Public Service Company of Colorado be, and it hereby is, ordered to file new rate schedules within thirty (30) days of the effective date of the Order herein, for its electric, steam, and gas departments, to reflect the changes in revenues as set forth in the above Findings.

That the motions introduced on behalf of the Municipal League, the City and County of Denver, and the City of Boulder, be, and they are hereby, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER JOHN P. THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 17th day of December, 1954.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN R. ASHLOCK, DOING BUSINESS)
AS "ASHLOCK TRUCK LINE," DILLON,)
COLORADO, FOR AUTHORITY TO MORTGAGE)
CERTIFICATE NO. 1769.)

APPLICATION NO. 13217-Mortgage

December 16, 1954

S T A T E M E N T

By the Commission:

Norman R. Ashlock, doing business as "Ashlock Truck Line," Dillon, Colorado, is the owner of PUC No. 1769 with authority delineated in our Decision No. 31692, of date December 7, 1948.

By the above application, the certificate owner seeks authority to execute a chattel mortgage upon said certificate.

It appears from the application herein that, due to investments made in other property, the truck line account has been depleted and it becomes necessary to borrow the sum of \$2,375.00 to be used in the payment of property taxes, income taxes and renovation of equipment and operating capital.

It further appears that the certificate owner has made arrangements with the Commercial Bank of Leadville, Leadville, Colorado, to borrow said sum of \$2,375.00, to be represented by a promissory note to be repaid in weekly installments of \$25.00 each, commencing January 18, 1955, said payments including interest, and that the operations under said certificate are such to assure that said payments can be made as they mature.

The certificate owner seeks leave to execute the suggested mortgage.

F I N D I N G S

THE COMMISSION FINDS:

That said certificate owner should be authorized to execute the mortgage above referred to.

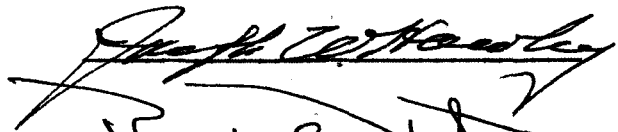
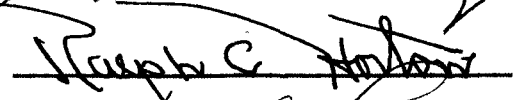

O R D E R

THE COMMISSION ORDERS:

That Norman R. Ashlock, doing business as "Ashlock Truck Line," Dillon, Colorado, be, and he is hereby, authorized to make, execute and deliver to the Commercial Bank of Leadville, Leadville, Colorado, his promissory note for the principal sum of \$2,375.00, payable in weekly installments of \$25.00 each, including principal and interest, said payments to commence on January 18, 1955, and be, and is hereby, further authorized to execute chattel mortgage upon said certificate No. 1769 to secure the payment of said note.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
AND THE INTERMOUNTAIN RURAL ELECTRIC)
ASSOCIATION FOR AN ORDER APPROVING)
THE SALE AND EXCHANGE OF CERTAIN)
PORTIONS OF THEIR RESPECTIVE ELEC-)
TRIC DISTRIBUTION LINES AND FACILI-)
TIES LOCATED IN ADAMS, ARAPAHOE AND)
JEFFERSON COUNTIES, COLORADO, IN-)
CLUDING THE TRANSFER BY PUBLIC)
SERVICE COMPANY OF COLORADO TO THE)
INTERMOUNTAIN RURAL ELECTRIC ASSO-)
CIATION OF ITS RIGHT TO DISTRIBUTE)
ELECTRIC ENERGY IN THE TOWN OF)
BENNETT, COLORADO, AND AREAS)
ADJACENT THERETO, AND MATTERS)
INCIDENT THERETO.)
- - - - -

APPLICATION NO. 13163-Amended

- - - - -
December 13, 1954
- - - - -

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., by E. A. Stansfield,
Esq. and Ralph Sargent, Jr.,
Esq., Denver, Colorado, for
Public Service Company of
Colorado;
Cecil R. Ditsch, Esq., Littleton,
Colorado, for Intermountain
Rural Electric Association;
Worth Allen, Esq., Denver, Colorado,
for Colorado Central Power Company;
C. L. Flower, Denver, Colorado,
John McNeill, Denver, Colorado, and
Paul Elder, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

Application was filed in the instant matter on November 12, 1954,
jointly by Public Service Company of Colorado, hereinafter referred to as
"Public Service," and The Intermountain Rural Electric Association, hereinafter
referred to as "Intermountain." By the said application, and order of this
Commission is sought, authorizing and approving the sale and exchange by Public
Service and Intermountain of certain electric distribution lines and facilities

located in Adams, Arapahoe and Jefferson Counties, Colorado, including the transfer by Public Service to Intermountain of its rights to distribute electric energy in the Town of Bennett, Colorado, and areas adjacent thereto.

After due notice to all interested parties, the matter was set for hearing and heard on Thursday, December 2, 1954 at 10:00 A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and then taken under advisement by the Commission.

At the commencement of the hearing, upon request of counsel and there being no objection, the applicants were permitted to amend the application in part so as to include in the description of electric distribution lines and facilities to be acquired by Public Service from Intermountain located in Jefferson County, Colorado, certain additional electric distribution lines and facilities located in said county, which electric distribution lines and facilities Public Service proposes to acquire from Intermountain and then coincidentally with such acquisition to sell to Colorado Central Power Company as said electric distribution lines and facilities are located in territory now served by Colorado Central Power Company and not by Public Service. Colorado Central Power Company appeared at the hearing and joined in the request seeking an order of this Commission authorizing the acquisition of said electric distribution lines and facilities by Public Service and the sale of said lines and facilities by Public Service Company of Colorado to Colorado Central Power Company.

Other than the appearance by Colorado Central Power Company, no petitions of intervention or protests were filed with the Commission prior to the hearing; no one appeared at the hearing in opposition to the authority sought in the instant matter. The Commission is in receipt of a letter signed by the Mayor of the Town of Bennett, dated November 17, 1954, to the effect that the Town of Bennett has no objection to the authority sought, insofar as authority is sought to transfer to Intermountain the rights of Public Service to distribute electric energy in the Town of Bennett.

Public Service is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged among other things, in the generation, transmission, distribution and sale of electric energy in various cities, towns and communities and areas adjacent thereto in the State

of Colorado. The post office address and principal office of Public Service is 900 15th Street, Denver, Colorado. A certified copy of the Composite Certificate of Incorporation of Public Service has heretofore been filed with this Commission as "Exhibit A," in Application No. 13049-Securities, and is made a part hereof by reference.

Intermountain is a cooperative association organized and existing under and by virtue of the laws of the State of Colorado, being engaged, among other things, in the business of transmission, distribution and sale of electric energy for ultimate consumption by its members and customers in the Counties of Adams, Arapahoe, Clear Creek, Douglas, Elbert, El Paso, Jefferson, Park and Teller, in the State of Colorado, and as to certain properties acquired from other public utilities by application to this Commission is a public utility, subject to the jurisdiction of this Commission. The post office address and principal office of Intermountain is 301 Broadway, Littleton, Colorado. A certified copy of the Articles of Incorporation of Intermountain, together with all amendments thereto, has heretofore been filed with this Commission in Application No. 13832-Securities, and in Application No. 12833-Securities, and is made a part hereof, by reference.

Colorado Central Power Company is a corporation, organized and existing under the laws of the State of Delaware, authorized to do business in the State of Colorado, and is a public utility subject to the jurisdiction of this Commission, being engaged, among other things, in the business of the purchase, transmission, distribution, and sale of electric energy in Arapahoe, Douglas, Jefferson, Weld and Clear Creek Counties, State of Colorado.

This Commission has heretofore granted to Public Service a certificate of public convenience and necessity in Application No. 1703, by Decision No. 3164, dated December 18, 1930, wherein it is ordered as follows:

"IT IS THEREFORE ORDERED, that the public convenience and necessity requires the construction, maintenance and operation of a transmission line running from a point near the Town of Aurora, Adams County, Colorado, a distance of approximately 23 miles to the Town of Bennett, Adams County, Colorado; a system for the distribution of electric energy to consumers in the Town of Bennett, in the community of Watkins and the proposed customers along said transmission line, and the exercise of franchise rights granted by the Town of Bennett in Ordinance No. 20, passed and adopted on November 4, 1930, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor."

Said certificate is on file with this Commission in Application No. 1703, and is made a part hereof, by reference.

In addition, Public Service is presently exercising the franchise rights granted to it in and by Ordinance No. 20 of the Town of Bennett, Colorado, dated November 4, 1930. Said ordinance grants to Public Service, its successors and assigns, a franchise for the distribution of electric energy in said town for a term of twenty-five (25) years. Said franchise will expire on November 4, 1955. A copy of said franchise is on file with this Commission in Application No. 1703, and is made a part hereof, by reference.

Pursuant to said certificate of public convenience and necessity issued by this Commission and said franchise rights granted to it by the Town of Bennett, Public Service is presently distributing electric energy in the Town of Bennett and in the areas adjacent thereto along its electric distribution lines in Adams and Arapahoe Counties, Colorado. Exhibit 1 introduced at the hearing is a map showing, among other things, the electric distribution lines of Public Service in said area, which Public Service proposes to transfer to Intermountain, as hereinafter set forth. Said electric distribution lines and facilities consist of approximately 19.64 miles of pole line presently owned by Public Service lying east of the north-south center line of Sections 25 and 36, Township 3-South, Range 64-West of the Sixth Principal Meridian, including the electric distribution system within the corporate limits of the Town of Bennett, Adams County, Colorado, situated and being in the following-described areas of Adams and Arapahoe Counties, Colorado:

The East $\frac{1}{2}$ of Section 25 and E $\frac{1}{2}$ of Section 36, Township 3-South, Range 64 West of the Sixth Principal Meridian, and in

Sections 19 to 23, inclusive, and Sections 26 to 36, inclusive, Township 3-South, Range 63-West of the Sixth Principal Meridian, and in

Section 1, Township 4-South, Range 63-West of the Sixth Principal Meridian, and in

Section 31 and 32, Township 3-South, Range 62-West of the Sixth principal Meridian, and in

Sections 4, 5, and 6, Township 4-South, Range 62-West of the Sixth Principal Meridian.

Intermountain is presently distributing electric energy to certain consumers which are members of the association through certain electric distribution lines and facilities owned by Intermountain and situated in Townships 3-South and 4-South, Ranges 69 and 70-West, Jefferson County, Colorado. Exhibit 2 introduced at the hearing is a map showing said electric distribution lines and facilities of Intermountain which it is proposed that Public Service acquire from Intermountain, as hereinafterset forth. Said electric distribution lines and facilities consist of approximately 18.37 miles of distribution pole line, together with the related facilities presently owned by Intermountain situated and being in the following-described areas of Jefferson County, Colorado;

Sections 29, 30, 31, 32 and 33, Township 3-South, Range 69-West of the Sixth Principal Meridian, and in

Sections 5, 8, and 15, Township 4-South, Range 69-West of the Sixth Principal Meridian, and in

Sections 14, 23, 25 and 26, Township 3-South, Range 70-West of the Sixth Principal Meridian.

Exhibit 3 introduced at the hearing is a map showing said electric distribution lines and facilities of Intermountain in Townships 3 and 4 South, Ranges 69 and 70 West, Jefferson County, Colorado, and in addition thereto the present electric distribution lines and facilities of Public Service in the same area.

Testimony presented at the hearing disclosed that on November 24, 1954, Public Service and Intermountain entered into an Agreement, subject to the approval of this Commission, whereby Public Service agreed to sell and convey to Intermountain and Intermountain agreed to purchase and acquire the electric distribution lines and related facilities, and the operating rights incident thereto of Public Service for furnishing electric energy in the Town of Bennett and in the areas adjacent thereto in Adams and Arapahoe Counties, Colorado as shown on Exhibit 1, and as hereinabove more particularly described, and in exchange therefor, Intermountain agreed to sell and convey to Public Service and Public Service agreed to purchase and acquire the electric distribution lines and related facilities and the operating rights incident thereto of Intermountain located in Townships 3 and 4 South, Ranges 69 and 70 West, Jefferson County, Colorado, as shown on Exhibit 2 and as hereinabove more particularly described. A copy of said Agreement, dated November 24, 1954, was introduced at the

hearing as Exhibit 4, and by reference is made a part hereof. The property and operating rights to be transferred to Intermountain by Public Service as hereinabove more particularly described are set forth in a form of Deed and Bill of Sale attached to Exhibit 4 and marked Exhibit 5. Likewise, the property and operating rights to be transferred to Public Service by Intermountain as hereinabove more particularly described are set forth in a form of Deed and Bill of Sale attached to Exhibit 4 and marked Exhibit 6. The proposed sale and exchange of property, pursuant to said Agreement marked Exhibit 4, is to be made on the basis of the difference in the amount of annual gross revenue received by the respective parties from said facilities for the twelve months ending May 31, 1954, multiplied by a factor of 3.5, the amount to be computed to be paid by the party which received the lesser revenue for such period, subject to certain adjustments, as provided in said Agreement.

Pursuant to said Agreement, Public Service proposes to transfer to Intermountain, together with the electric distribution lines and facilities hereinabove described, said franchise rights granted to it by the Town of Bennett, and that portion of said certificate of public convenience and necessity heretofore granted by this Commission in Application No. 1703 by Decision No. 3164, dated December 18, 1930, relating to the exercise of said franchise rights in the Town of Bennett and to the operation of an electric transmission and distribution system East of the North-South centerline of Sections 25 and 36, Township 3-South, Range 64-West of the Sixth Principal Meridian in Adams and Arapahoe Counties, Colorado. Public Service intends to continue to exercise the rights and privileges incident to that portion of said certificate of public convenience and necessity relating to the operation of an electric transmission and distribution system West of said North-South centerline and to the distribution of electric energy to consumers along said system and in the community of Watkins, Colorado, and no authority is sought herein to transfer that portion of said certificate.

Intermountain proposes, upon the acquisition by it of the electric distribution lines and related facilities of Public Service hereinabove described, to assume, subject to the jurisdiction of this Commission, the business of the distribution and sale of electric energy to consumers in the Town of Bennett and in the areas adjacent

thereto in Adams and Arapahoe Counties, Colorado, hereinabove set forth, and Intermountain intends to exercise all the rights, contracts, privileges, conditions and obligations contained in and incident to said franchise from the Town of Bennett and that portion of said certificate of public convenience and necessity to be assigned to Intermountain for the furnishing of electric service in said area.

Public Service does not propose, upon the acquisition by it of the electric distribution lines and facilities of Intermountain hereinabove described, to operate all of said lines and facilities for the distribution and sale of electric energy to consumers in the areas adjacent thereto. Public Service does propose to operate only that part of said lines and facilities located east of Youngfield Street (Mt. Olivet Road) shown on Exhibit 2 and outside of the present certificated territory of Colorado Central Power Company. Public Service intends to serve, subject to the jurisdiction of this Commission, all the present consumers of Intermountain located east of said Youngfield Street in territory now served by Public Service. Coincidentally with the acquisition by Public Service of the electric distribution lines and facilities of Intermountain, Public Service proposes to sell and Colorado Central Power Company proposes to acquire that part of said lines and facilities located west of said Youngfield Street and in the presently-certificated territory of Colorado Central Power Company, and thenceforth Colorado Central Power Company intends to serve, subject to the jurisdiction of this Commission, all the present customers of Intermountain located adjacent to said lines. The transfer by Public Service to Colorado Central Power Company of said lines and facilities will be made at the cost thereof to Public Service.

As of May 31, 1954, Public Service was serving 198 consumers on its electric distribution lines and facilities to be acquired by Intermountain, and Intermountain was serving a total of 281 consumers on the electric distribution lines and facilities to be acquired by Public Service from Intermountain. Twenty-nine customers of the total 281 were being served by Intermountain on the part of the Intermountain lines and facilities to be taken over by Colorado Central Power Company.

Testimony presented at the hearing further disclosed that if the sales and exchange of properties herein proposed is authorized and approved by this Commission, the electric energy requirements of Intermountain for furnishing electric service over the facilities to be acquired by Intermountain from Public Service will be furnished by the United States Bureau of Reclamation wheeled to Intermountain over lines of Public Service, pursuant to existing wheeling contracts between Public Service and the United States Bureau of Reclamation. Colorado Central Power Company presently purchases its entire electric energy requirements from Public Service, and both Public Service and Colorado Central have adequate power available to serve the requirements of the customers to be acquired, respectively. The Commission was assured that the sales and exchange of properties herein proposed, including the acquisition by Colorado Central Power Company, is to be accomplished simultaneously and in such a manner as to result in no interruption whatsoever of electric services to consumers affected.

Intermountain proposes to adopt and make its own, in every respect, all schedules of rates, rules and regulations of Public Service now in effect and on file with this Commission applicable to electric service in the Bennett area. Public Service and Colorado Central in turn propose to make electric service available to the customers adjacent to the electric distribution lines and facilities which each of them will acquire under existing schedules of rates, rules and regulations now in effect and on file with this Commission applicable to electric service in the territories in which said customers are located, respectively.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction over the subject matter of the instant application, and of the parties thereto.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof, by reference.

That the proposed sale and exchange of electric distribution lines

and facilities and the operating rights incident thereto by and between Public Service and Intermountain and the proposed sale of electric distribution lines and facilities and the operating rights incident thereto, coincidentally therewith, by Public Service to Colorado Central Power Company, all as hereinabove described, is consistent with the public interest, and should be approved.

That the public convenience and necessity requires, and will require, immediately upon the acquisition by Intermountain of the electric distribution lines and facilities and operating rights incident thereto to be acquired by Intermountain as set forth hereinabove, the operation by Intermountain of said electric distribution lines and facilities in the Town of Bennett and in the areas contiguous thereto in Adams and Arapahoe Counties, Colorado, and the exercise by Intermountain of the rights and privileges conferred by or obtained under that certain franchise granted by the Town of Bennett on November 4, 1930, being Ordinance No. 20 of said town, and that portion of said certificate of public convenience and necessity heretofore granted by this Commission in Application No. 1703, by Decision No. 3164, dated December 18, 1930, relating to the exercise of said franchise rights in the Town of Bennett and to the operation of an electric transmission and distribution system East of the North-South centerline of Sections 25 and 36, Township 3-South, Range 64-West of the Sixth Principal Meridian in Adams and Arapahoe Counties, Colorado; and the continued exercise by Public Service of the rights and privileges conferred by or obtained under that portion of said certificate of public convenience and necessity relating to the operation of an electric transmission and distribution system West of said North-South centerline and to the distribution of electric energy to consumers along said system and in the community of Watkins, Colorado.

That the public convenience and necessity requires, and will require, immediately upon the acquisition by Public Service of the electric distribution lines and facilities and operating rights incident thereto to be acquired by Public Service, as set forth hereinabove, the operation by Public Service of that part of said electric distribution lines and facilities located East of

Youngfield Street (Mt. Olivet Road) shown on Exhibit 2 and outside of the certificated territory of Colorado Central Power Company for the distribution of electric energy to consumers adjacent thereto; and coincidentally therewith, the sale by Public Service to Colorado Central Power Company of that part of said electric distribution lines and facilities and operating rights incident thereto located West of Youngfield Street (Mt. Olivet Road) shown on Exhibit 2 and within the certificated territory of Colorado Central Power Company and the operation by Colorado Central Power Company of said electric distribution lines and facilities for the distribution of electric energy to consumers adjacent thereto.

O R D E R

THE COMMISSION ORDERS:

1. That the sale by Public Service and the purchase by Intermountain of said electric distribution lines and facilities and operating rights incident thereto of Public Service for furnishing electric energy in the Town of Bennett, and in the areas adjacent thereto in Adams and Arapahoe Counties, Colorado, including said franchise granted by the Town of Bennett and that portion of said certificate of public convenience and necessity granted by this Commission in Application No. 1703, Decision No. 3164, dated December 18, 1930, hereinafter in this Order set forth, and in exchange therefor, the sale by Intermountain and the purchase by Public Service of said electric distribution lines and facilities and operating rights incident thereto of Intermountain located in Townships 3 and 4 South, Ranges 69 and 70 West of the Sixth Principal Meridian, Jefferson County, Colorado, as set forth in said Agreement dated November 24, 1954, by and between Public Service and Intermountain be, and the same is hereby authorized and approved; and

2. That, immediately upon the acquisition by Public Service of said electric distribution lines and facilities and operating rights incident thereto from Intermountain, the sale by Public Service to Colorado Central Power Company of that part of said electric distribution lines and facilities and operating rights incident thereto located West of Youngfield Street (Mt. Olivet Road) shown on Exhibit 2 and within the certificated territory of Colorado Central

Power Company, at the cost of said lines and facilities and operating rights incident thereto to Public Service, be, and the same is hereby authorized and approved; and

3. That the public convenience and necessity requires, and will require, immediately upon the acquisition by Intermountain of the electric distribution lines and facilities and operating rights incident thereto to be acquired by Intermountain as authorized and approved herein, the operation by Intermountain of said electric distribution lines and facilities in the Town of Bennett and in the areas contiguous thereto in Adams and Arapahoe Counties, Colorado, and the exercise by Intermountain of the rights and privileges conferred by or obtained under that certain franchise granted by the Town of Bennett, on November 4, 1930, being Ordinance No. 20 of said town, and that portion of said certain certificate of public convenience and necessity heretofore granted by this Commission in Application No. 1703, Decision No. 3164, dated December 18, 1930, relating to the exercise of said franchise rights in the Town of Bennett and to the operation of an electric transmission and distribution system East of the North-South centerline of Sections 25 and 36, Township 3-South, Range 64-West of the Sixth Principal Meridian, in Adams and Arapahoe Counties, Colorado; and the continued exercise by Public Service of the rights and privileges conferred by or obtained under that portion of said certificate of public convenience and necessity relating to the operation of an electric transmission and distribution system West of said North-South centerline and to the distribution of electric energy to consumers along said system and in the community of Watkins, Colorado; and

4. That the public convenience and necessity requires, and will require, immediately upon the acquisition by Public Service of that part of said electric distribution lines and facilities and operating rights incident thereto of Intermountain as authorized and approved herein, located East of Youngfield Street (Mt. Olivet Road) shown on Exhibit 2, made a part hereof, and outside of the certificated territory of Colorado Central Power Company, the operation of said electric distribution lines and facilities by Public Service for the distribution of electric energy to consumers adjacent thereto; and

5. That the public convenience and necessity requires, and will require, immediately upon the acquisition by Colorado Central Power Company from Public Service of said electric distribution lines and facilities and operating rights incident thereto of Intermountain located West of Youngfield Street (Mt. Olivet Road) shown on Exhibit 2 and within the certificated territory of Colorado Central Power Company, the operation by Colorado Central Power Company of said electric distribution lines and facilities for the distribution of electric energy to consumers adjacent thereto; and

6. That upon the acquisition by Intermountain of the electric distribution lines and facilities of Public Service, as authorized and approved herein, Intermountain shall forthwith adopt as its own, in every respect, all schedules of rates, rules and regulations of Public Service now in effect and on file with the Commission applicable to electric service in the Bennett area; and the same shall become and remain those of Intermountain until changed according to law and the rules and regulations of the Commission; and

7. That upon the acquisition by Public Service and Colorado Central Power Company of the electric distribution lines and facilities as authorized and approved herein, Public Service and Colorado Central Power Company shall forthwith make electric service available to the customer adjacent to said lines and facilities under existing schedules of rates, rules and regulations now in effect and on file with this Commission applicable to electric service in the territories in which said customers are located, respectively, or as hereafter may be prescribed according to law and the rules and regulations of the Commission; and

8. That Intermountain, Public Service and Colorado Central Power Company shall continue to keep their respective books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission, and shall continue to keep their respective practices and operations in accordance with the rules and regulations of this Commission applicable thereto.


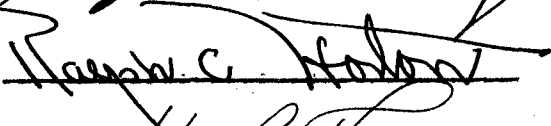

9. That Intermountain, Public Service, and Colorado Central Power Company shall each, within sixty (60) days from the date hereof, file with the Commission a certificate showing that it has acquired the electric distribution

lines and facilities and operating rights incident thereto authorized and approved herein, the date of acquisition of same and the final cost to it of said properties.

10. That jurisdiction hereof be, and the same is hereby, retained to the end that the Commission may make such further order, or orders, in the premises as it may deem to be proper and desirable; and

11. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1954.

mw

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE S & T TELEPHONE COOPERATIVE)
ASSOCIATION, INC., FOR A CERTIFI-)
CATE OF CONVENIENCE AND AUTHORITY)
TO TRANSACT THE BUSINESS OF A PUB-)
LIC UTILITY IN THE STATE OF COLORADO.)
-----)

APPLICATION NO. 13123

December 20, 1954

Appearances: Elmer E. Euwer, Esq., Goodland,
Kansas, for applicant;
John Sweeney, Denver, Colorado,
for The Mountain States Tele-
phone and Telegraph Company;
C. L. Flower, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The S & T Telephone Cooperative Association, Inc., by the instant application, seeks authority from this Commission to operate under a certificate of public convenience and necessity as a public utility to render telephone service within a certain specified area in the State of Colorado.

The matter was set for hearing, after due notice to all interested parties, on November 4, 1954, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. The original application was filed with the Commission on October 6, 1954, and on October 13, 1954, Applicant filed an amended application, and the hearing was held on the amended application.

At the hearing, attorney for applicant requested permission to make a correction in the amended application in regard to the metes and bounds description of the territory sought. The correction was in the interest of clarification, and the Commission granted forthwith applicant's request.

After the correction above noted, the amended application as corrected, was heard by the Commission and taken under advisement.

Applicant is a Kansas corporation with its principal office located at Goodland, Kansas. Applicant has obtained a certificate from the Secretary of State of the State of Colorado, authorizing it to do business within said state, and a copy of said certificate has been filed as Exhibit "A" in the instant matter. Applicant is a cooperative formed for the purpose of supplying telephone service within the States of Kansas and Colorado, and is seeking to do business in Colorado as a public utility, rendering telephone service in an area to be defined in detail herein located in Kit Carson/ ^{County} Colorado.

Applicant plans to purchase five telephone organizations in the State of Kansas as a starting nucleus and to rehabilitate these systems and extend service to prospective customers desiring service. Applicant will purchase several farmer-owned lines within the State of Colorado, and plans to rehabilitate these existing lines and to extend new lines in said State to serve new prospective customers. The property that Applicant intends to purchase in Colorado belongs to a group of farmers who were never formally organized as a corporation but were merely banded together to obtain telephone service. These farmers have agreed to sell to Applicant and to take out membership in the S & T Telephone Cooperative Association, Inc., so as to receive telephone service from Applicant. The existing Colorado telephone line was built by the farmers and was connected to the Kanorado Telephone Company which has its main office located at Kanorado, Kansas. By this connection, the farmers were able to obtain telephone exchange service through the Kansas Company. The Kanorado Telephone Company is one of the telephone companies that Applicant will purchase as a starting nucleus in its business.

Applicant proposes to obtain \$444,000 from the telephone division of the Rural Electric Administration, and with this money purchase the existing telephone systems and farmer lines previously referred to, and after rehabilitating these lines, to extend into new service areas with a new dial telephone system. The rates for the service proposed in Colorado have been set at \$4.75

per customer on four-party lines. Since there is but a small segment of Colorado involved, the four-party line system is the only service proposed at this time in Colorado. Submitted at the hearing as Exhibit "D" was a map of the system outlining the territory that Applicant proposes to serve. Reference is hereby made to said Exhibit "D" to further delineate the territory that Applicant seeks to serve in Colorado.

No one appeared at the hearing in opposition to the granting of the authority, and we believe that public convenience and necessity will best be served by the granting of the application herein.

F I N D I N G S

THE COMMISSION FINDS:

That The S & T Telephone Cooperative Association, Inc., should be granted a certificate of public convenience and necessity to operate as a public utility within a certain defined territory in Colorado, for the rendering of telephone service.

That the above Statement be made a part of these Findings by reference.

O R D E R

THE COMMISSION ORDERS:

That The S & T Telephone Cooperative Association, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to operate as a public utility in the rendering of telephone service within the area in Colorado described as follows:

The Southeast Quarter of the Southeast Quarter of Section 33; the South Half of the South Half of Sections 34 and 35, in Township 5½ South, Range 42, West of the 6th P. M., in Kit Carson County, Colorado;

Lots 1, 2, 3, and 4, in Section 1; the East Half of Sections 3, 10, 15, 22, 27 and 34; all of Sections 2, 11, 14, 23, 26, and 35; Lots 1 and 2 of Sections 12, 13, 24, 25 and 36, all in Township 6 South, Range 42, West of the 6th P. M., in Kit Carson County, Colorado;

Lots 1, 2, 3, and 4, of Sections 1, 12, 13, 24, 25 and 36; all of Sections 2, 11, 14, 23, 26, 33, 34 and 35; the East Half of Sections 3, 10, 15, 22, 27 and 32; the Southwest Quarter of Section 27; the South Half of Section 28; the Southeast Quarter of Section 29, all in Township 7 South, Range 42, West of the 6th P. M., in Kit Carson County, Colorado;

Lots 1, 2, 3 and 4, in Sections 1, 12, 13, 24, 25 and 36; all of Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34 and 35; the East Half of Sections 5, 8, 17, 20, 29 and 32, all in Township 8 South, Range 42 West of the 6th P. M., in Kit Carson County, Colorado;

Lots 1, 2, 3 and 4, in Sections 1, 12, 13, 24, 25 and 36; all of Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35; the East Half of Sections 5, 8, 17, 20, 29 and 32, all in Township 9 South, Range 42, West of the 6th P. M., in Kit Carson County, Colorado;

Lots 1, 2, 3 and 4, in Sections 1, 12, 13, 24, 25 and 36; all of Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35; the East Half of Sections 5, 8, 17, 20, 29 and 32; the Southeast Quarter of the Southeast Quarter of Section 31; and the South Half of the Southwest Quarter of Section 32, all in Township 10 South, Range 42, West of the 6th P. M., in Kit Carson County, Colorado;




Lots 1, 2, 3, 4, 5 and 6 in Section 6; Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Section 7; Lots 1 and 2 in Section 18, all in Township 11 South, Range 41 West of the 6th P. M., in Kit Carson County, Colorado, known as the Colorado strip; all of Sections 1, 2, 3, 4, 9, 10, 11 and 12; the North Half of the North Half of Sections 13, 14, 15 and 16; the East Half of East Half of Sections 5 and 8; and the Northeast Quarter of the Northeast Quarter of Section 17, all in Township 11 South, Range 42 West of the 6th P. M., in Kit Carson County, Colorado.

That thirty (30) days before rendering service to any customers within the State of Colorado, Applicant shall file with the Commission the rates, rules and regulations under which it proposes to render telephone service.

That Applicant shall at the time it begins rendering telephone service in Colorado, set up its books and accounts as they pertain to Colorado in accordance with the Uniform System of Accounts prescribed by this Commission, and shall file Annual Reports with the Commission on forms to be supplied by this Commission.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1954.
ea

* * *

APPLICATION NO. 13195-PP-Extension

1981 1982 1983 1984 1985 1986 1987 1988 1989

S T A T E M E N T

- 1 -

his uncle Sunday, and was called to Kansas to attend the funeral;" that they were unable to proceed with the above application, and asked for a continuance. Protests were made by protestants herein as to the continuance, and as grounds therefor stated that many of the witnesses had come from Denver and that they would be unnecessarily discommoded.

The Commissioner in charge of the hearing granted the motion for continuance.

F I N D I N G S

THE COMMISSION FINDS:

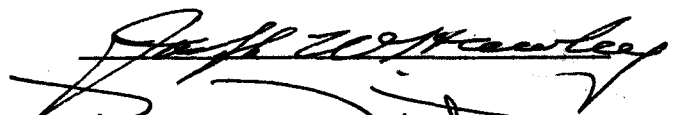
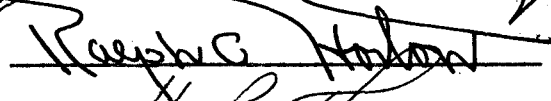

That the instant matter should be continued, to be heard at some future date convenient to the Commission, with notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That the hearing on the instant application should be, and it hereby is, continued, to be heard at some future date convenient to the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
JAMES B. BEATTY AND ISABEL G. BEATTY, }
MONTROSE, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 13193
OF PUBLIC CONVENIENCE AND NECESSITY.))
-----)

December 21, 1954

Appearances: Ralph E. Miller, Esq.,
Montrose, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

On August 11, 1954, applicants herein filed their application for a certificate of convenience and necessity authorizing the transportation of passengers and baggage in sightseeing service with conducted all-expense tours.

The matter was regularly set for hearing on December 16, 1954, at the Court House, Montrose, Colorado, with due notice to all interested parties.

When the matter was called for hearing, attorney for applicant stated that, due to a death in the family of his associate counsel, they were not ready to proceed with the matter, and asked for a continuance.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

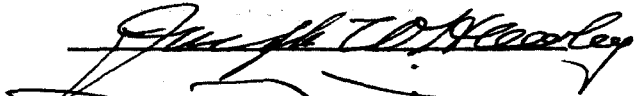
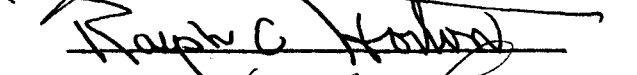

That the instant matter should be continued, to be heard at some future date convenient to the Commission, with due notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application should be, and it hereby is, continued, to be heard at some future date convenient to the Commission, with due notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|--|
| IN THE MATTER OF THE APPLICATION OF) | |
| GRANT G. GIFFORD, SILVERTON, COLO-) | |
| RADO, FOR AN EXTENSION OF HIS CER-) | <u>APPLICATION NO. 12927-Extension</u> |
| TIFICATE OF PUBLIC CONVENIENCE AND) | |
| NECESSITY NO. PUC-1081.) | |
| -----) | |

December 21 1954

Appearances: Ralph E. Miller, Esq., Montrose,
Colorado for applicant.

S T A T E M E N T

By the Commission:

On March 1, 1954, applicant herein filed his application for an extension to his certificate of public convenience and necessity No. PUC-1081, to include the transportation of mining and milling equipment and supplies from and to all points in Colorado, to and from mines and mills in San Juan County, Colorado.

The matter was set for hearing on June 10, 1954, at the Court House, Montrose, Colorado, with due notice to all interested parties. When the matter was called for hearing, attorney for applicant asked that the matter be continued for the reason that witnesses were not available, which motion was granted.

The matter was re-set for hearing on December 16, 1954, at the Court House, Montrose, Colorado, with due notice to all interested parties.

When the matter was called for hearing, one of the attorneys for applicant stated that, due to a death in the family of his associate counsel, they were not ready to proceed with the matter, and asked for a further continuance.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

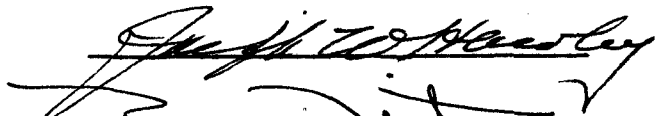
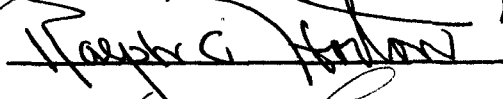

That the instant matter should be continued, to be re-set at some future date convenient to the Commission, with due notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application should be, and hereby is, continued, to be re-set at some future date convenient to the Commission, with due notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of December, 1954.

ea

(Decision No. 43841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DE LUXE CAB CO. INC., 1402 WALNUT
STREET, DENVER, COLORADO, OWNER OF
CERTIFICATE NUMBER PUC-1198, AND
H. C. HOGAN AND H. CLAY HOGAN,
DOING BUSINESS AS "BILL'S CITY TAXI,"
BOULDER, COLORADO, LESSEE OF CERTIFI-
CATE NUMBER PUC-1198 TO TRANSFER
SAID LEASE TO ANDREW J. OSTORERO
AND VELMA M. OSTORERO, BOULDER
COLORADO.

APPLICATION NO. 13206-Transfer

IN THE MATTER OF THE APPLICATION OF
H. C. HOGAN AND H. CLAY HOGAN, CO-
PARTNERS, DOING BUSINESS AS "BILL'S
CITY TAXI," BOULDER, COLORADO, TO
TRANSFER CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY NUMBER PUC-
177 TO ANDREW J. OSTORERO AND VELMA
M. OSTORERO, BOULDER, COLORADO.

APPLICATION NO. 13207-Transfer

December 21, 1954

Appearances: E. B. Evans, Esq., Denver,
Colorado, for Transferors;
Stanleigh Crispelle, Esq.,
Denver, Colorado, for
Transferees.

STATEMENT

By the Commission:

By Decision No. 36370, dated March 30, 1951, the Commission authorized the transfer of Certificate of Public Convenience and Necessity No. PUC-177 from Alene M. LaSalle and Johnny P. LaSalle, doing business as "Bill's City Taxi," Boulder, Colorado, to H. C. Hogan and H. Clay Hogan, the transferors above named, doing business as "Bill's City Taxi," and by Decision No. 36368, dated March 30, 1951, authorized the said Alene M. LaSalle and Johnny P. LaSalle to assign the lease of Certificate of Public Convenience and Necessity No. 1198 to the transferors. By said Certificate No. PUC-177, the transferors are authorized to conduct the following operations as a common carrier by motor vehicle:

Transportation of passengers from Boulder to the various scenic attractions in the Boulder Region, subject to the following terms and conditions:

(a) That all sightseeing and tourist operations herein shall be limited to round-trip operations, originating and terminating at the point of origin of the service, without stop-over privileges; (b) that no one-way transportation of passengers is permitted between the City of Boulder and any point where there exists regular transportation by either railroad or motor vehicle carrier, or in part by one and in part by the other; (c) that the equipment to be used in this operation shall be limited to one (1) automobile.

Transportation of sightseeing passengers in interstate commerce only between Boulder and all points outside of the State of Colorado.

Transportation of passengers and baggage to and from Boulder and Blanchard's Lodge located some four (4) miles up Boulder Creek from Boulder, on call and demand.

Conduct of a taxicab service for the transportation of one-way passengers and their baggage between points within the City of Boulder and points within a radius of nine (9) miles of the City of Boulder and between the City of Boulder and Ward, Colorado, (an immediate return by passengers to be regarded as an additional trip) subject to the following terms and conditions: That the applicant shall charge not less than 15¢ per car-mile when transporting passengers for one or more passengers, and 12¢ per mile for dead-head service, that in empty car movement to or from points where loaded movements start or ends, and shall be further limited to cars carrying not to exceed five (5) passengers on any one trip.

The applicant shall charge not less than the following minimum rates: (1) between the City of Boulder and any points within one-half ($\frac{1}{2}$) mile radius of the limits of the City--one way fare--one or two passengers 25¢, each additional passenger 10¢; (2) between the City of Boulder and any point more than $\frac{1}{2}$ mile distant from the city limits and not to exceed 6/10 mile therefrom, one-way fare--one or two passengers, 35¢ each additional passenger, 10¢; (3) between the City of Boulder and points more than 6/10 mile from the city limits and not more than one mile distant therefrom--round trip fare, 40¢; (4) between the City of Boulder and any points more than one mile from the city limits and within a 5-mile radius thereof--one-way fare 20¢ per loaded car-mile, regardless of the number of passengers, not exceeding five (5).

Transportation of passengers and baggage in taxicab service, only, from and to points in the City of Boulder, Colorado, from and to points within a radius of 35 miles thereof, subject to the following limitations: (1) all transportation under the authorized extension shall originate or terminate in the City of Boulder, except that no service originating in Denver shall be performed.

(2) No service shall be performed to or from Rocky Mountain National Park, Grand Lake, or points south of Grand Lake on U. S. #34 to Granby, or points on U. S. 40 between Granby and Denver, or points south of U. S. 40 between Granby and Denver. (3) No sightseeing service under this extension shall be performed. (4) Restriction removed in Decision No. 35518. (5) All service to be performed shall be call and demand service, and not on schedule. (6) Rates to be charged for taxicab service under the authority extended shall be twenty-seven cents (27¢) per mile, one way, with fare and one-half for round trip, for the first two passengers, and fifteen cents (15¢) per mile extra for each additional passenger, either one way or round trip, and \$2.00 per hour waiting time; except that no charge shall be made for the transportation of children under six years of age when accompanied by a paying passenger, and children between the ages of six and twelve years, when accompanied by a paying passenger, shall be charged half fare only.

By Decision No. 27397, extended to: (1) in the operation under said certificate between Boulder and Estes Park, Colorado, and intermediate points Lyons to Estes Park, the applicant shall be limited to use of not more than two 5-passenger cars, and (2) that the fares of applicant for the transportation of persons between Boulder and Estes Park, Colorado and intermediate points Lyons to Estes Park, during the time Rocky Mountain Motor Company operates a scheduled service between said points, shall be not less than 120% of the fares charged by said Rocky Mountain Motor Company between said points.

By Certificate No. PUC-1198, the DeLuxe Cab Company, Inc., is authorized to conduct the following operation as a common carrier by motor vehicle:

(1) Operate two cars, on schedule, for the transportation of passengers and their baggage by motor vehicle in sightseeing service between Boulder, on the one hand, and, on the other, the following points on said routes, to-wit: Allen's Park, Alps, Arapahoe Glacier, Beaver Park Junction, Boulder Falls, Brainerd Lake, Bruner Gulch, Canon Park, Hardin, Caribou, Castle Rock, Crissman, Eagle Rock, Eckles, Eldorado, Ferberite, Fourmile, Glacier Lake, Gold Lake Junction, Gold Hill, Jordone, Lakewood, Lyons, Mojave, Nederland Dam, Nederland, Newaka, Peaceful Valley, Perfect Tree, Power House, Pretty Meadow, Rainbow Lakes, Raymonds, Rollinsville, Stapp's Lake Junction, Salina, Soda Springs, Tuckers Tungsten, University Camp, Ward and Wills, all being located on the so-called "Glacier Route," said service to be over six fixed routes known as Boulder Canon, Boulder-Nederland-Lyons, Grand Glacier Circle, Glacier Short Circle, Arapahoe Glacier and Switzerland Trail Circle, expressly excluding service to and from Boulder or to Blanchard's Lodge. (2) Transportation of passengers, in irregular service, between Boulder and various scenic attractions in the Boulder Region, including all points south of Allen's Park and Lyons, on said Glacier Route not served by existing rail or motor carriers

operating singly or in combination on schedule, the equipment used in said operation to be limited to two cars. (3) Taxicab service for the transportation of one-way passengers and their baggage between points within the City of Boulder and points, except Blanchard's Lodge, within a radius of 5 miles of the city limits of the City of Boulder, (immediate return by passengers to be regarded as an additional trip), and the transportation of one-way passengers and their baggage between Boulder, Colorado, on the one hand, and, on the other, points on the Glacier Route, including Stapp's Lake Lodge and excepting Blanchard's Lodge, and the transportation of one-way passengers between said points on the Glacier Route, including Stapp's Lake and excepting Blanchard's Lodge, with the proviso that cars used in the said operation should not have a passenger capacity in excess of four, and that no sightseeing service to Flagstaff Mountain or other points, is authorized under this extension, and the immediate return of passengers to be considered an additional trip.

Decision No. 22715 amends the authority to read:

(4) in the operation of taxicab service mentioned in paragraph (3) hereof, the said applicant shall not pick up or discharge passengers at any point between the Alps Lodge and the Power Plant located on Highway No. 119.

By the instant application, the transferors seek authority to transfer the lease of said operating rights under PUC No. 177 and the lease of the operating rights under PUC No. 1198 to the transferees. Said applications above numbered were set for hearing on Friday, December 10, 1954, at 1:00 o'clock P. M., at Room 330 State Office Building, Denver, Colorado.

H. Clay Hogan, one of the transferors, testified that there are no obligations outstanding against the said certificates except current bills and that such bills would be fully paid on or before the 10th day of January, 1955. The said transferor further identified an agreement entered into between the transferors and the transferees wherein the transferees agreed to purchase said Certificate No. PUC-177 and lease the said Certificate No. PUC-1198 from the transferors; in said agreement, it is provided that the transferees shall pay to the transferors the sum of \$55,000, as follows:

1. Upon execution of said agreement, \$5,000;
2. At date of closing, \$25,000 cash and \$10,000, or an equivalent of \$10,000 in a transfer of stocks owned by transferees, and
3. By note for \$15,000, payable in monthly installments of \$250.00 or more per month, plus interest at the rate of 5% on any unpaid balance, said note to be

secured by chattel mortgage on the said Certificate No. PUC-177, the lease of Certificate No. PUC-1198, the radio station and radio equipment and the office and shop equipment belonging to the transferors.

Said transferor further testified that the sum of \$5,000 had been paid to the transferors by the transferees at the time of the execution of said agreement.

The witness identified a copy of the chattel mortgage which the transferees proposed to give to the transferors, to which is attached a list of the goods and chattels covered by said chattel mortgage.

Mrs. J. E. Squire testified that she has had a number of business dealings with the transferees; that said business dealings had been entirely satisfactory, and that she knows of her own knowledge the transferees have a net worth of considerably more than the total purchase price involved herein. She further testified that the transferee, Andrew J. Ostorero had served in the Transportation Corps of the United States Army, and has had sufficient experience to enable him to operate said taxi line.

At the hearing, it was stipulated that the deposit which the transferors have put up with the State of Colorado to cover the payment of highway compensation taxes should be transferred to transferees.

F I N D I N G S

THE COMMISSION FINDS:

The proposed transfer is compatible with the public interest and should be authorized, subject to outstanding indebtedness; that the transferees should be authorized to mortgage said Certificate No. PUC-177 and the lease of Certificate No. PUC-1198 to secure a note of transferees for \$15,000 payable to the transferors; and that the transferees are financially and otherwise qualified to operate said taxi line.

O R D E R

THE COMMISSION ORDERS:

That H. C. Hogan and H. Clay Hogan, co-partners, doing business as "Bill's City Taxi," should be, and they hereby are, authorized to

transfer all their right, title, and interest in and to PUC No. 177 and the lease of PUC No. 1198 to Andrew J. Ostorero and Velma M. Ostorero, doing business as "Bill's City Taxi," Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The transferees are further authorized to mortgage said certificate No. PUC-177 and the lease of PUC No. 1198, together with other personal property, to secure the payment of their note for \$15,000 to the transferors upon the terms and conditions set forth in said chattel mortgage, a copy of which is attached to the files herein and the form of which is hereby approved.

That said transfer shall become effective only if and when, but not before said transferors and transferees, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

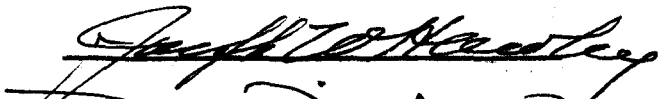
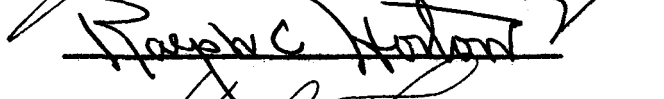

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferees of all unpaid passenger-mile tax.

That passenger-mile tax deposit of transferors shall be transferred and credited to account of transferees herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO)

December 15, 1954

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to the Commission the sum of ten dollars as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and ¹/₂ persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make ~~to~~ this Commission a deposit to insure the filing of monthly reports and the payment of highways compensation taxes due from said corporations and persons, as required by Law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer or other vehicle used by said corporations or persons.

(d) Failure to obtain, and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, ~~all~~ as required by Law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the respects hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of the decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Wideman Auto Sales
Simon W Wieman
Wilbanks Water Service
Wilbur Chev Co
Wilkin Bros
L R William
D J Williams
Raymond Williams

4742A Alabama St St Louis Mo
Olathe Colorado
P O Box 983 Ft Morgan Colo
4035 Lindel Blvd St Louis Mo
Box 53 Artesia Colo
Enid Oklahoma
Rt 2 Palestine Texas
106 Mullberry Greenville So Carolina

W B Williams
Richard T Williamson
F L Wilson Feed & Farm Supplies
James Wilson
Marvin F Wilson
Don Winkleman
B J Winkler
E O Winkles
Lee Roy Withers
Woldert Canning Co
Don Wolfe
Wolfe Nursery
James L Wood
Dale Woodard
Woodard Foods Inc
Lyle Woodrick
Woods Produce
R L Woodward
Melville O Woolen
Worcel Trailer Sales
Harold E Wormington
Wright Chevrolet
O A Wright Lumber Co
Yonnis Motor Co
Ed & Robert Yost
Bennett H Young
Donald Young
Edward F Young
R E Young
Youngstown Alum Door & Window
Zeagler & Schuster
Zorns & Collier Motor
Charles Zoschke
Chet's Used Cars
Home Lumber Co

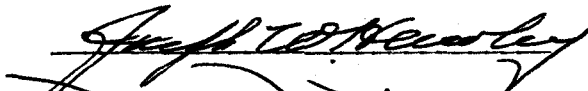
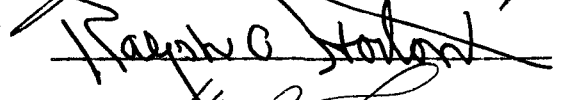
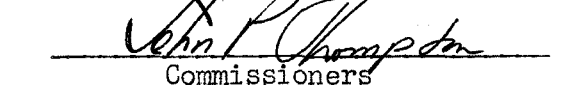
1114 So 8th St St Louis Mo
3921 So Lincoln Englewood Colo
111 So 2nd St Artesia N Mex
Itasca Texas
Haxtun Colorado
Pratt Kansas
Canehill Arkansas
Brownfield Texas
Mineral Wells Texas
P O Box 1148 Tyler Texas
1605 K St Sacramento Calif
Stephenville Texas
Broken Bow Oklahoma
Hygiene Colorado
5009 Excelsior Blvd Minneapolis Minn
Hartland Minnesota
796 Picacho Las Cruces N Mex
3714 - 26th St Lubbock Texas
Woodrow Colorado
3499 So 7th St R Louisville Ky
Monett Missouri
Le Center Minnesota
P O Box 7 Sapello N Mex
P O Box 195 Taos N Mex
Rt 2 Box 242A Loveland Colo
Palisade Colorado
Smithville Missouri
Rt 2 Box 389 Boulder Colo
Clarion Iowa
73 James St Girard Ohio
500 Kirby Pl Shreveport La
Brownfield Texas
Bartlett Kansas
Ontario Oregon
P O Box 156 Roosevelt Utah

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle be, and the same hereby are, dismissed.

That this order shall become effective December 25, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this fifteenth day of
December, 1954.




Commissioners

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
R. L. ATWOOD, 806 MAIN STREET,
FORT MORGAN, COLORADO. }

PERMIT NO. B-2978
CASE NO. 70043-INS.

IN THE MATTER OF THE APPLICATION OF
ARLENE M. ATWOOD, WIDOW OF ROBERT
L. ATWOOD, DECEASED, 806 MAIN
STREET, FORT MORGAN, COLORADO, FOR
AUTHORITY TO TRANSFER PERMIT NO.
B-2978 TO ALBIN A. ATWOOD, 713
EAST 9TH AVENUE, FORT MORGAN,
COLORADO. }

APPLICATION NO. 12902-PP-Transfer

December 22, 1954

Appearances: J. Corder Smith, Esq., Fort
Morgan, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

By Decision No. 31153, of date July 16, 1943, in Application No. 6320-PP, R. L. Atwood, Fort Morgan, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

hay, from point to point within a radius of one hundred fifty miles of Fort Morgan, Colorado.

"Permit No. B-2978" was assigned to the operation.

By the instant application, R. L. Atwood, by A. L. Atwood, seeks authority to transfer the above operating rights to Albin A. Atwood, Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, August 3, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the records and files herein and the testimony

given at the hearing that R. L. Atwood, the permit-holder, died intestate on May 3, 1954; that Arlene M. Atwood, widow of decedent, has advised the Commission that prior to the death of said R. L. Atwood, he had agreed, and it was his intention, to transfer said operating rights to his nephew, Albin A. Atwood, the only consideration being the return to her of any ton-mile deposit remaining at the time of the transfer; that because of his illness, said R. L. Atwood did not complete his application for the transfer prior to his death; that A. L. Atwood, a brother of the deceased, was the agent for the decedent at the time of his death, and still represents his interest in said permit, the widow having advised the Commission that she claims no right, title, or interest therein; that there is no outstanding indebtedness against the operation; that the net worth of said transferee is approximately \$15,000.00, and he is qualified by experience in the transportation business to continue the operation under said permit.

It further appears that decision on said application has been suspended, for the reason that the records showed that prior to the hearing, to-wit, on June 21, 1954, said permit had been revoked for failure of permittee and his successors in interest to keep proper insurance on file with the Commission. The transferee, after hearing, operated under the Commercial Carrier Permit, and had proper insurance filed on the equipment he has been using, and did not file proper insurance on the equipment to be used under the permit until December 6, 1954, at which time he requested that the revocation order be set aside, and the order of this Commission be entered authorizing the transfer.

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-2978 should be restored to active status.

That the proposed transfer is compatible with the public interest, and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2978 should be, and the same hereby is, rein-

stated, as of June 21, 1954, revocation order entered by the Commission on said date in Case No. 70043-Ins. being hereby vacated, set aside, and held for naught.

That A. L. Atwood, as agent for Robert L. Atwood, Deceased, should be, and he hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-2978 -- being the operating rights granted by Decision No. 21153 -- to Albin A. Atwood, Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That any ton-mile tax deposit now on file with the Commission to the credit of Robert L. Atwood shall be refunded to Arlene M. Atwood, his widow.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

August W. Haaley
Ralph C. Nelson
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1954.

mls

(Decision 43844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE VARIOUS CHANGES IN RATES, RULES)
AND REGULATIONS IN THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION, AGENT,)
FREIGHT TARIFF NO. 12, COLORADO)
P.U.C. NO. 6, ISSUED BY J. R. SMITH,)
CHIEF OF TARIFF BUREAU, 407 DENHAM)
BUILDING, DENVER 2, COLORADO)

CASE NO. 1585

December 21, 1954

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective December 9, 1954, designated as set forth in "Appendix A", attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

The exclusion of the 15 per cent increase on brick, drain tile, cement, etc. in connection with the operation of Harold E. Watson, Loveland, Colorado, represents a reduction; the establishment of the classification exception of the named carriers on burial cases represents a reduction; the proposed rule for account of Larson, Ringsby and Rio Grande Motor Way on articles seven feet in height or lengthy articles represents a liberalization of the present rule and reflects itself to the benefit of the shipping public; the proposed rule for account of Larson and

Navajo Freight Lines, Inc. covering the application of classification volume rating is in line with a similar rule that was previously prescribed for other carriers and the proposal for account of Larson in applying volume ratings in connection with the classification will have the effect of placing Larson on the same basis as the Rio Grande Motor Way and Ringsby Truck Line and will result in the establishment of lower rates on volume shipments; the proposed rule for account of Larson and Rio Grande Motor Way covering more than one delivery at destination results in a liberalization and will reflect itself to the benefit of the shipping public; the elimination of the exceptions to the national motor freight classification for account of Navajo Freight Lines and the establishment of class rates between Denver and points on its lines re-establishes rates that were previously in effect for account of Foster Truck Line, whose certificate was transferred to Navajo Freight Lines; the increase in the minimum charge and the class rates for account of Middle Park Express is a result of this company's best judgment in attempting to overcome its operating losses. In the month of September, 1954, four spot checks covering 73 shipments, 43 per cent were minimum charge shipments, on the 3rd of the month there were 73 shipments of which 44 were minimum charge shipments and on the 6th of the month on a total of 40 shipments 24 were minimum charge shipments. The adjustment in the class rates represents a 10 per cent increase.

F I N D I N G S

THE COMMISSION FINDS:

That, the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and Appendix A, be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on December 9, 1954 (nunc pro tunc), be the prescribed rates, rules, regulations and provisions of the Commission.

4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after December 9, 1954 (nunc pro tunc), the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A," shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

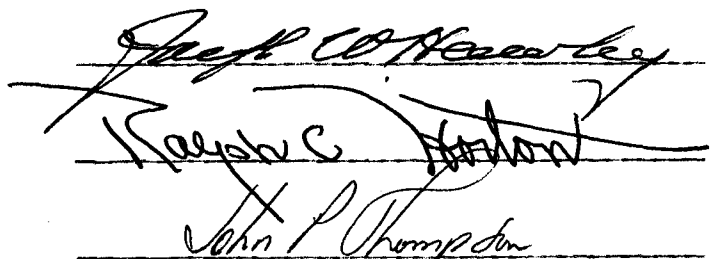
6. On and after December 9, 1954 (nunc pro tunc), all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado

this 21st day of December, 1954.

ma

APPENDIX A

CHANGES IN MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT LOCAL AND JOINT FREIGHT TARIFF NO. 12, COLO. P.U.C. NO. 6

1. To exclude the application of the 15 per cent increase on Section 3 commodities (brick, drain tile, etc.) in connection with the operation of Harold E. Watson, Jr., Loveland, Colorado.

2. To exclude the application of Item 50, 15th revised page no. 53 (Re-Collect on Delivery Shipments), in connection with Robert L. Harris, D/B/A Las Animas Transfer Company.

3. To establish a minimum charge for a single shipment from one consignor to one consignee on one bill of lading of not less than \$2.00 for account of Richard J. Wadley, D/B/A Middle Park Express between Berthoud Falls, Berthoud Pass, Denver, Empire, Fraser, Granby, Grand Lake, Hot Sulphur Springs, Kremmling, Parshall, Tabernash, Troublesome and Winter Park, Colorado.

4. To cancel the following exceptions to the National Motor Freight Classification for account of Navajo Freight Lines, Inc. viz:

| <u>Item No.</u> | <u>Subject</u> |
|-----------------|-------------------------------------|
| 50 | Brick and related articles |
| 300 | Drugs, Medicines, Chemicals, etc. |
| 340 | Fertilizer and Fertilizer Compounds |
| 370 | Furniture and Furniture Parts |
| 380 | Compressed Gases |
| 390 | Liquefied Petroleum Gas |
| 400 | Groceries |
| 440 | Iron and Steel Articles |
| 450 | Mattresses |
| 500 | Paper and Paper Articles |
| 530 | Pipe or Culverts |
| 600 | Tractors |
| 630 | Wine |

5. To establish the following exception to the National Motor Freight Classification for account of G. O. Anderson, D/B/A Castle Rock Transfer Co.; Larson Transportation Co.; Richard H. Eshe and Lois Mae Eshe, D/B/A South Park Motor Lines; Edward B. and Rose M. Thomas D/B/A Clear Creek Transportation Co.

| <u>Articles</u> | <u>Class Rating</u> |
|---|---------------------|
| Burial Cases (Caskets or Coffins) or Casket Shells, Set-Up: | |
| Iron or steel, plain, cloth covered, painted or covered | |
| with other metal, in boxes | 1 |
| Mineral composition or zinc, in boxes | 1½ |
| Wood, in boxes | 1 |
| Grave Vaults, metal, n.o.i. | 1½ |

6. To publish the following rules for account of the Larson Transportation Co.; Ringsby Truck Lines, Inc.; and The Rio Grande Motor Way, Inc.

ARTICLES SEVEN FEET IN HEIGHT OR LENGTHY ARTICLES:

Freight charges on articles seven feet or more in height or thirty feet or more in length will take the first class rate if that rate is higher than the applicable rate under the rating provided in the classification; otherwise, at the rating provided in the classification and rate provided herein.

EXCEPTION: The provisions of this rule will not apply on single shipments on which charges are based on weights of 10,000 pounds or more.

7. To publish the following rule for account of Larson Transportation Company and Navajo Freight Lines, Inc.

APPLICATION OF CLASSIFICATION VOLUME RATING:

In connection with traffic transported locally between points on their own lines or jointly with other carriers, the volume ratings and volume minimum weight, as published in the current classification, will apply subject to the following:

1. Except as otherwise provided in paragraphs A,B,C, and 3 below, the volume minimum weight on which charges shall be assessed on all articles provided with volume rating in the National Motor Freight Classification, shall be one-half of the volume minimum weight specified in the National Motor Freight Classification, but in no event in excess of 26,000 pounds.

A-For articles with volume ratings of second class or higher, a volume minimum weight shall be not less than 12,000 pounds, except where classification provides a lower minimum weight.

B-For articles provided with volume ratings lower than second class but higher than fifth class, the volume minimum weight shall be not less than 18,000 pounds.

C-For articles provided with volume ratings of fifth class or lower, the volume minimum weight shall be 26,000 pounds.

2. Except as otherwise specifically provided, articles rated lower than class $3\frac{1}{2}$ in the National Motor Freight Classification will be subject to a minimum rating of class $3\frac{1}{2}$.
3. When articles are provided in the governing classification with ratings which are subject to minimum weight factors referred to in Rule 34 of the governing classification, or as amended, the ratings shall be subject to the minimum weights specified in Table A of Section 3 of Rule 34 of the governing classification, except that a truckload minimum weight shall not be more than 26,000 pounds.
4. To ascertain the rates to apply, other than 1st, 2nd, 3rd and 4th class, refer to pages 105 to 129-B, inclusive, of tariff and determine the first class rate under the (1) less-than-truckload column. Next, refer to pages 99 to 103-B of the tariff and locate the first class rate under the column headed, "When class rate is." Then the desired class rate will be found opposite that figure.
To ascertain truckload rates on 1st, 2nd, 3rd and 4th class, use the rates published for 1st, 2nd, 3rd and 4th class under the column headed "Less-Than-Truckload" on pages 105 to 129-B, inclusive of tariff.
(1)-When shipment is moving via Larson Transportation Company, the first class rate under the column headed "Minimum Weight 5,000 pounds" will be used.

8. To publish the following rule for account of the Larson Transportation Company and Rio Grande Motor Way, Inc.

MORE THAN ONE DELIVERY AT DESTINATION:

Any shipment from one shipper at one point of origin, on one bill of lading, received by the carrier in one day, of the required minimum weight, as indicated in Item 1150, and on which charges are based on the provisions of Item 1150 herein, will be allowed one extra delivery at destination subject to the following conditions:

- A - A charge of \$7.50 for the extra delivery shall be assessed in addition to all other lawful charges;
- B - Shipper must specify on the shipping order the name of the consignee and delivery address to which the extra delivery is to be made and a description of the quantity to be unloaded at the additional delivery stop;
- C - The additional delivery stop must be within the corporate or city limits of the destination points;
- D - All charges must be prepaid or all collected from one consignee at point of destination which must be plainly specified on shipping order.

To establish the following class rates in cents per 100 pounds for account of Navajo Freight Lines, Inc.

| Between | | Denver, Colorado | | | | | | | | | | | |
|---------------------|-------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colo. | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Bailey | | 117 | 99 | 83 | 64 | 112 | 94 | 78 | 59 | 107 | 89 | 73 | 54 |
| Conifer | | 101 | 87 | 69 | 55 | 96 | 82 | 64 | 50 | 91 | 77 | 59 | 45 |
| Indian Hills | | 98 | 85 | 64 | 54 | 93 | 80 | 59 | 49 | 88 | 75 | 54 | 44 |
| Littleton | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Morrison | | 69 | 58 | 48 | 38 | 64 | 53 | 43 | 33 | 59 | 48 | 38 | 28 |
| Remaco | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Rocky Mtn. Arsenal | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Shaffers Crossing | | 107 | 90 | 74 | 60 | 102 | 85 | 69 | 55 | 97 | 80 | 64 | 50 |
| Tiny Town | | 93 | 78 | 63 | 52 | 88 | 73 | 58 | 47 | 83 | 68 | 53 | 47 |
| Aurora | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Buckley Field | | 69 | 58 | 48 | 38 | 64 | 53 | 43 | 33 | 59 | 48 | 38 | 28 |
| Derby | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Fitzsimons Hospital | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Fort Logan | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |

Also establish distance class rates in cents per 100 pounds on less-than truckload, and minimum weights of 5,000 and 10,000 pounds for account of Navajo Freight Lines, Inc.

10. To establish the following class rates in cents per 100 pounds for account of Middle Park Express

| Between | | Denver, Colorado | | | | | | | | | | | |
|--------------------------------|----------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colorado | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Berthoud Falls | | 128 | 108 | 88 | 73 | 123 | 103 | 83 | 68 | 118 | 98 | 78 | 63 |
| Berthoud Pass | | 138 | 116 | 95 | 74 | 133 | 111 | 90 | 69 | 128 | 106 | 85 | 64 |
| Fraser | | 145 | 123 | 102 | 77 | 140 | 118 | 97 | 72 | 135 | 113 | 92 | 67 |
| Granby (via Berthoud Pass) | | 162 | 138 | 112 | 91 | 157 | 133 | 107 | 86 | 152 | 128 | 102 | 81 |
| Grand Lake (via Berthoud Pass) | | 187 | 158 | 129 | 102 | 182 | 153 | 124 | 97 | 177 | 148 | 119 | 92 |
| Hot Sulphur Springs | | 171 | 145 | 118 | 94 | 166 | 140 | 113 | 89 | 161 | 135 | 108 | 84 |
| Kremmling | | 187 | 158 | 129 | 102 | 182 | 153 | 124 | 97 | 177 | 148 | 119 | 92 |
| Parshall | | 177 | 152 | 125 | 96 | 172 | 147 | 120 | 91 | 167 | 142 | 115 | 86 |
| Phantom Valley | | 217 | 185 | 150 | 122 | 212 | 180 | 145 | 117 | 207 | 177 | 140 | 112 |
| Tabernash | | 152 | 129 | 105 | 83 | 147 | 124 | 100 | 78 | 142 | 119 | 95 | 73 |
| Troublesome | | 179 | 155 | 125 | 99 | 174 | 150 | 120 | 94 | 169 | 145 | 115 | 89 |
| Winter Park | | 138 | 116 | 95 | 74 | 133 | 111 | 90 | 69 | 128 | 106 | 85 | 64 |

11. To establish the following class rates in cents per 100 pounds for account of Denver-Loveland Transportation.

| Between | | Denver, Colorado | | | | | | | | | | | |
|-----------|----------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colorado | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Wild Spur | | 112 | 96 | 79 | 61 | 83 | 70 | 59 | 45 | 57 | 50 | 42 | 32 |

To establish the following class rates in cents per 100 pounds for account of Navajo Freight Lines, Inc.

| Between | | Denver, Colorado | | | | | | | | | | | |
|---------------------|-------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colo. | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Bailey | | 117 | 99 | 83 | 64 | 112 | 94 | 78 | 59 | 107 | 89 | 73 | 54 |
| Conifer | | 101 | 87 | 69 | 55 | 96 | 82 | 64 | 50 | 91 | 77 | 59 | 45 |
| Indian Hills | | 98 | 85 | 64 | 54 | 93 | 80 | 59 | 49 | 88 | 75 | 54 | 44 |
| Littleton | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Morrison | | 69 | 58 | 48 | 38 | 64 | 53 | 43 | 33 | 59 | 48 | 38 | 28 |
| Remaco | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Rocky Mtn. Arsenal | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Shaffers Crossing | | 107 | 90 | 74 | 60 | 102 | 85 | 69 | 55 | 97 | 80 | 64 | 50 |
| Tiny Town | | 93 | 78 | 63 | 52 | 88 | 73 | 58 | 47 | 83 | 68 | 53 | 47 |
| Aurora | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Buckley Field | | 69 | 58 | 48 | 38 | 64 | 53 | 43 | 33 | 59 | 48 | 38 | 28 |
| Derby | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Fitzsimons Hospital | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |
| Fort Logan | | 64 | 55 | 47 | 35 | 59 | 50 | 42 | 30 | 54 | 45 | 37 | 25 |

Also establish distance class rates in cents per 100 pounds on less-than truckload, and minimum weights of 5,000 and 10,000 pounds for account of Navajo Freight Lines, Inc.

10. To establish the following class rates in cents per 100 pounds for account of Middle Park Express

| Between | | Denver, Colorado | | | | | | | | | | | |
|--------------------------------|----------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colorado | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Berthoud Falls | | 128 | 108 | 88 | 73 | 123 | 103 | 83 | 68 | 118 | 98 | 78 | 63 |
| Berthoud Pass | | 138 | 116 | 95 | 74 | 133 | 111 | 90 | 69 | 128 | 106 | 85 | 64 |
| Fraser | | 145 | 123 | 102 | 77 | 140 | 118 | 97 | 72 | 135 | 113 | 92 | 67 |
| Granby (via Berthoud Pass) | | 162 | 138 | 112 | 91 | 157 | 133 | 107 | 86 | 152 | 128 | 102 | 81 |
| Grand Lake (via Berthoud Pass) | | 187 | 158 | 129 | 102 | 182 | 153 | 124 | 97 | 177 | 148 | 119 | 92 |
| Hot Sulphur Springs | | 171 | 145 | 118 | 94 | 166 | 140 | 113 | 89 | 161 | 135 | 108 | 84 |
| Kremmling | | 187 | 158 | 129 | 102 | 182 | 153 | 124 | 97 | 177 | 148 | 119 | 92 |
| Parshall | | 177 | 152 | 125 | 96 | 172 | 147 | 120 | 91 | 167 | 142 | 115 | 86 |
| Phantom Valley | | 217 | 185 | 150 | 122 | 212 | 180 | 145 | 117 | 207 | 177 | 140 | 112 |
| Tabernash | | 152 | 129 | 105 | 83 | 147 | 124 | 100 | 78 | 142 | 119 | 95 | 73 |
| Troublesome | | 179 | 155 | 125 | 99 | 174 | 150 | 120 | 94 | 169 | 145 | 115 | 89 |
| Winter Park | | 138 | 116 | 95 | 74 | 133 | 111 | 90 | 69 | 128 | 106 | 85 | 64 |

11. To establish the following class rates in cents per 100 pounds for account of Denver-Loveland Transportation.

| Between | | Denver, Colorado | | | | | | | | | | | |
|-----------|----------|------------------|-----|-----|-----|----------------|-----|-----|-----|---------------|-----|-----|-----|
| And | Colorado | L.T.L. | | | | MINIMUM WEIGHT | | | | | | | |
| | | | | | | 5,000 pounds | | | | 10,000 pounds | | | |
| | | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Wild Spur | | 112 | 96 | 79 | 61 | 83 | 70 | 59 | 45 | 57 | 50 | 42 | 32 |

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-------------------------------------|---|--|
| IN THE MATTER OF THE APPLICATION OF | } | <u>APPLICATION NO. 13171-Extension</u> |
| YELLOW CAB COMPANY OF COLORADO | | |
| SPRINGS, 20 WEST PIKES PEAK AVENUE, | | |
| COLORADO SPRINGS, COLORADO, FOR | | |
| AUTHORIZATION TO EXTEND LIMITS OF | | |
| TERRITORY SERVED. | | |
| ----- | | |

December 22, 1954

Appearances: Ben S. Wendelken, Esq., Colo-
rado Springs, Colorado, for
applicant;
Floyd K. Roberts, Colorado
Springs, Colorado, for Con-
tinental Trailways.

S T A T E M E N T

By the Commission:

Applicant is engaged in the business of providing taxicab service between points within a 10 mile radius of the corporate limits of Colorado Springs under Decision Nos. 15523, 21053, and 17012 of this Commission and within the limits of the Town of Manitou Springs, Colorado, under Decision Nos. 31391 and 32881.

By the instant application it seeks authority to extend its operations for an additional ten miles so it will be authorized to furnish taxicab service between points within a radius of 20 miles from the corporate limits of the City of Colorado Springs, Colorado, including points within the limits of the Town of Manitou Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, December 14, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Raymond A. Cook, operating manager of applicant, testified that the Company cannot fully serve its customers when limited to the 10 mile radius. He has frequent calls for service beyond said radius; calls from ranches 18 to 20 miles distant from the City, being received at the rate

of five or six per day; also calls from Woodland Park, Fountain Valley School (13 miles), Lord's ranch (15 miles), Fountain (12 miles), Chipeta Park, Green Mountain Falls (18 miles), and other outside points. As to the Fountain Valley School, students call when necessary to make a trip to Colorado Springs to meet their parents and parents often wish to make a trip to the School to visit their sons. It is a large School, with a large faculty and, during the week, the calls occur two or three times every day with eight to ten calls over the week end. The School is off the main highway. Fountain itself is a growing community from which calls are received fifteen to twenty times per week. Calls come from points south and east of Colorado Springs, such as Falcon, and frequent requests are received from engineers and others to visit the proposed site of the Air Academy north of the City, and, when construction starts, the Company anticipates many calls for service in that area. Two or three calls per day are received for service to and from Monument, 19 miles north. To the west, during a ten-day test period, six to ten calls per day were received from Woodland Park, Chipeta Park, Green Mountain Falls and other points in the Ute Pass area. No similar service is offered to any of the points named, except for one trip per day by another carrier up Ute Pass which does not furnish the service required. It appears from the evidence that there is now, and in the future will be, a steadily growing demand for taxicab service throughout the twenty mile radius. If the application is granted, applicant will operate on the same metered basis as it now operates.

In the absence of objection, there were filed a letter from the Fountain Valley School (Exhibit 1) heartily endorsing the application, and Exhibit 2, consisting of five requests for approval from residents of Woodland Park; ten from Fountain; one from Black Forest; four from Green Mountain Falls; one from Cascade; five from Fountain; and one from Monument.

Delbert Kendski, representing the Colorado Springs Free Press, a local daily newspaper, testified that he had made an independent survey, without the knowledge of the applicant, on three occasions, cross-sampling

the taxicab service in the area. He made trips by taxicab at all times of day and night between various points in and out of the City, checking the time required for service to become available after a call for service was sent in, and other factors. He found the service very good; no substantial delays. The average time required per call was from eight to ten minutes and the longest time required nineteen minutes. The service recently has shown a distinct improvement over previous service.

Clayton Banta, Manager of the Colorado Springs Chamber of Commerce, described the methods used in making surveys of various types of taxicab service. He emphasized the rapid growth of the City and adjacent areas, all indications being that this growth will continue, particularly in what he referred to as the metropolitan area. Referring to the proposed Air Academy, he stated that its present area would extend for seven or eight miles along the highway, the nearest point to Colorado Springs being seven miles north. When construction starts, it is expected that 5,000 people will be employed, increasing later to from 15,000 to 18,000 and taxicab service will be a "must."

Mr. Cook, recalled, explained recent improvement in the operating department of the Company resulting from the purchase from the Antlers Hotel of its taxicab rights under PUC No. 139. There has been installed a new dispatching system, a new staffing pattern, cabs stationed at various convenient points throughout the City, new radio equipment installed and more cabs placed in service. The cabs are now in service approximately 100% of the time. The Company now has its own maintenance department. The drivers have a new satisfactory guaranty in lieu of the percentage basis upon which they formerly were employed. The Company can now furnish a much more complete service to the public and is in a condition financially to purchase more equipment, if required.

No one appeared in opposition to the granting of the application.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed extended service of the applicant and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier, call and demand, service of Yellow Cab Company of Colorado Springs, Colorado Springs, Colorado, under PUC No. 109, to include an additional ten miles so as to furnish taxicab service between points within a radius of 20 miles from the corporate limits of the City of Colorado Springs, Colorado, including points within the limits of the Town of Manitou Springs, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

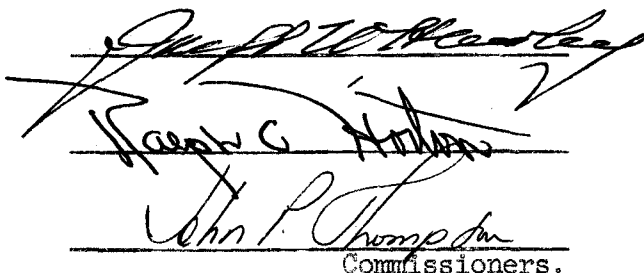
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---|---------------------------------------|
| IN THE MATTER OF THE APPLICATION OF) THE ANTLERS HOTEL COMPANY, COLORADO) SPRINGS, COLORADO, FOR AUTHORITY TO) TRANSFER CERTIFICATE NUMBER PUC-139) TO YELLOW CAB COMPANY OF COLORADO) SPRINGS, BROADMOOR HOTEL, COLORADO) SPRINGS, COLORADO.) | <u>APPLICATION NO. 13172-Transfer</u> |
|---|---------------------------------------|

December 22, 1954

Appearances: Ben S. Wendelken, Esq., Colo-
rado Springs, Colorado, for
Transferor and Transferee.

S T A T E M E N T

By the Commission:

Antlers Hotel Company, Colorado Springs, Colorado, is the owner or PUC No. 139 authorizing certain sightseeing and auto livery service and further authorizing the following taxicab operating rights under the Decisions hereinafter referred to, to-wit: Decision No. 15523, Application 787-AB, authorizing metered taxicab service between points within a radius of 10 miles of the corporate limits of Colorado Springs, with no limitation as to equipment; Decision No. 21053, Application 6283, June 23, 1943, amending Decision No. 15523, Supra, by authorizing taxicab service for the transportation of passengers between Colorado Springs and Camp Carson and between Colorado Springs and Peterson Field, subject to certain conditions set forth in said Decisions; Decision No. 17012, Application 753-A-et al, April 18, 1941, construing Decision No. 15523 as being inapplicable to taxicab operations within the corporate limits of the Town of Manitou Springs, Colorado; Decision No. 31391, Application 9604, October 9, 1948, authorizing transfer from Walter Colburn of taxicab operating rights within the limits of the Town of Manitou Springs, Colorado.

By the instant application, the certificate-holders seek authority to transfer all of its taxicab operating rights under said PUC No. 139 to Yellow Cab Company of Colorado Springs, Colorado, transferor retaining its sightseeing authority granted under the above decisions.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, December 14, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Gunnar Alenius testified as to the operations of transferor and transferee. He is the tax accountant for Yellow and for the Broadmoor Hotel, Colorado Springs. Yellow is wholly owned by the Broadmoor Hotel. For many years, the Broadmoor and Antlers operated under an agreement by the terms of which each furnished an equal amount of equipment for Yellow. The management remained in the province of Antlers and the operations in the province of Broadmoor. Through negotiations, Yellow has now purchased from Antlers the interest of the former in the equipment and operation at an agreed price which has been paid in full and the working arrangement referred to has been cancelled. As a result, Yellow, now wholly owned by Broadmoor, has been able to make favorable changes in its management, increase the number of cabs operated, improve the equipment, enter into improved working arrangements with its drivers and is now better able to provide adequate service to the public. Formerly, approximately 75% of its cabs were in use, but the change in management has increased the usage to approximately 100%. The time formerly involved in making joint decisions between the operating partner and the management partner has been eliminated.

The passenger-mile tax deposit is to remain with the sightseeing operation of transferor.

Clarence H. Jonson, Auditor for the Antlers Hotel, appeared in support of the application, testifying that there are no unpaid obligations against the taxicab operation.

Harvey W. Reinking, Chief Accountant for Broadmoor and Yellow, identified the financial statement of Yellow, on file with the Commission.

No one appeared to object to the proposed transfer and the experience and financial stability of transferee has been shown to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Antlers Hotel Company, Colorado Springs, Colorado, be, and is hereby, authorized to transfer to Yellow Cab Company of Colorado Springs, Colorado, all of its taxicab operating rights authorized under PUC No. 139, being the taxicab rights more fully described in Decisions Nos. 15523, 21053, 17012, and 31391, referred to in the above and foregoing Statement, which, by reference, is made a part hereof.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

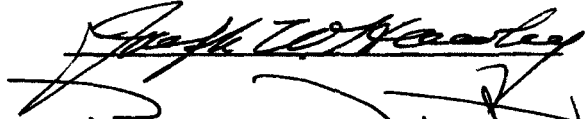
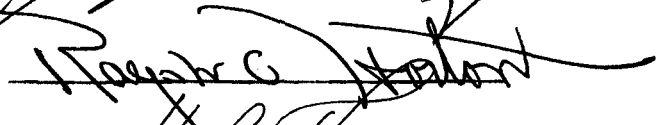

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate, and the payment by it or transferee of all unpaid passenger-mile tax.

The passenger-mile tax deposit shall be credited to the sight-seeing operations retained by the Antlers Hotel Company under PUC No. 139.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERSEY W. YOUNG, JR., DOING BUSI-)
NESS AS "INTERMOUNTAIN HELICOPTER)
SERVICE," 3084 FOREST STREET, DEN-) APPLICATION NO. 13170
VER, COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

December 22, 1954

Appearances: Henry J. Walsmith, Esq.,
Denver, Colorado, for
applicant;
Neil Tasher, Esq., Denver,
Colorado and
William Moulton, Esq. Little-
ton, Colorado, for Clinton
Aviation, Inc., Drapela
Flying Service, Rocky
Mountain Aviation, Inc.,
Intermountain Aviation Inc.;
W. F. Bridgeman, Denver, Colo-
rado, and
Anthony L. Mueller Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The above-styled application was filed by Hersey W. Young, Jr.,
doing business as "Intermountain Helicopter Service " Denver,
Colorado, for a certificate of public convenience and necessity
to operate as a common carrier, for the transportation, by
helicopter, on call and demand, of persons and property, not on
schedule, from, to, and between all points within the State of
Colorado, with base of operations at Denver, Colorado, in intra-
state and interstate commerce.

Said application, pursuant to prior setting, after appropri-
ate notice to all parties in interest, was heard at the Hearing
Room of the Commission, 330 State Office Building, Denver, Colo-
rado, December 10, 1954, at ten o'clock A. M., and at the conclu-
sion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has access to various model Helicopters for lease, and has on order from Bell Aircraft Company, one two-place Bell Helicopter; delivery date promised is early April, 1955. All Helicopters available and on order are suitable for passenger-carrying operations, and will be duly certified Helicopters.

The applicant has had wide experience as an airman over a period of sixteen years, and during the past two years, has accumulated over 250 hours as a pilot in Helicopter operations, practically all of which have been over the mountainous terrain of Colorado and Utah.

Applicant has made contact with persons and firms interested in the services of a Helicopter operation, particularly power companies interested in Helicopter patrol of power transmission lines, potential advertisers employing Helicopters, etc.

Ray Wilson, Denver, Colorado, one of Colorado's outstanding aviation authorities, testified that in his opinion there was a need for such service proposed to be performed by applicant.

The applicant will carry suitable insurance protection, covering public liability, property damage, and passenger liability insurance, and will continue to carry such insurance and any other insurance protection that may be required by the Commission.

Applicant does not propose to establish a service in competition with service of carriers by air operating fixed-wing aircraft operations on schedule or on call and demand.

The question of jurisdiction of this Commission to issue, and the propriety and necessity of issuing certificates of public convenience and necessity for "non-scheduled" or "irregular" common carrier service by air has been fully discussed in our Decision No. 30379, of date April 30, 1948, in Application No. 8734, in re Great Plains Aviation Company, Inc. It is not

necessary to review the matter here, and said Decision No. 30379 is hereby made a part of this Order, by reference.

F I N D I N G S

THE COMMISSION FINDS:

That the matters involved in the instant application are subject to the jurisdiction of this Commission; that public convenience and necessity require the authorization of the Helicopter service for transportation of persons and property by applicant, as proposed; that the safety rules and regulations developed by the Civil Aeronautics Board over a period of years which are based on experience, generally speaking, assure the public of a maximum of safety in operation; that the applicant should be required to comply with the Civil Air Regulations of the Civil Aeronautics Board presently in effect, or to be adopted in the future, governing operations, with particular regard to "non-schedule" or "irregular" air carrier rules, with the privilege of applying to this Commission for a certificate of exemption from compliance with such rules and regulations as applicant may believe should be eliminated; that applicant is fit, willing, and able to perform the proposed air transportation service properly, and to conform to our rules, regulations, and requirements -- present and future -- which we may adopt, and that certificate of public convenience and necessity should issue therefor, subject, however, to the conditions and restrictions in the Order following, which, in the opinion of the Commission, the public interest requires.

O R D E R

THE COMMISSION ORDERS:

Upon consideration of the evidence of record, the Commission having issued the foregoing Statement and Findings of Fact, which are hereby referred to and made a part hereof, by reference,

IT IS ORDERED:

That present and future public convenience and necessity require, and will require, the proposed non-scheduled operations by Helicopter of applicant herein; that he should be, and hereby is, authorized to operate as a common carrier by Helicopter, in interstate and intrastate commerce, for the transportation of passengers and property, not on schedule, but on call and demand, in irregular service, between all points in the State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall not establish an office or branch for the purpose of developing business at any town other than Denver, Colorado, and airports located within ten miles of said City.

The exercise of the privileges granted by this certificate shall be subject to the rules, regulations, and requirements of this Commission, and such other terms, conditions, and limitations as may, from time to time, be prescribed by it; that said applicant, at all times, shall comply with all applicable Civil Air Regulations of the Civil Aeronautics Board, which are now or hereafter may be, in effect, relating to the airworthiness of Helicopters and safety measures for common carriers of passengers or property by air, on call and demand or irregular service, provided that applicant may, if he considers any of said Civil Air Regulations as applied to his proposed operations, to be unduly burdensome or unreasonable, apply to this Commission for exemption from such specific requirement of said particular regulation, and upon the granting of said exemption, shall be relieved from compliance therewith.

Nothing in this Order shall be construed as to permit the use of the well-known "fixed-wing" aircraft in the applicant's operation, the operation being specifically confined to the operation of "rotary-wing aircraft."

The interstate authority herein granted is issued as a matter of course, subject to the action of the Civil Aeronautics Board, it being contemplated that such authority shall become effective only if and when said Board shall authorize such interstate operations by applicant, and only to the extent of such authorization or certificate.

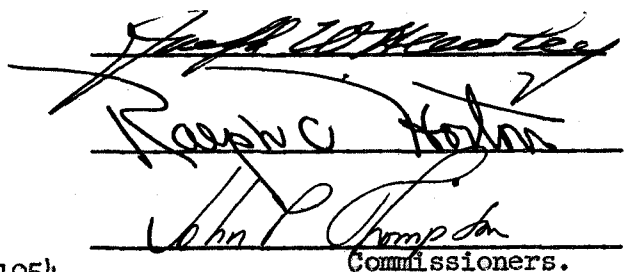
Applicant shall file tariffs, rate schedules, and rules and regulations with, to be approved by, this Commission, within thirty (30) days from the date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

Applicant shall commence service within one hundred twenty (120) days from the date of this Order, or apply to this Commission for an extension of time within which to institute operations.

Jurisdiction is hereby retained of this application and operations under the certificate herein granted, to the end that such further order, or orders, as to the Commission may seem proper in the public interest, may be entered herein by it, if and when deemed advisable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1954.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN VIEW ELECTRIC ASSOCIATION,)
INC., LIMON, COLORADO, FOR TRANSFER)
TO APPLICANT OF CERTAIN PORTIONS OF)
CERTIFICATED AREA HERETOFORE CERTI-)
FIED TO INTERMOUNTAIN RURAL ELECTRIC)
ASSOCIATION IN THE COUNTIES OF EL)
PASO, DOUGLAS AND ELBERT, STATE OF)
COLORADO.)

APPLICATION NO. 13020

December 27, 1954

Appearances: Leon H. Snyder, of Snyder and
Tullis, Colorado Springs,
Colorado, for the applicant;
Louis Johnson, Colorado Springs,
Colorado, for the City of Colo-
rado Springs, Colorado;
W. George Denny, Jr., Denver,
Colorado, and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The application of the Mountain View Electric Association, Inc. seeks authority from this Commission to transfer to Mountain View Electric Association, Inc. a portion of the territory now covered by certificates of public convenience and necessity held by Intermountain Rural Electric Association authorizing service in El Paso, Douglas and Elbert Counties in the State of Colorado.

The application was set for hearing, after due notice to all parties interested, on Friday, August 27, 1954, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was there heard by the Commission, and taken under advisement.

The evidence disclosed that applicant is engaged in the business of distribution of electricity in the Counties of El Paso, Pueblo, Washington, Lincoln, Elbert, Douglas and Arapahoe, being organized as a not-for-profit corporation under the laws of the State of Colorado, financed and

under the supervision of the Rural Electrification Administration, and that the address of applicant is Limon, Colorado.

The evidence further disclosed that The Intermountain Rural Electric Association is a similar Rural Electrification Administration cooperative, operating in El Paso, Elbert and Douglas Counties, as well as other counties in the State of Colorado, and that in connection with the distribution of electricity in El Paso, Elbert and Douglas Counties The Intermountain Rural Electric Association has received an assignment of certain certificates of public convenience and necessity authorizing service in certain areas in El Paso, Elbert and Douglas Counties under Applications numbered 1878-AA, 1879-AA, 1880-AA, 2000-AA, 2001-AA, 2002-AA, and 2074-AA, Decision No. 21165, dated July 17, 1943.

The evidence further disclosed that heretofore and under date of April 20, 1951, The Intermountain Rural Electric Association entered into a transfer agreement with the Mountain View Electric Association, Inc. and the United States of America for transfer from The Intermountain Rural Electric Association to Mountain View Electric Association, Inc. of certain areas in the counties aforesaid, and for release of mortgage of \$68,500.00 given by The Intermountain Rural Electric Association to the United States of America on said property, and under date of April 26, 1951 The Intermountain Rural Electric Association transferred by proper bill of sale to Mountain View Electric Association, Inc. all of the property referred to in said agreement, being as follows:

All electric transmission and distribution lines and facilities and appurtenances thereto, owned or operated by the Grantor, or under its direction, in the following:

Sections 22, 23, 26, 27, 34 and 35 in Township 9 South, Range 64 West of the 6th P. M. and in Section 3 in Township 10 South, Range 64 West of the 6th P. M., all in Elbert County, Colorado.

All of Township 11 South, Range 66 West of the 6th P. M.; all of Township 12 South, Range 66 West of the 6th P. M.; all of Township 13 South, Range 66 West of the 6th P. M.; all of Section 2, the East Half of Section 3, the East Half of Section 10, all of Section 11, all of Section 14, all of Section 15 except the North Half of the Northwest Quarter thereof, all of Section 16 except the North Half of the North Half thereof; all of Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36,

all in Township 11 South, Range 67 West of the 6th P. M.; all of Township 12 South, Range 67 West of the 6th P. M.; and all of Township 13 South, Range 67 West of the 6th P. M. in El Paso County, Colorado.

Being a portion of the property conveyed to the Grantor by The Mountain Utilities Corporation by a certain deed and bill of sale dated July 22, 1943, and recorded on June 3, 1949, in Book 206 of Deeds, page 412, in Elbert County, Colorado, and on April 11, 1950, in Book 1290 of Deeds, page 233, in El Paso County, Colorado, together with additions and improvements thereto made and constructed.

That said agreement has been carried out by the parties, transfer of the property has been made to applicant under date of April 26, 1951, as shown by bill of sale, and possession of said property has been given to the applicant under date of August 20, 1951, and applicant has owned and operated said property ever since said date and has made extensive improvements thereon.

The evidence further disclosed that prior to the execution of said bill of sale, and on or about April 6, 1950, upon instructions and agreement of the Directors of their respective associations, the respective Managers of said Associations, to-wit: Ralph McMillan for Mountain View Electric Association, Inc. (designated under REA number "Colorado 37 Douglas") and Chas. See, Manager for The Intermountain Rural Electric Association (designated under REA number "Colorado 16 Jefferson"), jointly prepared a map showing the boundary lines between the two cooperatives, a copy of which map was filed with the Commission and designated "Exhibit 3," at the hearing hereof. That according to said map the area south and east of the line drawn between the two cooperatives which formerly belonged to The Intermountain Rural Electric Association is the area assigned and transferred to Mountain View Electric Association, Inc., and that all electric transmission and distribution lines and facilities and appurtenances thereto previously owned and operated by The Intermountain Rural Electric Association in the area south and east of the line as shown on said map is included in the bill of sale. That applicant desires to have transferred to applicant all of the area south and east of said line set out on said Exhibit 3, which is

included in Applications numbered 1878-AA, 1879-AA, 1880-AA, 2000-AA, 2001-AA, 2002-AA /and 2074-AA, referred to in paragraph 3 of the application, and referred to above.

The evidence further disclosed that applicant has ever since the date of the transfer carried on its operations in the area south and east of the line referred to and shown on Exhibit 3, formerly served by The Inter-mountain Rural Electric Association, as aforesaid.

The evidence further disclosed that in accordance with verbal agreement between the applicant and the City of Colorado Springs, applicant has used as the southwesterly boundary of the territory in which it operated in said area a line drawn east from the southwest corner of Section 19, Township 12 South, Range 67 West, to the southeast corner of Section 20, Township 12 South, Range 65 West, thence southerly to the southeast corner of Section 17, Township 13 South, Range 65 West, which last mentioned line is the division line between the territories served by applicant and the City of Colorado Springs, Colorado. That the City of Colorado Springs carries on its operations in said area south of said last mentioned line, under a certificate of public convenience and necessity issued by the Commission, and applicant does not ask for any territory now served by the City of Colorado Springs, in its certificated area, with the exception of certain designated territory as hereinafter set forth. Mountain View Electric Association, Inc., is presently serving certain customers within the certificated area of the City in the following areas:

Section 30 and 31 of T. 12 So., R. 66 W.
and Section 6, T. 13 So. R. 66 W.

The City of Colorado Springs and applicant have entered into an agreement, a copy of which has been filed in the instant matter as a late filed exhibit, which states, in effect, that the City agrees that Mountain View can continue to serve its present customers within the above-described territory and that Mountain View agrees that it will not serve any additional customers within said territory unless ordered by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the transfer of certificates of public convenience and necessity now held by The Intermountain Rural Electric Association, and has jurisdiction over The Intermountain Rural Electric Association and Mountain View Electric Association, Inc. as to the acquisition of said certificates and as to division of territory covering same.

That transfer by The Intermountain Rural Electric Association of the portion of the area covered by said certificate as applied for by Mountain View Electric Association, Inc. is in the public interest and should be authorized and approved by this Commission.

That the above Statement be made a part hereof, by reference.

O R D E R

THE COMMISSION ORDERS:

That the Mountain View Electric Association, Inc. be, and it hereby is, authorized to acquire, and Intermountain Rural Electric Association be, and it hereby is, authorized to transfer to said Mountain View Electric Association, Inc. certain portions of the certificates of public convenience and necessity now held by Intermountain Rural Electric Association under Application Numbers 1878-AA, 1879-AA, 1880-AA, 2000-AA, 2001-AA, 2002-AA, and 2074-AA, Decision No. 21165, of July 17, 1943, as set out herein.

That the portion of the territory transferred to Mountain View Electric Association, Inc. under the above certificates be, and hereby is, designated as that territory lying south and east of a line drawn in red on Exhibit No. 3 introduced at the hearing, said Exhibit being made a part hereof, by reference, with the exception set out below.

That the Mountain View Electric Association, Inc. shall not render electric service in the territory now held by the City of Colorado Springs under a certificate of public convenience and necessity from this Commission with the exception of the territory set forth herein, which territory, the

City of Colorado Springs and Mountain View Electric Association, Inc. have filed a written Agreement with the Commission, said Agreement being made a part hereof, by reference.

That the territory within the certificated area of Colorado Springs that Mountain View Electric Association, Inc. may continue to serve its existing customers is set forth as follows:

Sections 30 and 31, T. 12 S., R. 66 W.
and Section 6, T. 13 S., R. 66 W.,

all in accordance with the above-named Agreement.

That, except as to the territory transferred to Mountain View Electric Association, Inc. herein, Intermountain Rural Electric Association shall continue to serve the remaining portion of the territory originally acquired by it under the above designated applications.

That Mountain View Electric Association, Inc., shall within thirty (30) days of the effective date of this order amend its tariffs, rules and regulations to include the area of service that it will acquire herein.

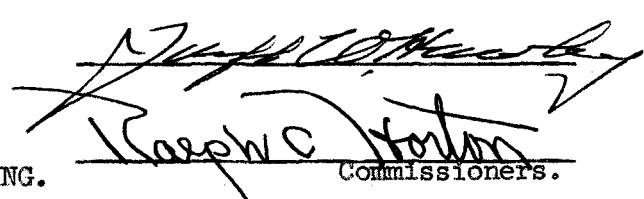
That Intermountain Rural Electric Association shall within thirty (30) days of the effective date of this order amend its tariffs, rules and regulations to exclude the area of service to be transferred herein.

That the applicant shall, as to the territory acquired under the portions of certificates of public convenience and necessity transferred herein, comply at all times with the rules and regulations of this Commission.

That this Commission retains jurisdiction of these proceedings to make such further order, or orders, as it may deem necessary.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of December, 1954.

(Decision No. 43849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SOUTHERN SAN LUIS VALLEY RAILROAD
COMPANY, BLANCA, COLORADO, TRANS-
FEREE, TO ACQUIRE THE PHYSICAL
ASSETS OF THE SAN LUIS VALLEY
SOUTHERN RAILWAY COMPANY, TRANS-
FEROR.

APPLICATION NO. 13179

December 27, 1954

Appearances: W. W. McClintock, Blanca,
Colorado,
George M. Oringdolph, Mesita,
Colorado,
R. J. Ramsey, Blanca, Colorado,
and
E. B. Evans, Esq., Denver, Colo-
rado, for applicants;
Fletcher Thomas, Esq., Denver,
Colorado, for Protestant
Rossi Produce Company;
T. A. White, Esq., Denver, Colo-
rado, for Intervener The Denver
and Rio Grande Western Rail-
road Company;
Anthony J. Mueller, Esq., Denver,
Colorado,
John L. McNeill, Denver, Colorado,
and
Paul Elder, Denver, Colorado, for
the staff of the Commission;
Duke W. Dunbar, Attorney General,
Denver, Colorado, and
William T. Secor, Assistant Attorney
General, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The San Luis Valley Southern Railway Company was organized in 1910 for the purpose of constructing a railroad from a connection with the line of railroad of The Denver and Rio Grande Western Railroad Company at Blanca, Colorado, south through San Acacio and Mesita to Jarosa, Colorado, and the line was completed in approximately the same year. The purpose of the construction of the line was to furnish transportation as a part of the development of a large area of land by the Costilla Estates Development Company. Since said date, the

line of railroad has been in continuous operation, furnishing transportation for that territory.

During 1948, the railroad company applied to the Interstate Commerce Commission for a certificate of public convenience and necessity authorizing it to abandon the line of railroad and the operation thereof in interstate commerce. During the pendency of that proceeding, the capital stock of the company was acquired by W. W. McClintock and his associates, S. Yoratoma and Bessie Storm. Thereafter, said abandonment proceeding was dismissed.

In September of 1951, said then stockholders sold all of the outstanding stock of the railway company, consisting of 4455 shares, to the St. Louis Waste Material Company, a Texas corporation, for \$170,000. On March 10, 1952, the railway company applied to the Interstate Commerce Commission, in Finance Docket No. 17689, for authority to abandon the entire line of railroad and the operation thereof in interstate and foreign commerce. A large number of shippers over the line, as well as this Commission, protested the granting of such application.

Under date of September 24, 1953, the Interstate Commerce Commission, in said proceeding, issued its certificate authorizing the railway company to abandon such line of railroad and the operation thereover, subject to the condition that it sell the line at a price not less than the fair net salvage value thereof to any person offering, within 40 days from the date of said certificate and order, to purchase it for continued operation. Petitions for reconsideration were filed by this Commission and by other protestants and, pending consideration of such petitions, the effective date of the certificate and order of the Commission was postponed. On May 13, 1954, a stipulation was entered into between the railway company and counsel for the protestants and interveners, whereby it was stipulated that the certificate of the Interstate Commerce Commission, dated September 24, 1953, in Finance Docket No. 17689, might become final upon the authorization of the acquisition of the railroad

property by the transferee here, Southern San Luis Valley Railroad Company, and that all objections of protestants to the abandonment of the line are to be deemed withdrawn upon the granting of such certificate authorizing the acquisition of the property.

Southern San Luis Valley Railroad Company, as shown by certified copy of its Articles of Incorporation, now on file in this proceeding, was organized under the laws of the State of Colorado as a railroad corporation on December 11, 1952. One of the protestants, George M. Oringdulph, and W. W. McClintock, the general manager of the railway company, entered into an agreement with Bankers Life and Casualty Company of Chicago, Illinois, dated April 27, 1954, a copy of which has been received in evidence, whereby Bankers Life and Casualty Company would purchase all of the stock of the railway company for the sum of \$175,000, such sum to be provided by a note secured by a pledge of the capital stock of the railway company for \$135,000 and \$40,000 in cash to be supplied by George M. Oringdulph, W. W. McClintock and John B. Stribling. An agreement was entered into on April 27, 1954, which agreement was acquiesced in and approved by Southern San Luis Valley Railroad Company, for the purchase of said stock from the ~~then owners~~. It was stipulated in said agreement that the new stockholders, George M. Oringdulph and W. W. McClintock, would cause The San Luis Valley Southern Railway Company to be dissolved and cause the assets thereof to be distributed in kind to said stockholders. Said Oringdulph and McClintock agreed to convey said assets to the Southern San Luis Valley Railroad Company upon the consideration that the said railroad company would make, issue and deliver to the Bankers Life and Casualty Company its note for \$135,000 payable in installments and secured by a mortgage on all of its real and personal property, and the issuance to George M. Oringdulph, W. W. McClintock and John B. Stribling of 40,000 shares of capital stock of the company of no par value but having a stated value of \$10.00 per share to represent the cash advanced by them, amounting to \$40,000.

Thereafter, Southern San Luis Valley Railroad Company filed an application with the Interstate Commerce Commission, being Finance Docket No. 18571, for authority to acquire all of the physical assets of the old company and also filed with the Interstate Commerce Commission, in Finance Docket No. 18655, an application requesting authority to issue securities consisting of the hereinbefore mentioned note for \$135,000 secured by mortgage on all of the property of the railroad company, and 40,000 shares of the capital stock of the railroad company, having a stated value of \$10.00 per share, to George M. Oringiulph, W. W. McClintock and John B. Stribling, in consideration of their having advanced said sum of \$40,000. On November 10, 1954, the Interstate Commerce Commission, in Finance Docket No. 18571, entered an order which also embraced Finance Docket No. 18655, Southern San Luis Valley Railroad Company Securities, and Finance Docket No. 17689, The San Luis Valley Southern Railway Company Abandonment, and in which the Interstate Commerce Commission issued its certificate and order as follows:

"It is hereby certified, That the present and future public convenience and necessity require the acquisition and operation by the Southern San Luis Valley Railroad Company of the entire line of railroad of the San Luis Valley Southern Railway Company, in Costilla County, Colorado, described in the report aforesaid.

"It is ordered, That the Southern San Luis Valley Railroad Company be, and it is hereby, authorized to issue not exceeding 40,000 shares of common stock without par value, and a promissory note in the principal amount of \$135,000 to be dated April 27, 1954, payable to the order of Bankers Life and Casualty Company, to bear interest at the rate of 6 percent per annum, payable semi-annually on the unpaid balance, and to contain other terms and provisions as set forth in the application and report aforesaid; said note to be secured by a mortgage to be dated April 27, 1954, between applicant and the Colorado Springs National Bank, as trustee; said stock and note to be issued for the purpose of financing the acquisition of the physical assets of the San Luis Valley Southern Railway Company.

"It is further ordered, That, except as herein authorized, said stock and note shall not be sold, pledged, re-pledged, or otherwise disposed of by the applicant, unless or until so ordered or approved by this Commission.

"It is further ordered, That, within 10 days after the execution of the proposed mortgage, the applicant shall file a certified copy of such instrument with this Commission.

"It is further ordered, That the applicant shall report concerning the matters herein involved in conformity with the order of the Commission, by division 4, dated August 9, 1946, as amended, respecting applications filed under section 20a of the Interstate Commerce Act.

"It is further ordered, That the application shall submit for the consideration and approval of this Commission three copies of the journal entries required to record the transaction.

"It is further ordered, That nothing herein shall be construed to imply any obligation as to said stock and note, or dividends or interest thereon, on the part of the United States.

"It is further ordered, That the Southern San Luis Valley Railroad Company, when filing schedules establishing rates and charges applicable on said line of railroad, shall in such schedules, refer to this certificate by title, date, and docket number.

"It is further ordered, That the Southern San Luis Valley Railroad Company shall report to this Commission as required by valuation order No. 24, effective May 15, 1928.

"It is further ordered, That the petition for reconsideration filed in Finance Docket No. 17689, be, and it is hereby, dismissed.

"And it is further ordered, That the certificate issued under date of September 24, 1953, in Finance Docket No. 17689, be, and it is hereby, made effective as of the date the Southern San Luis Valley Railroad Company commenced operation of the line of railroad involved."

Thereafter and on November 15, 1954, the railway company, pursuant to Rule 24 of the Rules of Practice and Procedure of this Commission, effective January 1, 1951, filed with this Commission a notice of its intention to abandon service and operation of the line of railroad extending from a connection with the Denver and Rio Grande Western Railroad Company at Blanca, Colorado to the southern terminus thereof at Jarosa, Colorado, effective as of the date on which Southern San Luis Valley Railroad Company commences operation of said line. Said notice was duly served and published, as required by said Rule 24. No protests to the said abandonment of said line of railroad have been received by this Commission.

On November 23, 1954, application was filed with this Commission for authority for Southern San Luis Valley Railroad Company to acquire all of the assets of The San Luis Valley Southern Railway Company, in accordance with and in the manner provided in said agreement of April 27, 1954. Such application was set for hearing, and heard, on December 9, 1954, at 1:30 o'clock P. M., at the Hearing Room of this Commission, 330 State Office Building, Denver, Colorado.

Hearing thereon was duly held and the only protestant to appear was an attorney for Rossi Produce Company, who claims to have commenced an action in the District Court of the City and County of Denver against The San Luis Valley Southern Railway Company, numbered A-85071, to recover the sum of \$1920.00, with interest, on account of alleged damage in transit to a carload of produce delivered to said railway company for transportation from the point of origin to New York City, New York. The ground of protest was that the application should be denied unless the transferee would agree to assume all of the liabilities and agree to become a party to said action, the same as though mentioned therein. It was stipulated at the hearing that the railroad company would assume all of the liabilities of the old company and would become a party to said civil action herein mentioned. Upon this stipulation being made, the protest of Rossi Produce Company was withdrawn.

The Denver and Rio Grande Western Railroad Company has filed with this Commission a letter dated November 23, 1954, in which it states that, as a connecting carrier with applicant's railroad at Blanca, it has an interest in this proceeding and that it has no objection to the issuance of an order by this Commission, as requested by the applicant herein, without a hearing.

At the hearing, R. B. Ramsey, president of the railway company, identified the balance sheet and statement of revenues, and operating expenses from January 1, 1954 to November 30, 1954,

both inclusive. It appears therefrom that the railway company, during the period mentioned, had a total net operating revenue of \$3263.61, and after allowance for tax accruals, hire of freight cars, joint facility rent, showed a deficit of \$7266.30.

Mr. W. W. McClintock, as president of the railroad company, testified that the present owners of the capital stock of the company had a very good opinion as to the ability of the railroad company to continue in operation if a certificate be granted herein. It appears from his testimony that prior to October 1, 1953, the railway company received divisions of approximately 35% of the Rio Grande's proportion of all freight charges on shipments originating on the line of the railway company, but that since October 1, 1953, the divisions had been cut to 25%, which accounts for the deficiency mentioned above. He further testified that arrangements had been entered into with the proper officers of the Denver and Rio Grande Western Railroad Company whereby the new company, after it takes over the operation of the line of railroad, will receive divisions approximating 30% to 32% of the revenue received by the Rio Grande Western from freight originating on the line of railroad company and that in his opinion that increase in divisions would permit the railroad company to operate at a profit, even though it might be small.

He further testified that the Bankers Life and Casualty Company had invested millions of dollars in the territory served by the line of railroad and had drilled many wells for the purpose of developing farm land. It appears that the Bankers Life and Casualty Company has constructed a warehouse and processing plant on the line of the railroad for the purpose of processing vegetables and produce, all of which will be shipped out over the line of the railroad.

He also testified that one lumber company had already constructed a mill on the line of railroad, and that it was in operation, producing and shipping lumber to points on the line of the Rio Grande Western Railroad Company and its connections. He also

testified that another lumber company contemplated building a mill at or near Jarosa. It also appeared from Mr. McClintock's testimony that a large volume of traffic could be expected from the shipment of aspen logs from the territory to Texas and other points for the purpose of making excelsior.

Mr. McClintock stated that the scoria mine operated by the Colorado Aggregate Company at Mesita was increasing its volume of sales and that in the near future the shipments of scoria originating on the line would be greatly increased. He further testified that new uses had been found for scoria and these new uses would, of themselves, insure an increased volume of scoria shipments.

It appears also that the production of vegetables and produce would be increased because of the development of land by John B. Stribling and the Bankers Life and Casualty Company of Chicago and another interested developer who is developing property in New Mexico, just south of Jarosa.

It appears from the documents filed with the Commission that The San Luis Valley Southern Railway Company has filed with the Secretary of State of the State of Colorado a Notice of Dissolution and publication thereof has been commenced in the Costilla County Free Press, San Luis, Colorado.

It further appears from the testimony that the trustees of the railway company, the individuals herein mentioned, and the railroad company will execute the proper documents and conveyances carrying out the transfer of said assets to the new company upon receiving a certificate from this Commission authorizing the acquisition herein prayed for.

F I N D I N G S

THE COMMISSION FINDS:

That the present and future public convenience and necessity require the acquisition and operation by the Southern San Luis Valley Railroad Company of the entire line of railroad of The San

Luis Valley Southern Railway Company extending from a connection of said line of railroad with the line of railroad of the Denver and Rio Grande Western Railroad Company at Blanca, Colorado, in a southerly direction 31.53 miles to the southern terminus thereof at Jarosa.

O R D E R

THE COMMISSION ORDERS:

That Southern San Luis Valley Railroad Company be, and it hereby is, authorized to acquire and operate the entire line of railroad of The San Luis Valley Southern Railway Company in Costilla County, Colorado, extending from a connection with the line of the Denver and Rio Grande Western Railroad Company at Blanca, Colorado, a distance of 31.53 miles to the southern terminus thereof at Jarosa, Colorado, and that this order shall constitute a certificate of public convenience and necessity therefor.

That the Southern San Luis Valley Railroad Company shall assume and pay any and all outstanding obligations of The San Luis Valley Southern Railway Company.

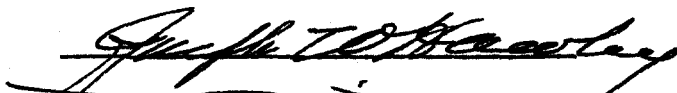
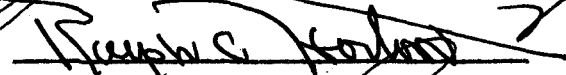

That the railroad company shall enter its appearance in that certain proceeding now pending in the District Court of the City and County of Denver numbered A-85071, wherein Rossi Produce Company is plaintiff and The San Luis Valley Southern Railway Company is defendant, and shall agree to pay the final judgment, if any, that may be entered therein against the railroad company.

It is further ordered that the Southern San Luis Valley Railroad Company shall adopt the tariffs or schedules of rates, charges, rules and regulations of The San Luis Valley Southern Railway Company and that such adoption notice may be filed upon one day's notice to the public.

That upon the commencement of operation of said line of railroad by Southern San Luis Valley Railroad Company, then The San Luis Valley Southern Railway Company be, and it hereby is,

authorized to abandon service and operation of said line of railroad.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners..

Dated at Denver, Colorado,
this 27th day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK D. ROSS, DOING BUSINESS AS)
"ANCHOR RUBBISH REMOVAL & TOP SOIL)
CO.," 115 SOUTH DECATUR STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 13199

December 27, 1954

Appearances: Frank D. Ross, Denver, Colo-
rado, pro se;
Robert E. McLean, Denver,
Colorado, for Jake Schlegal,
Jr., and Lawrence Ebert;
Protestants;
Rollie Rogers, Esq., Denver,
Colorado, for Dick Akeman,
Harvey C. Davis, and Fred A.
Schroeder, Jr.

S T A T E M E N T

By the Commission:

By application filed November 8, 1954, applicant seeks a certificate of public convenience and necessity authorizing him to transport rubbish, trash and ashes from business houses and residences in Arapahoe County, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

Applicant appeared in support of his own application, stating that he is a real estate broker, but has done some ash hauling and now holds a Denver city ash hauler's license; that he has a pickup truck suitable to the purpose and is financially and otherwise qualified to

engage in the business; that in the working areas adjacent to the south boundary of Denver, he has noticed an apparent need for additional service across the County line to the south. He stated that he had talked with several people from that area who indicated a need for additional service and had expected some of them to appear as witnesses, as he had been informed of the necessity to obtain customer witnesses to testify in his behalf. Such persons evidently disappointed him, as no one appeared. Applicant offered no further testimony and had no customer witnesses.

At the conclusion of applicant's testimony, all protestants joined in a motion to dismiss, on the ground that there had been no sufficient showing of public convenience and necessity.

F I N D I N G S

THE COMMISSION FINDS:

The foregoing Statement is, by reference, incorporated into these Findings.

The Commission has a long established policy, of which applicant was advised, that where persons appear in protest to an application, applicant must produce witnesses other than himself to establish the public necessity and convenience for applicant's proposed service. No reason appears why any injustice will occur if this well-founded and long established rule is followed in this instance.

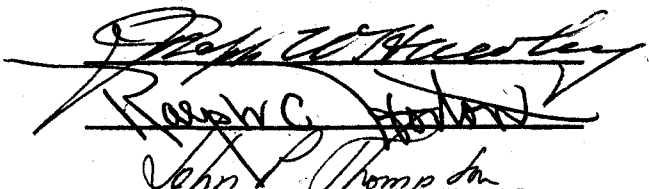
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1954.
mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD S. O'REGAN, 2475 YORKTOWN)
ROAD, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 13176

December 27, 1954

Appearances: Donald W. Higby, Esq., Colorado
Springs, Colorado, for appli-
cant;
Barry and Hupp, Esqs., Denver,
Colorado, by John R. Barry,
Esq., for McCann Brothers
Transfer Company, Cornelius
Van and Heavy Hauling Com-
pany, Cowen Transfer and
Storage Company;
Anthony L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Donald S. O'Regan, Colorado Springs, Colorado, seeks a certificate of public convenience and necessity, authorizing the transportation of monies, gold, silver, and articles of extraordinary value, to and from points within Colorado Springs and a radius of twenty-five miles of the City Limits of Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, December 15, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he operates the Colorado Springs Neon Company at Colorado Springs; has been utilizing three units of van-type equipment, and has had experience in the transportation business.

He recently made a research-survey of armored car service now in operation in St. Paul, Minneapolis, Chicago, Green Bay, and other

cities, investigating the nature of such a business, talking with Armored Car manufacturers and operators, with customer banks and individual concerns using such a service. From this survey, he became satisfied that such a service would meet a definite need in Colorado Springs and vicinity. In his survey of this area, inquiries were made of forty business places, eighty per cent of which favored the service.

The service he proposes is essentially a banking service, and all banks contacted were favorable to its installation. He proposes to install approximately twenty-five safes, each costing between \$350 and \$400, at a charge of \$4.50 per month per customer, in locations in trading centers or congested areas convenient for the deposit by the customers of their daily receipts at closing time. A photograph of the safe was received in evidence as "Exhibit No. 5." The deposits are to then be picked up in an armored car (Exhibits Nos. 1, 2, 3, and 4), and transported to the banks for deposit to the credit of customers. The armored car is to be accompanied by two armed guards. The same service is to be offered in transporting these commodities from bank to bank. The armored car is to be purchased from the Olsen Body and Equipment Company, of Green Bay, Wisconsin, and will cost \$4,000.00. It will be ready for delivery in from five or six weeks after the order is received. Applicant is ready to send in the order promptly if there is favorable action on the application. He referred to his financial statement on file with the application, showing a net worth of \$36,320.00, as evidence that he is financially able to purchase the safes and armored equipment. He anticipates no difficulty in obtaining any license required by the City of Colorado Springs. He has no commitments at present by prospective customers beyond the metropolitan area of Colorado Springs, which he estimates as being within a radius of ten miles of the City Limits, but the normal operations of an armored car will require a certificate to cover a twenty-five-mile radius, so as to include the banks, such as those at Manitou, Knob Hill, and Fountain, and

the business centers within that area. There is no present comparable certificated service with which he would compete. He believes that the armored car would be operated approximately sixty miles per day, at a cost of approximately twenty-five cents per mile, the guards being paid \$70.00 per week each, and that the operation will be financially feasible if he can secure 250 customers. He is satisfied that he can do so.

As an additional service, applicant expects to carry change for his customers, at a cost per customer of sixty cents per month.

Jerry Wagner, Secretary-Treasurer of the Rocky Mountain Kennel Club, operating a dog track approximately one and one-half mile north of Colorado Springs, testified in support of the application. Witness is also the manager of a cement company, with offices in Colorado Springs. He first explained the advantages of the proposed service to this business. It now requires from one-half hour to one hour to make a daily trip to the bank with his cash, checks, etc., and there is a serious parking problem. He feels that it would be far cheaper for him, because of the time saved, to use the pick-up service offered by applicant.

As to the Kennel Club, during the racing season the operation requires transportation of large sums of money back and forth between the track and the banks. One "Reed," now conducts this service by armored car, but Reed is operating illegally, as he has no certificate from this Commission, nor license from the City of Colorado Springs, which are requisites in view of the fact that the Kennel Club is situated some distance from the City Limits of Colorado Springs, a home-rule city. There are no banks in the vicinity of the track, and there has been a phenomenal growth in the business district north of the city. A great deal of change is required in operating the track. The proposed service would be convenient, is definitely needed, is superior to any other service available, and witness will use the same in the event the application is granted. The money would be delivered to the track when needed, and picked up after the track closes each night for transportation to the banks, and change

would be made available at all times.

O. D. Butcher, operator of a food store and delicatessen at 513 South Nevada Avenue, Colorado Springs, does a 95% cash business, and on weekends has from \$1500 to \$1800 on hand. He stated that the proposed service would be very convenient for himself, and for the super markets and motels in his area, and is definitely needed. Applicant proposes to pick up the bank deposits of witness and the other business concerns in his vicinity at any time, and particularly on Saturday and Sunday nights.

The granting of the application was opposed by two common carriers.

William L. McCann, representing McCann Brothers Transfer Company, (PUC No. 145) testified that his company had general freight authority in the area, and could handle all business offered within a five-mile radius of Colorado Springs. For the past three years, he has been transporting money from the Colorado Springs National Bank to the Post Office, but this is a very small part of his business. He was particularly exercised over the question as to whether or not applicant would transport paintings for museums, and antique furniture, which the witness handles quite extensively. He has furnished no armored car service because it had never been requested, but sees no need for the service proposed by applicant. He has no particular objection to the transportation by applicant of stocks, bonds, silver, jewelry, and securities, but if applicant is authorized to transport paintings and antiques, it would cause witness to lose money. In any event, he would lose what he has been making in the money haul.

William L. Cornelius, Manager of Cornelius Van and Heavy Hauling Company (PUC NO. 314), authorizing transportation of general commodities, testified that he has been transporting money occasionally from the Post Office or railroads to Exchange National Bank of Colorado Springs, and from said bank to other local banks. He uses a G.M.C. pickup truck, stake body with rack, and one guard with a sawed-off shotgun. He carries insurance in the sum of \$25,000, and the bank carries any additional insurance required.

He has no objection to the granting of authority to applicant to haul the commodities involved from individuals or business houses to the banks, as that would not interfere with his business. He also is particularly opposed to any additional authority for the transportation of antiques, paintings, and art objects.

At the close of the testimony, it was agreed between all interested parties that the application should be amended so as to seek authority to transport money, currency, gold, silver, bullion, jewelry, and securities, only, and the amendment was allowed.

Here we have an applicant who has thoroughly investigated the operations of armored car service in other parts of the country, and decided that such a service is economically feasible for the Colorado Springs area. He is willing to spend a substantial sum of money for the necessary armored car equipment and the safes to be used in connection therewith, and to operate specialized service with specialized equipment, for which there is a definite need. Under the wording of the amended application, consideration of the transportation of art objects, paintings, antiques, etc., is eliminated, and the Commission is satisfied that the granting of the authority requested, as limited by the amendment, will not impair the service of any certificated motor carrier now operating in the area involved, and while, technically, "general freight," or "general commodities" authority includes transportation of these particular items, the Commission is satisfied that at the time that these authorities were granted to protestants, it was not anticipated that under such authorities the carriers would, in the distant future, be transporting money, gold, silver, currency, bullion, jewelry, and securities, from and to banks in a pickup truck in a congested and expanding territory such as Colorado Springs and the surrounding area.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed common carrier call and demand motor vehicle service of applicant herein,

as requested in the amended application, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed motor vehicle common carrier service of Donald S. O'Regan, doing business as "O'Regan Armored Car Service," Colorado Springs, Colorado, on call and demand, for the transportation, by armored car, of money, currency, gold, silver, bullion, jewelry, and securities, only, to and from points within Colorado Springs and a radius of twenty-five miles of the City Limits of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

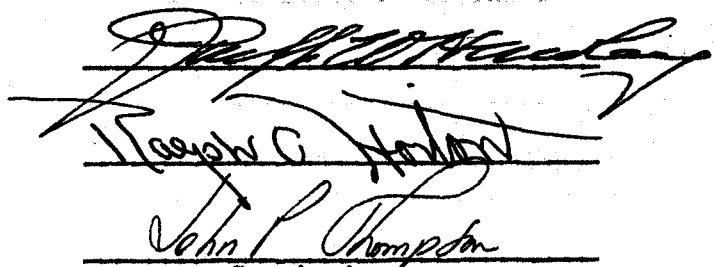
That applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

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

That this Order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT FARRA, ROUTE NO. 2, BOX 25,)
MONTROSE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 13194-PP

December 27, 1954

Appearances: Delbert Farra, Montrose,
Colorado, pro se;
Ernest Porter, Esq., Den-
ver, Colorado, and
R. E. Turano, Denver,
Colorado, for Rio
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On October 14, 1954, Delbert Farra, the applicant herein, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of logs, lumber and wood products and coal between a radius of 100 miles of Montrose, Colorado, and to and from points within said area.

After due notice to all parties in interest, the application was regularly set for hearing at the Court House, Montrose, Colorado, on December 16, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the holder of two pieces of equipment which will be used for transporting logs to sawmills and green lumber from sawmills to lumber yards within a radius of 50 miles of Montrose, Colorado.

It also appears that applicant is well qualified by experience, and has suitable equipment to perform the service proposed in his application. A representative of Rio Grande Motor Way, Inc., protested the granting of any authority between points served by his company in its*

line-haul service, and after interrogating applicant, it appeared that he did not desire, and was not requesting, said competitive service with line-haul carriers.

After hearing the evidence, and examining the files herein, the Commission is of the opinion that the granting of the instant application, as hereinafter restricted, would not impair the services of motor vehicle common carriers authorized to serve the area.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as hereinafter restricted, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Delbert Farra, of Montrose, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs, lumber and coal between points within a radius of 100 miles of Montrose, Colorado, without the right to haul lumber and logs in competition with line-haul motor vehicle common carriers between points served by such carriers on schedule.

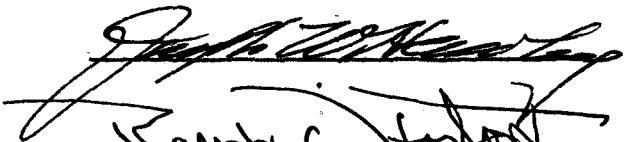
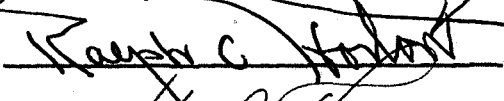
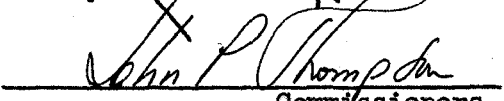
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--|------------------------------|
| IN THE MATTER OF THE APPLICATION OF) ROBERT J. SMITH, JOHN H. SMITH AND) BENJAMIN GUTIERREZ, CO-PARTNERS,) DOING BUSINESS AS "T & S TRANSFER,") GLENWOOD SPRINGS, COLORADO, FOR A) CERTIFICATE OF PUBLIC CONVENIENCE) AND NECESSITY.) | <u>APPLICATION NO. 13173</u> |
|--|------------------------------|

December 27, 1954

Appearances: M. J. Mayes, Esq., Glenwood
Springs, Colorado, and
Neil S. Mincer, Esq., Glen-
wood Springs, Colorado,
for applicant;
Ernest Porter, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande
Motor Way, Inc.;
Ralph South, Ordway, Colo-
rado, pro se;
Harold Lesh, Glenwood Springs,
Colorado, pro se;
Richard Estes, Rifle, Colo-
rado, pro se;
Ray Fulbright, Glenwood
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 13, 1954, applicants herein filed their application
for a certificate of public convenience and necessity.

The matter was regularly set for hearing at ten o'clock A. M.,
on December 14, 1954, at the Court House, Montrose, Colorado, with due
notice to all parties in interest.

When the matter was called for hearing, attorneys for appli-
cants moved for a continuance of the matter to a later date convenient to
the Commission, as they were not ready to proceed.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

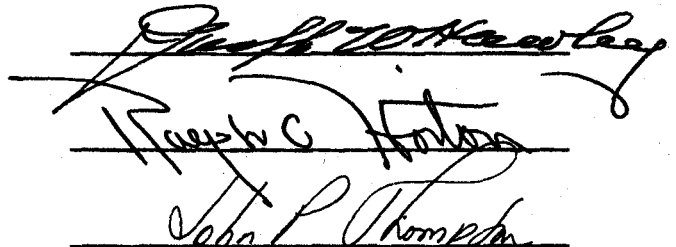
That the instant matter should be continued, to be heard at a later date convenient to the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application should be, and it hereby is, continued, to be heard at some future date convenient to the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD ALLEN, BOX 551, MONTROSE,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 13192-PP
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

December 27, 1954

Appearances: Ernest Porter, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the Court House, Montrose, Colorado, at ten o'clock A. M., on December 16, 1954, due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

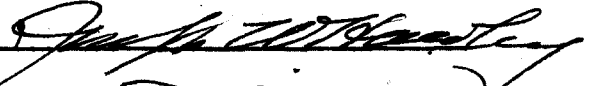
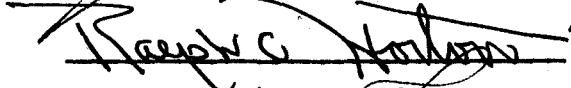

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is,

dismissed, for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLAINS UTILITIES COMPANY, INC.,)
W. A. DOBSON, E. T. TENGDIN, AND)
RAYMOND NANCE, ALL OF THE SHARE-)
HOLDERS OF PLAINS UTILITIES COM-)
PANY, INC., AND THE INTERMOUNTAIN)
RURAL ELECTRIC ASSOCIATION, FOR AN)
ORDER AUTHORIZING PLAINS UTILITIES)
COMPANY, INC. TO DISTRIBUTE ALL OF)
THE ASSETS OF ITS BUSINESS OF THE)
DISTRIBUTION AND SALE OF ELECTRIC)
ENERGY IN ARAPAHOE AND ADAMS)
COUNTIES, COLORADO, TO THE SHARE-)
HOLDERS OF PLAINS UTILITIES COM-)
PANY, INC., PURSUANT TO A PLAN OF)
PARTIAL LIQUIDATION OF PLAINS)
UTILITIES COMPANY, INC., AND)
AUTHORIZING THE SHAREHOLDERS OF)
PLAINS UTILITIES COMPANY, INC., TO)
SELL, AND THE INTERMOUNTAIN RURAL)
ELECTRIC ASSOCIATION TO PURCHASE,)
ALL OF THE PHYSICAL PROPERTIES AND)
OTHER ASSETS OF SAID BUSINESS.)

APPLICATION NO. 13162
SUPPLEMENTAL ORDER

December 23, 1954

Appearances: Lee, Bryans, Kelly and Stansfield,
Esqs., Denver, Colorado, by
E. A. Stansfield, Esq. and
Ralph Sargent, Jr., Esq., for
Applicants, Plains Utilities
Company, Inc. and the Share-
holders thereof;
E. T. Tengdin, Kansas City, Kansas,
pro se, and for the Shareholders
of Plains Utilities Company, Inc.;
Cecil R. Ditsch, Esq., Littleton,
Colorado, for Applicant, The
Intermountain Rural Electric
Association;
C. L. Flower, Denver, Colorado,
John M. McNeill, and
Paul Elder, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 43809, of date December 13, 1954, in the instant
matter, the Commission authorized and approved the distribution by Plains

Utilities Company, Inc. (hereinafter called the "Plains Company") of all of the assets of its business of the distribution and sale of electric energy in Arapahoe and Adams Counties, Colorado, including certain certificates of public convenience and necessity granted by this Commission and a certain franchise granted by the Town of Deertrail therein set forth, to the shareholders of said Company, in accordance with a certain plan of partial liquidation of said Company; and authorized and approved the sale by said shareholders and the purchase by The Intermountain Rural Electric Association (hereinafter called "Intermountain") in accordance with the terms of a certain Agreement dated October 11, 1954, as modified, of all the physical properties and other assets of said business, including said certificates of public convenience and necessity and said franchise, immediately upon the acquisition by said shareholders of said assets of said business; and ordered that the public convenience and necessity require, and will require, immediately upon the transfer to Intermountain of said physical properties and other assets that Intermountain operate the said electric distribution system in and about the Towns of Deertrail, Strasburg, and Byers, and in the areas contiguous thereto in Arapahoe and Adams Counties, Colorado, and exercise the rights and privileges conferred by and obtained under said certificates of public convenience and necessity and said franchise.

W. A. Dobson, E. T. Tengdin, and Raymond Nance were the shareholders of the Plains Company named in said decision and Order of the Commission.

On December 18, 1954, prior to the consummation of the transactions hereinabove set forth, authorized and approved by this Commission in said decision and Order, Raymond Nance, one of the shareholders of the Plains Company died, testate.

The Last Will and Testament of said Raymond Nance names the wife of said Raymond Nance, one Bonnie Lee Nance, as sole legatee and devisee of the Estate of said Raymond Nance.

Before the distribution by the Plains Company to the shareholders of the Plains Company of all of the assets of its said business of the dis-

tribution and sale of electric energy, and the sale by the shareholders of the Plains Company and the purchase by Intermountain of all of the physical properties and other assets of said business is to be made, it is proposed to present said Last Will and Testament of said Raymond Nance, now deceased, to the proper court for probate and to obtain from the court an order authorizing the transfer to said Bonnie Lee Nance of all the shares of stock of the Plains Company owned by said Raymond Nance.

A verified application, setting forth the facts as hereinabove described, has been made in the instant matter, requesting a supplemental Order of this Commission, authorizing and approving the distribution by the Plains Company of said assets of its said business to W. A. Dobson, E. T. Tengdin, and Bonnie Lee Nance, as shareholders of the Plains Company in accordance with said plan of partial liquidation, and authorizing and approving the sale by said shareholders, W. A. Dobson, E. T. Tengdin, and Bonnie Lee Nance, to Intermountain, of said physical properties and other assets of said business, in accordance with said Agreement, as modified.

The Commission retained jurisdiction in its previous Order to make such further Order, or Orders, in the premises as it deemed proper and desirable. We believe that the request made for a Supplemental Order, as herein set forth, is proper and desirable, and should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the request for a Supplemental Order, as set forth in the foregoing Statement, by reference made a part hereof, is consistent with the public interest, is proper and desirable, and should be granted.

That said Supplemental Order should be conditioned upon the entry by a proper court of an order authorizing the transfer of the shares of stock of the Plains Company owned by Raymond Nance to Bonnie Lee Nance.

O R D E R

THE COMMISSION ORDERS:

1. That the distribution by the Plains Company of all of the assets of its said business of the distribution and sale of electric energy in

Arapahoe and Adams Counties, Colorado, including said certificates of public convenience and necessity and said franchise, to W. A. Dobson, E. T. Tengdin, and Bonnie Lee Nance, as shareholders of the Plains Company, in accordance with said plan of partial liquidation of the Plains Company, be, and the same is hereby, authorized and approved; and

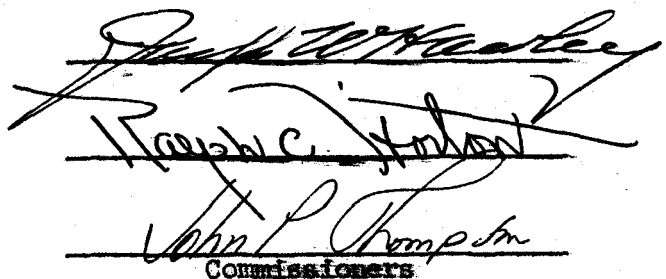
2. That the sale by said shareholders of the Plains Company, W. A. Dobson, E. T. Tengdin, and Bonnie Lee Nance, to Intermountain, in accordance with the terms of said Agreement dated October 11, 1954, as modified, of all of the physical properties and other assets of said business, including said certificates of public convenience and necessity and said franchise, immediately upon the acquisition by said shareholders of said assets of said business, be, and the same is hereby, authorized and approved.

3. That the Order, or Orders, herein made, be, and the same are hereby, conditioned upon the entry by a proper court of an order authorizing the transfer of the shares of stock of the Plains Company owned by Raymond Nance to Bonnie Lee Nance.

4. That jurisdiction hereof be, and the same is hereby, retained to the end that the Commission may make such further Order, or Orders, in the premises as it may deem to be proper and desirable; and

5. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN HILLS UTILITY COMPANY, 5055)
WASHINGTON STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO SUPPLY)
WATER AND SEWAGE FACILITIES TO)
PARTS OF SECTIONS 33 AND 34, TOWN-)
SHIP 2-SOUTH, RANGE 68-WEST, IN)
ADAMS COUNTY, STATE OF COLORADO.)

APPLICATION NO. 12946
SUPPLEMENTAL ORDER

December 29, 1954

Appearances: Gorsuch, Kirgis, Campbell, Walker,
and Grover, Esqs., Denver, Colo-
rado, by Leonard M. Campbell,
Esq., for Applicant;
Kelly O'Neill, Jr., Esq., Denver,
Colorado, for the North Washington
Sanitation and Water District;
Joseph M. McNulty, and
Anthony L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By application filed June 7, 1954, Western Hills Utility Co.,
a Colorado corporation, requested this Commission to issue a certificate of
public convenience and necessity, under which said corporation could furnish
water and sewage facilities to a new community to be located in Adams County,
State of Colorado, bounded on the south by the Denver-Boulder Turnpike, on
the east by Broadway extended, on the west by Pecos Street extended, and on
the north by the County Highway on the next Section Line north of the Denver-
Boulder Turnpike. This area included parts of Sections 33 and 34, Township 2-
South, Range 68-West, in Adams County, State of Colorado, although the
original application inadvertently omitted reference to part of Section 34.

After due notice, a hearing thereon was held on July 2, 1954, at
ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Build-

ing, Denver, Colorado, and after consideration of all the evidence adduced at the hearing, the data requested and submitted in late-filed exhibits, this Commission, by Decision No. 43177, issued the certificate of public convenience and necessity on August 20, 1954.

Said Decision No. 43177 contained certain Findings and conditions relative to a water well and decreed storage and in November, 1954, applicant filed verified motions which were consolidated on December 1, 1954, by Western Hills Utility Co. with a petition, requesting that this Commission enter a Finding and confirm by Order that applicant had met the conditions of the Commission's Decision No. 43177, of date August 20, 1954, relative to decreed water storage and the drilling of a water well. Further, Applicant requested in the Petition that it be authorized to proceed under a Connector's Agreement, dated November 19, 1954, providing for the treatment by the North Washington Water and Sanitation District in its treatment plant, of the sewage collected by the Western Hills Utility Co. in its service area. The motions relating to the water well and decreed water storage filed by the applicant in November, 1954, were supported by affidavits, and were accompanied by a Motion requesting the correction of the reference to Section numbers which had been inadvertently omitted in the previous pleadings.

All matters were consolidated by the Commission, and set for hearing before the Commission on Tuesday, December 21, 1954, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and Notice of the time and place and purpose of the hearing were given to all interested parties by the Commission on December 1, 1954.

The hearing was held on December 21, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, pursuant to said Notice, and at the conclusion of said hearing, the matter was taken under advisement by the Commission.

At the hearing, Western Hills Utility Co. presented evidence and testimony, and introduced into evidence a diagram of the well (Exhibit 1), the hydrologic report of H. R. MacDonald (Exhibit 2), Connector's Agreement (Exhibit 3), letter of approval from the State Health Department (Exhibit 4).

Gene B. Waggoner, of 670 Garfield Street, Lakewood, Colorado, a geologist qualified by education and experience as a consultant on water well drilling in the Denver area, was called as the first witness. He stated that he had been retained by Phillips-Carter-Osborn, Inc., as a consultant for the Western Hills Utility Co. in connection with the drilling of the water well required by this Commission's Order No. 43177, dated August 20, 1954. Mr. Waggoner's services included: a search of water levels in the areas; recommendation as to locating of the well; preparation of draft copy of drilling specifications. He performed, or there was performed under his supervision, necessary geological and engineering services relative to the drilling of the well. He reviewed in considerable detail the method of procuring and examining samples and preparing a geologic log, shown on Exhibit 1, determining the depth of the well and supervising the installation and cementing of the casing, supervision of the electric logging, determining the sands to be perforated and the placement of perforated casing, cleaning and development of the well, supervision of the pumping test, and the preparation of the final completion chart and recommendation as to the operation of the well. He explained the computations (Exhibit 2) made by the hydrologist under his supervision and the conclusions based upon those computations that the well had a capacity of producing one hundred gallons per minute, on a stand-by basis, for several years. He stated this was confirmed by his own independent research.

Mr. Waggoner testified that the static level of this well was 317 feet and the calculated drawdown for the well under pumping constantly at the rate of 100 gallons per minute was estimated at 200 feet almost immediately, and thereafter as set forth on Exhibit 2 an additional 36 feet in six months and only 47 feet in ten years. The computed total depth of the water below the surface of the ground, including the drawdown at the end of ten years, would be 317 feet, plus 200 feet, plus 47 feet, or 564 feet. The witness explained how additional pumping after ten years could be continued by lowering the pump and pipe and that the lowering would not be an expensive procedure.

Mr. Waggoner estimated the cost of a well to the Fox Hills formation would be \$12,000 to \$16,000 without a pump and the pump would cost an additional \$7,000. He stated that such a well could be drilled near the well to the Arapahoe sands and how the upper strata would be sealed by cementing the casing to seven or eight hundred feet in such a well. He estimated the time of completion for such a well to be thirty days with the contractor used by Western Hills Utility Co.

Mr. Waggoner described the well as being commenced on September 21, 1954, completed in October of 1954, with a 13" diameter hole to 300 feet, and 10-3/4" O. D. casing to this depth. From 300 feet to 692 feet, the hole was 9-7/8", and an 8-5/8" casing was installed. The basal Arapahoe sands were penetrated, and 136 feet of torch perforations in the casings were made. It was proposed that a pump would be installed approximately 560 feet below the surface, so the well could be usable as a constant source of supply at the rate of 100 gallons per minute for ten years, and for at least that long on an intermittent basis.

Mr. Jack B. Cook, an officer of the applicant, was called as the second witness. He verified the company's recognition of its obligation as a utility to provide adequate water and its recognition of the Commission's continuing jurisdiction. Mr. Cook testified that the well would be used to serve the first houses built in the area prior to the spring diversion of direct flow irrigation and storage water to the enlarged Kalcevic Reservoir. He estimated that about 250 houses would be completed by April 1, 1955.

AS TO DECREED WATER STORAGE

Mr. W. W. Wheeler, who is associated with Phillips-Carter-Osborn, Inc., Consulting Engineers, and who previously testified in connection with the application of Western Hills Utility Co., was called as a witness relative to the rights which accrued through the ownership of three shares of Standley Lake Stock. Mr. Wheeler testified that the Standley Lake Reservoir is supplied with water from several sources, including Clear Creek. Its water from Clear Creek is diverted through the Church Ditch and the Croke Canal. The priority of the Standley Lake is No. 74, for 32,361 acre feet, and No.

74-A for 16,699 acre feet, from Clear Creek system, and both priorities are dated March 4, 1902. The Kalcevic Reservoir's priority is No. 76, dated in 1903.

Mr. Wheeler testified that, as a mathematical computation, three shares of stock would represent an interest in 61.97 acre feet of decreed storage capacity from Clear Creek. He stated, however, that the mathematical computation is not entirely accurate, as the State Engineer for Colorado has placed restrictions on storage in the reservoir, because the dam is not considered stable enough to permit all the storage which has been decreed to the lake, and is, therefore, allocable to it. Mr. Wheeler testified that the decreed storage represented by three shares of stock in Standley Lake Reservoir under the restriction placed upon the reservoir by the State Engineer, would amount to 22.31 acre feet.

The witness testified that the average maximum water available in Standley Lake in the past several years represented by three shares of stock was 19.7 acre feet. He further stated the average number of acre feet in storage in Standley Lake during winter months was about 6500 acre feet. He explained how water could be transferred from the inlet ditch to Standley Lake to Farmers Highline Canal. The witness did not recommend a permanent installation of a pumping system or pipe-line because of the different methods of exchange or points of transfer of water. Further, the witness testified as to the availability of pumping equipment for hire as the need arose, and it was his opinion a permanent installation with permanent maintenance and operation would not be necessary at this time.

Mr. Wheeler reiterated his prior testimony in the original application that the Kalcevic Reservoir, with irrigation and storage rights and the water well, would provide ample and adequate supplies of surface and ground water for the approximately 500 houses to be constructed in the certificated area, and that he did not believe there would be any future need for the water to be stored in the reservoir in Standley Lake. Mr. Wheeler discussed the availability of water and decreed storage capacity to Western Hills Utility Co. under the six shares of stock it now owns in the Storm Reservoir, having

Priority No. 56, prior to Dalcevic Reservoir. The six shares of stock represent 8.28 acre feet of decreed storage capacity.

L. C. Osborn, a member of the firm of Consulting Engineers, Phillips-Carter-Osborn, Inc., was called as a witness. He testified that the 200,000 gallon water storage tank would be completed in January, and it was contemplated the water treatment plant and new dike for Kalcevic Reservoir would be finished in February, 1955. He stated that the water well at the rate of 100 gallons per minute (144,000 gallons per day) would be adequate to meet the needs for domestic use of 250 housing units with an average number of four residents per unit using a computed average of 70 gallons of water per capita per day (total of 70,000 gallons). He stated this use did not contemplate irrigation or summer use for which he believed surface water would then be available.

SEWAGE CONNECTOR'S AGREEMENT

L. C. Osborn, a member of Phillips-Carter-Osborn, Inc., Consulting Engineers, testified as to the comparative cost of the Applicant, Western Hills Utility Co. operating its own sewage treatment plant and the cost of treatment of sewage under the Connector's Agreement of November 19, 1954, providing for a rate of \$80.00 per million gallons. Mr. Osborn stated that it was his estimate that the cost per housing unit would be approximately \$4.00 per month if the Western Hills Utility Co. were to operate its own sewage treatment plant and approximately \$3.00 per unit per month if it were to operate under the Connector's Agreement, which was introduced and marked as Exhibit 3. Mr. Osborn stated these estimated rates were based upon approximately 482 housing units, but it was his belief that even with the larger number of houses the Western Hills Utility Co. would not be able to reduce its rates below the \$3.00 per month which could be charged in the event that the sewage Connector's Agreement was approved by the Commission.

Jack B. Cook, an officer of Western Hills Utility Co., identified the Connector's Agreement between the Western Hills Utility Co. and the North Washington Water and Sanitation District, which agreement was dated November 19, 1954, marked as Exhibit 3, and introduced in evidence. The witness identified the signatures thereon.

Mr. Kelly O'Neill, Jr. entered his appearance as attorney for the North Washington Water and Sanitation District, and stated the position of that District. He asserted, of his own knowledge, that the Baker Metropolitan Water and Sanitation District, the Clear Creek Valley Water and Sanitation District, the South Adams County Water and Sanitation District, the Westminster Sanitation District were similar organizations to the North Washington Water and Sanitation District, which has in the past, or in the present, or contemplated in the future, serving areas outside of their respective boundaries without prior approval of The Public Utilities Commission of the State of Colorado. It was his opinion that these Districts had the power, under their general contractual clauses, set forth in Chapter 89, Section 5, of the 1953 Revised Statutes, State of Colorado, to render such service, and that they were organizations not subject to regulation by The Public Utilities Commission. Mr. O'Neill referred to specific authorization in Chapter 89, Article 3, Sub-Section 21, providing for contracts for treatment for sewage from areas outside of boundaries of water and sanitation districts, and further stated that his client would pass the necessary resolutions to become clothed with the powers of a metropolitan water district if such action was deemed advisable by this Commission. Mr. O'Neill stated he could not flatly confirm or deny that the North Washington Water and Sanitation District would fail to render service under this Connector's Agreement in the event that The Public Utilities Commission would assert jurisdiction over this matter.

V. A. Vaseen, a member of the firm of Ripple and Howe, Consulting Engineers in Denver, Colorado, appeared as the next witness and testified as to the research and work of that firm in South Adams County since 1946. He discussed the requirements of industrial users, such as packing plants, in the area and the requirements of residential users in the area. He stated that the plant had been designed for the use of the equivalent of 11,800 persons, which would represent approximately 3480 domestic connections or their equivalent. He testified as to the particular requirements of the packing business of treating sewage containing large amounts of blood. He explained the peak load demands on the system that would be caused by sewage from the packing plants and

from domestic sewage as well as stated that these loads were not cumulative, but were staggered. He stated that in spite of the fact that they were staggered, the system itself was so designed that it could handle the sewage effluent from domestic and industrial users as though they were cumulative. He stated that the sewage treatment plant could easily handle 500 additional connections from Western Hills Utility Co. without expansion of its structure, and that there would be no priorities given to users within the district which would displace or prohibit future use by Western Hills Utility Co.

Mr. Vaseen stated that the plant could be overloaded without failing to render adequate treatment services that would meet the standards of the Health Department of the State of Colorado. He explained how an overloading of the plant of 100% would reduce the efficiency from some 87% or 88% to approximately 70%, which would be a sufficient deficiency in treatment to meet the standards of the Health Department of the State of Colorado. The witness further explained that additional capacity could be created in the plant by the use of chemicals and the primary treatment whereby there would be an increase in the settling processes.

Mr. Vaseen estimated that it would be possible to have approximately 5600 and perhaps as high as 6800 domestic connections or their equivalent connected to the plant without increasing its structure in view of the adjustments that could be made in the staggered peak loads between the industrial plants and the domestic sewage. He stated that this was also possible because of the restrictions that could be properly imposed upon the packing plants relative to the blood in their sewage.

Mr. Vaseen discussed the sources of financial revenue, such as increased rates or increased mill levy or borrowing with or without a bond election. He stated that it would be possible, for an investment of approximately \$55,000.00, to build an additional clarifier and digester, which would assure an additional 1500 to 2000 connections to the system in its enlarged capacity.

Mr. Vaseen stated it was his opinion, as a qualified engineer in sanitation matters, experienced in the design and operation of the North Washington Water and Sanitation District treatment plant, that its collection

system and its treatment facilities could easily handle the additional 500 houses in the area now certificated to the applicant, Western Hills Utility Co., and possibly handle an additional 1000 houses without increasing the structure of the sewage treatment plant.

There were no other witnesses or testimony introduced at the hearing, and no protestants or objectors made any appearance.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction over and with respect to the Applicant and its proposed service, and has jurisdiction to promulgate these Findings in the following Order.

That the Commission has continuing jurisdiction to issue such further Order, or Orders, as may be necessary.

That the above Statement be made a part of these Findings, by reference.

That the Commission has considered the testimony and evidence and exhibits, and is fully advised in the premises.

That the certificate of public convenience and necessity requires the construction, maintenance and operation of a water and sewage system in parts of Sections 33 and 34, Township 2-South, Range 68-West, in Adams County, State of Colorado, bounded by the Denver-Boulder Turnpike on the south, Pecos Street extended on the west, Broadway extended on the east, and on the north by the County Highway on the section line immediately north of the Denver-Boulder Turnpike, and that said Certificate of Public Convenience and Necessity having been issued under the Order of this Commission, Decision No. 43177, dated August 20, 1954, shall continue in full force and effect, subject to the conditions and findings herein set forth in this Decision and Order.

That the Applicant should submit a copy of the Plans and Specifications of the water and sewage system to the Commission at the time that said specifications are submitted to the Department of Health.

That the Applicant has drilled a deep well, capable of delivering water to the system at the rate of 100 gallons per minute, and continuing

pumping for the purpose of supplying water on as stand-by basis in the certificated area during that period of time when water is not available from any other source.

That the Applicant should, at the time the reservoir and dam are completed, file with the Commission an affidavit that the reservoir and dam were constructed in accordance with the plans and specifications as approved and authorized by the State Engineer, and also stating the actual capacity of the reservoir in acre feet as finally constructed, together with an itemized statement of the cost of said reservoir and dam.

That the Applicant should proceed with the acquisition of three shares of stock in the Standley Lake Reservoir and shall retain in its name said shares of stock and six shares of stock in the Storm Reservoir as additional storage rights to the 57.3 acre feet of decreed storage in the Kalcevic Reservoir and as meeting the requirements of the Order of this Commission for said additional decreed storage in said Order of August 20, 1954.

That Applicant should construct, operate, and maintain said water and sewage system in accordance with the rules and regulations of the Commission and of the Department of Public Health of the State of Colorado.

That not more than 250 houses be occupied and no more than an equal number of water meters be in use in said water system by April 1, 1955, until and unless surface water is then being supplied to the completed water treatment plant of said Applicant by said date.

That before any service is offered to any customer of said utility, there be in storage at least 150,000 gallons in the water storage tank of the Applicant and that it be properly connected to said water system.

That said water well was originally intended as a stand-by source of supply of water and will be so used after surface water is made available and the water treatment plant placed in service in the Spring of 1955.

That it appears that the North Washington Water and Sanitation District treatment plant has a capacity to serve the approximately 482 houses to be constructed in the area certificated to the Applicant.

That the rate of \$80.00 per million gallons does not now appear to

be unreasonable, nor does it now appear that said rate will work an unreasonable hardship upon the consuming public in the certificated area.

That the question of jurisdiction of The Public Utilities Commission of the State of Colorado over the rates of said North Washington Water and Sanitation District is not now an issue before this Commission, nor has there been any complaint in relation to said rates filed or basis for complaint now indicated.

That there has been no objection filed to the Connector's Agreement between the North Washington Sanitation District and the Western Hills Utility Co., which Agreement is dated November 19, 1954.

That the area to be certificated includes parts of Sections 33 and 34, Township 2-South, Range 68-West, in Adams County, State of Colorado.

O R D E R

THE COMMISSION ORDERS:

That the Certificate of Public Convenience and Necessity heretofore issued to the Western Hills Utility Co., authorizing the construction, maintenance and operation of a water and sewage system, to supply not to exceed 485 housing units in parts of Sections 33 and 34, Township 2-South, Range 68-West, Adams County, State of Colorado, shall remain in full force and effect, subject to the conditions herein contained.

That the Applicant shall construct, maintain and operate the water and sewer systems in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Public Health of the State of Colorado.

That the Applicant shall submit a copy of the plans and specifications of the water and sewage systems to the Commission at the same time these specifications are submitted to the Department of Health.

That the Applicant shall maintain and be ready to operate a deep well heretofore drilled by it in October, 1954, complete with a pump and capacity to deliver 100 gallons per minute at constant pumping for the purpose of supplying water on a stand-by basis in the certificated area during that period of time when water is not available from any other source.

That no more than 250 houses be occupied and attached with water meters in service on or before April 1, 1955, until and unless by said date there is surface water available and the water treatment plant of said Applicant has been completed and is in operation.

That no water service be commenced for any housing units in said area until and unless there be 150,000 gallons of water in storage in the water tank of said Applicant before the commencement of said service.

That the Applicant provide water from an additional source than the well heretofore drilled for any houses in excess of 250 occupied and serviced by working water meters on April 1, 1955, and in the event that said water well is the sole source of supply of said 250 houses on said date, said Applicant shall notify the Commission of such additional source, or sources, of surface or ground water for said 250 houses, or any additions thereto after said date.

That the Applicant shall, at the time the reservoir and dam are completed, file with the Commission an affidavit that said reservoir and dam were constructed in accordance with the plans and specifications, as approved and authorized by the State Engineer, and also stating the actual capacity of the reservoir in acre feet as finally constructed, together with an itemized statement of the cost of said reservoir and dam.

That prior to the rendering of any water service in the area herein designated, the Applicant shall obtain written approval from the Department of Public Health of the State of Colorado, and shall file a copy of said approval with this Commission.

That the Applicant shall, within thirty (30) days of the date of this Order, file evidence with the Commission that it has acquired at least three shares of stock in the Standley Lake Reservoir, and that it has in its name at least six shares of stock of the Storm Reservoir, and that it will retain said stock ownership until further Order of this Commission.

That at least fifteen (15) days prior to the rendering of either water or sewage service in the designated area, Applicant shall file with the Commission the rates, rules, and regulations under which it proposes to

render said service.

That Applicant shall file with the Commission separate rates, rules and regulations for water service and for sewage service.

That Applicant shall, at the completion of its construction program, file with this Commission separately, the "as constructed" plans of the water and sewage systems, together with the itemized cost of each system.

That, as additional units to either the water or sewage systems are completed and approved by the Department of Public Health, copies of said approvals shall be filed with this Commission.

That Applicant shall keep separate as between the water and sewage systems the property accounts, records, income and expenses.

That Applicant shall maintain its accounts in accordance with the Uniform Systems of Accounts, as prescribed by this Commission, and shall maintain its depreciation reserve as a restricted account, with the funds thereof invested in federal governmental securities, and they shall not be available for operation or maintenance expenses or other corporate expense without specific Order of this Commission.

That Applicant has filed its quarterly report for October 1, 1954, and shall continue filing said reports every three months thereafter until further notice by the Commission, said report shall be in writing to this Commission as to the status of the development of both the water and sewage construction; this report to show as it pertains to the water system, the number of wells drilled, the production in gallons per minute from each well with the corresponding draw-down if known, the amount of surface water available and progress of construction of storage facilities, the number of finished houses in the area, the number of houses expected to be finished in the area in the next three months, the capacity of the water storage available, together with the amount of water in storage, the proposed construction and the capacity thereof of any new storage planned in the next three months.

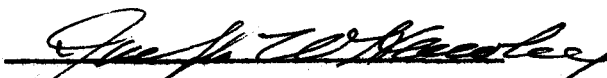
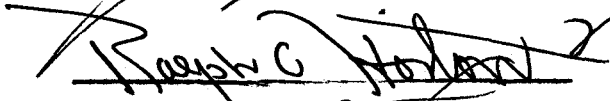

That the Applicant may proceed under its Agreement dated November 19, 1954, with the North Washington Water and Sanitation District, to provide for treatment by said District of the sewage effluent collected by Applicant.

That the Commission does not pass in this Order on the question of jurisdiction, if any, over said District as it is not presented as an issue at this time.

That the Commission shall retain jurisdiction of the operations of Western Hills Utility Co., to issue such further Order, or Orders, as may be necessary.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1954.

mw

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RICHARD N. DANIELS, 117 SOUTH
CASCADE AVENUE, COLORADO SPRINGS,
COLORADO, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 13175

December 29, 1954

Appearances: Donald E. LaMora, Esq., Colorado Springs, Colorado, for applicant;
Harold Torgan, Esq., Denver, Colorado, for Wandell and Low Transfer and Storage Company, Nicholl Warehousing Co., Inc.;
Barry and Hupp, Esqs., Denver, Colorado, by John R. Barry, Esq., for McCann Brothers Transfer Co., Cornelius Van and Heavy Hauling Co., Cowen Transfer and Storage Co.;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company;
Benny Goldstein, Colorado Springs, Colorado, for Goldstein Refrigerator Line;
Anthony L. Mueller, Esq., Denver, Colorado, for the Commission;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, Richard N. Daniels, doing business as "Daniels Moving & Storage Company," Colorado Springs, Colorado, seeks a certificate of public convenience and necessity, authorizing the transportation of uncrated new and used household and office goods and/or furniture, on unscheduled trips, over irregular routes, from point to point within a radius of fifty miles of the City of Colorado Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Colorado Springs, Colorado, December 15, 1954, at ten o'clock A. M., and at the

conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has operated a general moving, transfer and storage company in Colorado Springs since September 28, 1949, under authority of permits issued by the City of Colorado Springs (Exhibits A and B), and a Commercial Carrier Permit issued by this Commission. He has had experience in the transportation business since 1927, being employed by various freight lines, including Weicker, from that date until he started operating his own business. He is the sole proprietor. Over the period, he drove a furniture van and learned the art of handling furniture. Starting with two trucks, he now has the following equipment:

- one 1945 $1\frac{1}{2}$ -ton Ford Truck with stake body;
- one 1951 $1\frac{1}{2}$ -ton Studebaker Van;
- one 1952 $1\frac{1}{2}$ -ton Studebaker Van;
- one 1950 $3\frac{1}{4}$ -ton Studebaker pick-up.

He has \$15,000 invested in the equipment, which is fully insured and clear of indebtedness. His net worth is \$28,000.00. Photographs of his equipment were received in evidence as "Exhibits C and D."

Applicant operates a warehouse at 233 West Colorado Avenue, Colorado Springs, a cinder block building, concrete floor, composition roof, and metal doors. It consists of two rooms, 48' x 58' and 30' x 48', respectively, separated by a fire wall. He has another office and warehouse at 117 West Cascade, two floors, 1180 square feet each. Total storage space is 7824 square feet. A photograph of the main warehouse was received in evidence as "Exhibit E." He has four employees.

At the hearing, applicant requested an amendment to his application to limit the additional area in which his proposed service will be operated to a radius of fifteen miles of the City Limits of Colorado Springs, Colorado, which amendment was allowed.

Applicant emphasized the fact that the City of Colorado Springs and its environs have experienced substantial growth in population; that numerous small manufacturing businesses have been established in the area; that new residential additions have been constructed adjacent to the city; that major military installations have been established and/or reactivated;

that engineering work for the construction of the United States Air Force Academy is proceeding, and the project will add substantially to the growth of population and commerce; that he has received numerous calls and requests to perform transfer and moving services for persons residing and/or doing business in the territory adjacent to the city and at military installations. He admits that he has served some customers outside the city, but maintains that he has never operated over the highways without first having obtained emergency letters from, or made lease arrangements with, other motor common carriers having authority to furnish the service. He is local agent for Bekins Van and Storage Company, one of the larger interstate carriers, and has delivered merchandise to Peterson Field for that company. He has operated under emergency letters granted by McCann Brothers, one of the protestants herein, and others.

D. E. Higdon, Jr., residing at 1624 North El Paso Street, Colorado Springs, appeared in support of the application. He has moved three times, in 1951, 1952, and 1954, within the City Limits, and other members of his family have made similar moves. The service has been performed by applicant, and has been very satisfactory.

Warren W. Brooks, Shipping Clerk for the American Furniture Company at Colorado Springs, appeared in support of the application, at the request of the Local Manager. The company delivers most of its own merchandise in its own trucks, but, during the past four years, has called upon applicant from once daily to once monthly, when its own trucks were busy. The service of applicant has been prompt and satisfactory. McCann Brothers have handled some of his business, but, at times, could not furnish trucks when required. McCann's service is "pretty good," but applicant furnishes the best service of any of the local carriers. Witness has also used service of Cowen, and Weicker, at times.

Wilbur D. Henning, Colorado Manager of Republic Van and Storage Company of Los Angeles, California, has his offices in the same location as that of applicant. He books transportation of household goods, hires

applicant to handle the necessary packing, crating, and storage, and arranges with applicant for deliveries as often as four times per week, and the service is satisfactory. He represents no intrastate carrier. Normally, Republic makes its own pickups at the home of the shipper for interstate shipment, but occasionally -- from two to three times per month -- needs applicant's service for the pick-up, packing, or storage. He has issued applicant a blanket letter of authority.

Glen Bekins, President of Bekins Van and Storage Company, and an officer of the Bekins allied lines, interstate carriers, testified that applicant has been his local agent at Colorado Springs for the past three or four years, and he uses applicant's local facilities, the service being above average. Applicant is agent for Bekins interstate business, only, and the granting of authority requested will not affect that business, except that a good agent can retain the repeat orders of his principal. Bekins is not limited as to the location of its offices, and could, itself, perform all business done for it by applicant, but it is more convenient, if a shipment is directed to a customer, to have applicant's employees assist in the local movement, or if a shipment is improperly addressed or subject to transit storage, to have it placed in applicant's warehouse and later delivered by him. For local deliveries, Bekins could issue emergency letters to applicant, but it would be more trouble. He has had some of his local transportation handled by applicant through lease arrangements, the leases being filed with the Commission. The local business in the Colorado Springs area has greatly increased during the past year, and applicant has handled Bekins' bookings, representing an amount of between \$10,000 and \$15,000 per year.

In support of the showing as to the expanding economy of the area, there were received in evidence a letter from the Commercial Manager of Colorado Springs, showing an increase in the number of electric meters within a six-mile radius of Colorado Springs, from 14,959 to 29,183 between December 31, 1940 and December 31, 1954 (Exhibit G), and letter from the

Local Unit Manager of The Mountain States Telephone and Telegraph Company, showing an increase in the number of telephones in Colorado Springs from 27,581 in 1950 to 36,644 in 1954 (Exhibit H).

At the close of the testimony on behalf of applicant, the protestants joined in a motion to dismiss the application for failure of proof of public convenience and necessity for the proposed service, which motion was taken under advisement.

Not standing upon their motion, the protestants offered their evidence.

Thomas W. Hagner, General Manager of Wandell and Lowe Transfer and Storage Company, testified that his company has authority under PUC No. 342 from point to point in four counties, including the fifteen-mile radius of Colorado Springs. It has four vans, five stake trucks, and one pick-up truck not busy all the time. He offered in evidence an exhibit (No. 1), showing the number of man hours lost between January 1, 1954 and November 30, 1954, as 2,652½ hours. He stated that his company has kept step with the growth of the area, renders service on one day's notice, and there is no need for an additional carrier. He was never contacted by American Furniture Company, but could handle the business. He is local agent for Mayflower Line, has thirteen employees outside the office force, and, in his opinion, if the application is granted, he would lose experienced men, and it would have the effect of reducing the revenue of his company. He did not know whether or not it would affect the over-all operation or profits of the company.

William S. Nicholl, President of Nicholl Warehousing Co., Inc., with authority under PUC No. 805 for the transportation of household goods to and from Colorado Springs, from and to points within a seventy-five-mile radius, listed his equipment as four vans, two stake trucks, and one pick-up truck, not busy all the time. For the past four months, it has been kept busy only fifty per cent of the time. His situation is the same as that of the former witness. His company responds to calls promptly, and

there is a sufficient number of certificated carriers in the area to meet all needs. If the need becomes greater, he can purchase additional equipment. The effect of favorable action on the application would be that all his equipment could not be kept busy, and he would be hurt financially. His company is local agent for North American, an interstate carrier. There is no need for additional storage or transportation service in the area.

William L. McCann, one of the partners of McCann Brothers Transfer Company (PUC No. 145), testified that he is authorized to furnish service within a five-mile radius of Colorado Springs. A list of his equipment is on file. He has seven employees, and is agent for Ford Van Lines, an interstate carrier. Granting of the application would result in competition for more than fifty per cent of his transportation service outside Colorado Springs. At present, there are seven carriers with authority to perform the same service sought by applicant, and there is no need for an additional carrier in the area. In the event the application is granted, it would mean a division of the proceeds of the transportation business with another carrier, and he would have to "slow down," and would lose money.

William L. Cornelius, Manager of Cornelius Van and Heavy Hauling Company, owner of PUC No. 343, with authority in the area applicant seeks to serve, referred to his equipment list on file with the Commission. He has twelve employees. He operates three warehouses, with combined storage space of 18,225 square feet, forty per cent of the space being vacant. There is no need for additional storage or transportation authority, and favorable action on the application would result in cutting down his revenue.

J. M. Harrington, General Manager of Goldstein Refrigerator Line (PUC No. 416), described equipment which is busy only sixty-five per cent of the time in the peak seasons. He stated that the Military allocates its business among the certificated carriers, and the addition of another carrier would cut down his proportion of the revenue now received from

this source. There would be a loss of man hours, and the men must be paid, whether working or not. The business received from interstate carriers constitutes about forty per cent of his total business. He is local agent for United Van Lines. His storage aggregates 25,000 square feet, only sixty per cent being utilized. He has never refused service, and renders same on two hours' notice.

It has long been the policy of the Commission that in hearings of this nature, where certificated common carriers appear in protest, applicant must produce witnesses other than himself -- preferably customer witnesses -- to establish public convenience and necessity for applicant's proposed service. The desire alone of the applicant for extended authority is not sufficient proof. In the instant application, we have the testimony of applicant, supported by no prospective customers who are not satisfied with present service by other certificated carriers with authority in the area applicant seeks to serve. The testimony of Bekins, who is not a prospective customer in the area, and in fact itself can perform all services applicant seeks to perform, but which supports the application because of possible convenience to itself, is not sufficient, in the opinion of the Commission, to establish public convenience and necessity for the proposed extension. Such public convenience and necessity has not been established to the satisfaction of the Commission, and the motion of protestants interposed at the close of applicant's case must be granted.

F I N D I N G S

THE COMMISSION FINDS:

That protestants' motion to dismiss the above-styled application for failure to establish public convenience and necessity should be granted, and said application denied.


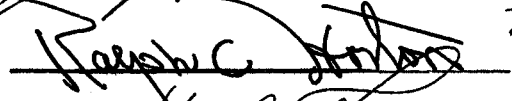
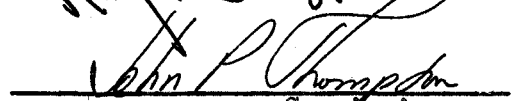
O R D E R

THE COMMISSION ORDERS:

That Application No. 13175 should be, and the same hereby is, denied.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
M. A. CANNELL, DOING BUSINESS AS)
"GLENWOOD TRANSFER," GLENWOOD)
SPRINGS, COLORADO, FOR AUTHORITY)
TO TRANSFER CERTIFICATE NUMBER)
PUC-1681 TO NATALIE A. GIGNOUX,)
DOING BUSINESS AS "LITTLE PERCENT)
TAXI," ASPEN, COLORADO.)

APPLICATION NO. 13174-Transfer

December 29, 1954

Appearances: Clinton B. Stewart, Esq.,
Aspen, Colorado, for
Transferee;
M. A. Cannell, Glenwood
Springs, Colorado, pro
se.

S T A T E M E N T

By the Commission:

By Decision No. 25758, of date April 5, 1946, Leland C. Livsey
and Ernest R. Erickson, doing business as "L. E. Cab Company," of Glenwood
Springs, Colorado, were granted a certificate of public convenience and
necessity, authorizing:

Transportation of passengers (and their baggage)
for hire within the area covered by the City of
Glenwood Springs, and points within a radius of
one (1) mile thereof, and from and to points in
said area on the one hand, and, on the other, to
and from points within a radius of twenty-five
(25) miles thereof, and the towns of Basalt,
Aspen and Rifle, subject to: Limited to use of
five-passenger automobiles; rates shall be:
within the corporate limits of Glenwood Springs,
30¢ for one person and 10¢ for each additional
person, per one-way trip; service from Glenwood
Springs to Red Mountain Inn, 50¢ per person per
trip; one-way service from or to Glenwood
Springs to and from all outside points, exclu-
sive of Red Mountain Inn, within the above auth-
orized area and points, 25¢ per mile one way,
with fare and a half for round trip for the
first passenger, and 10¢ per mile for each addi-
tional passenger up to the capacity of said five-
passenger automobiles--either one-way or round
trip, with a charge of \$2.00 per hour waiting
time.

Pursuant to authority contained in Decision No. 26394, of date August 19, 1946, said certificate (PUC No. 1681) was transferred from Leland C. Livsey and Ernest R. Erickson, doing business as "L. E. Cab Company," Glenwood Springs, Colorado, to M. A. Cannell, doing business as "Glenwood Transfer," Glenwood Springs, Colorado, the present owner of said certificate.

Pursuant to authority contained in Decision No. 31550, said operating rights under PUC No. 1681 were extended to include:

Transportation of passengers for hire in sightseeing service originating and terminating at Glenwood Springs, Colorado, to points within a radius of fifty (50) miles of Glenwood Springs, Colorado, and to Leadville, Colorado, via Tennessee Pass, with side trips to Climax, and Kokomo, Colorado, and return via Vail Pass; thence to Twin Lakes, Independence Pass, Aspen, Carbondale, and return to Glenwood Springs, with transportation over said route in either direction; transportation in sightseeing service originating and terminating in Glenwood Springs, Colorado, to the Grand Mesa Lakes Area, and to Rangely, Colorado.

Transportation of passengers and their baggage in his taxicab operation to include one-way service from Glenwood Springs to Denver, Grand Junction, Rangely, Wolcott, Edwards, Avon, Eagle, Minturn, Gilman, Redcliff, Pando, Leadville, Meeker, Buford, Trappers Lake, Oil Shale operations near Rifle, Redstone, Placita, Marble, Crystal, Colorado.

By Decision No. 37521, of date October 10, 1951, the authority under said PUC No. 1681, was amended and clarified as it pertains to sightseeing, by permitting the carriage of seven passengers in any one vehicle, and extended to include:

Transportation of passengers and their baggage for hire in taxicab motor vehicle service from Glenwood Springs, Colorado, and points within a 25-mile radius of Glenwood Springs, Colorado, to all points in the State of Colorado, provided, that all service will either originate in Glenwood Springs or within his 25-mile base area. Applicant will not be permitted to use in his taxicab service automobiles having a capacity exceeding five (5) passengers, as more particularly set forth in the original order granting applicant taxicab service.

By the instant application, M. A. Cannell, doing business as

"Glenwood Transfer," Glenwood Springs, Colorado, seeks authority to transfer said PUC-1681 to Natalie A. Gignoux, doing business as "Little Percent Taxi," Aspen, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Glenwood Springs, Colorado, at ten o'clock A. M., on December 14, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for said transfer, according to Agreement of Sale and Purchase on file, is the amount of \$1,500.00, to be paid in full upon authorization for said transfer by this Commission, which amount is now on deposit with an escrow agent. The Commission is in receipt of a claim in the amount of \$48.35 due the First Agency Company, Glenwood Springs, Colorado, for insurance for the period April 16, 1953 to April 16, 1954.

A statement of the equipment of transferee is on file with the Commission. All ton-mile taxes have been paid, and ton-mile tax deposit is to be transferred to account of transferee herein. The financial responsibility of transferee was established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That M. A. Cannell, doing business as "Glenwood Transfer," Glenwood Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Certificate of Public Convenience and Necessity No. 1681, with authority as follows:

Transportation of passengers (and their baggage) for hire within the area covered by the City of Glenwood Springs, and points within a radius of one (1) mile thereof, and from and to points in said area on the one hand, and, on the other, to and from points within a radius of twenty-five (25) miles thereof, and the towns of Basalt, Aspen and Rifle, subject to: Limited to use of five-passenger automobiles; rates shall be: within the corporate limits of Glenwood Springs, 30¢ for one person and 10¢ for each additional person, per one-way trip; service from Glenwood Springs to Red Mountain Inn, 50¢ per person per trip; one-way service from or to Glenwood Springs to and from all outside points, exclusive of Red Mountain Inn, within the above authorized area and points, 25¢ per mile one way, with fare and a half for round trip for the first passenger, and 10¢ per mile for each additional passenger up to the capacity of said five-passenger automobiles--either one-way or round trip, with a charge of \$2.00 per hour waiting time.

Transportation of passengers for hire in sightseeing service originating and terminating at Glenwood Springs, Colorado, to points within a radius of fifty (50) miles of Glenwood Springs, Colorado, and to Leadville, Colorado, via Tennessee Pass, with side trips to Climax, and Kokomo, Colorado, and return via Vail Pass; thence to Twin Lakes, Independence Pass, Aspen, Carbondale, and return to Glenwood Springs, with transportation over said route in either direction; transportation in sightseeing service originating and terminating in Glenwood Springs, Colorado, to the Grand Mesa Lakes Area, and to Rangely, Colorado.

Transportation of passengers and their baggage in his taxicab operation to include one-way service from Glenwood Springs to Denver, Grand Junction, Rangely, Wolcott, Edwards, Avon, Eagle, Minturn, Gilman, Redcliff, Pando, Leadville, Meeker, Buford, Trappers Lake, Oil Shale operations near Rifle, Redstone, Placita, Marble, Crystal, Colorado.

Transportation of passengers and their baggage for hire in taxicab motor vehicle service from Glenwood Springs, Colorado, and points within a 25-mile radius of Glenwood Springs, Colorado, to all points in the State of Colorado, provided, that all service will either originate in Glenwood Springs or within his 25-mile base area. Applicant will not be permitted to use in his taxicab service automobiles having a capacity exceeding five (5) passengers, as more particularly set forth in the original order granting applicant taxicab service.

The carriage of seven passengers in any one vehicle in connection with the sightseeing operations being permitted,

to Natalie A. Gignoux, doing business as "Little Percent Taxi," Aspen, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

It is also ordered that transferee file a statement under oath that outstanding bills have been satisfied or otherwise disposed of before this transfer becomes effective.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

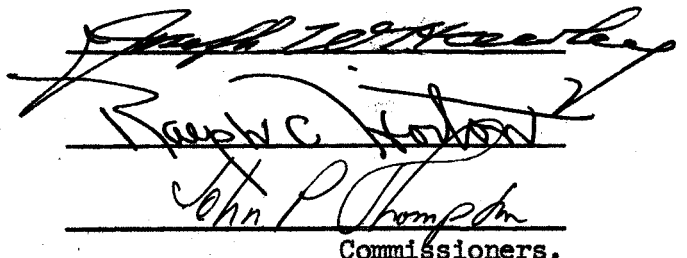
The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him or transferee of all unpaid passenger-mile tax.

That passenger-mile tax deposit shall be transferred and credited to the account of transferee herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 29th day of December, 1954.


Commissioners.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SVEN J. JOHANSON AND CLAUDE CARBIS,)
DOING BUSINESS AS "J. HUGO ARONSON,")
NEW CASTLE, WYOMING, TO LEASE CER-)
TIFICATE NUMBERS PUC-1649 AND PUC-)
1649-I TO A. J. KESELING, DOING)
BUSINESS AS "ART KESELING," STER-)
LING, COLORADO.)

APPLICATION NO. 13169-Lease

December 29, 1954

Appearances: Barry and Hupp, Esqs., Denver,
Colorado, for applicant;
Marion F. Jones, Esq., Denver,
Colorado, for L. E. Whitlock,
Stanton Transportation Com-
pany, Inc., Neff Trucking,
Ferguson Trucking, Inc., and
Rogers Truck Line;
Anthony L. Mueller, Esq., Den-
ver, Colorado, for the Com-
mission.

S T A T E M E N T

By the Commission:

Sven J. Johanson and Claude Carbis, doing business as "J. Hugo Aronson," New Castle, Wyoming, are the owners of Certificates of Public Convenience and Necessity Nos. PUC-1649 and 1649-I, which authorize:

Transportation, in irregular service, on call and demand, in intrastate and interstate commerce, of machinery, materials, equipment, supplies, and facilities used in or incidental to or in connection with: (a) the discovery, development, production and preservation of natural gas and petroleum; (b) the construction, dismantling, repair, servicing and maintenance of pipe lines; (c) the construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum; (d) the construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas and petroleum, between all points in the State of Colorado, the interstate authority being subject to the provisions of the Federal Carrier Act of 1935.

On September 28, 1954, "J. Hugo Aronson," holder of said Certificates of Public Convenience and Necessity Nos. PUC-1649 and 1649-I, Lessor, and "Art Keseling," Lessee, filed the instant application to lease the above-named certificates.

The above application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on December 10, 1954, and after the taking of evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that A. J. Keseling is the owner of Private Carrier Permit No. B-4678, which authorizes, generally, the transportation of certain oil field commodities and equipment within a 75-mile radius of Sterling, Colorado. Lessee Keseling testified that he seeks authority to perform a general oil field service over the entire State of Colorado, and has adequate and ample equipment, which equipment list is presently on file with the Commission.

For the use of said certificate, A. J. Keseling agrees to pay to said Johanson and Carbis, or their successors, five percent (5%) of the gross revenues earned under said certificate and said payments are to be on a monthly basis. It is mutually agreed, however, that these payments shall not be applicable on the first \$75,000 of business done by said A. J. Keseling, but only on that amount of gross business which exceeds \$75,000 in any one year from and after the approval of this lease by the Colorado Public Utilities Commission, and for each succeeding year.

The Lessee A. J. Keseling agrees to pay all license fees, ton-mile taxes, transportation taxes, and/or other taxes now imposed or imposed in the future by any state or federal agency in the course of the operation under this certificate.

A. J. Keseling further agrees to operate this certificate in a lawful manner and to keep it in good standing during the term of this lease with the Public Utilities Commission of the State of Colorado. He further agrees that if through his negligence or illegal operations said Commission should cancel this certificate, that he will indemnify the Lessors Johanson

and Carbis, or their successors, for the amount of the certificate, that the value of the certificate will be arrived at.

L. E. Whitlock, owner of a certificate of public convenience and necessity, protested approval of the lease, contending his company is presently operating in the Sterling area and has ample equipment to take care of all needs of the oil drilling industry.

Attorney for protestants moved that the hearing be continued in order that they might interrogate Lessor pertaining to his present operations. It was contended in the argument of counsel that the above certificate had not been active in Colorado for the past two years, and that the approval of the lease above referred to was not in the public interest.

The Commission has carefully considered the motion and argument in support thereof, and is of the opinion that the question of abandonment is not before the Commission in the present application. If protestants are of the opinion that said certificate has been abandoned, they have the right to be heard by the Commission under proper procedure. The certificate under discussion was issued in 1949, and has been very active at times since its issuance. The certificate is one of those specialized certificates granted by this Commission to care for oil drilling operations. The history of this type of certificate, by its very nature, is not a continuous operation, but is issued for the purpose of providing statewide service in connection with the discovery, development, production and preservation of natural gas and petroleum. This application is for the approval of a lease of an authority issued by this Commission. We cannot see where the public interest would be jeopardized, as applicant lessee is presently operating in the field, and the approval of this lease makes available to the public a more complete service without adding another authorized carrier.

F I N D I N G S

THE COMMISSION FINDS:

That the lease agreement, dated September 25, 1954, between Sven

J. Johanson and Claude Carbis, doing business as "J. Hugo Aronson," of New Castle, Wyoming, as Lessors, and A. J. Keseling, doing business as "Art Keseling," Sterling, Colorado, as Lessee, said lease agreement being Exhibit No. 1, covering Certificates Nos. 1649 and 1649-I, should be approved.

O R D E R

THE COMMISSION ORDERS:

That the lease agreement, being Exhibit No. 1 herein, dated September 25, 1954, between Sven J. Johanson and Claude Carbis, doing business as "J. Hugo Aronson," of New Castle, Wyoming, as Lessors, and A. J. Keseling, doing business as "Art Keseling," Sterling, Colorado, as Lessee, covering Certificates of Public Convenience and Necessity Nos. PUC-1649 and PUC-1649-I, should be, and the same is hereby, approved.

The tariff of rates, rules and regulations of lessors shall, upon proper adoption notice, become and remain those of lessee until changed according to law and the rules and regulations of this Commission.

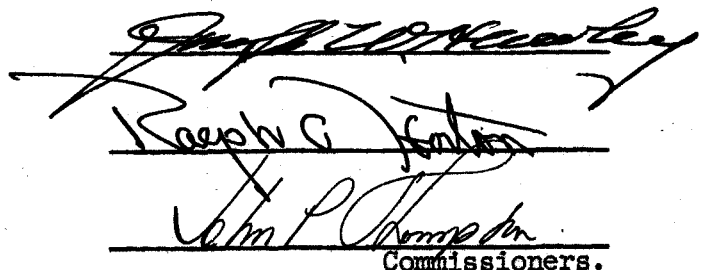
The right of lessee to operate under this order shall depend upon the prior filing by lessors of delinquent reports, if any, covering their operations under said certificate, and the payment by them or lessee of all unpaid ton-mile tax.

That road tax deposit of lessors shall be transferred and credited to account of lessee for the term of the lease herein authorized.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM W. GENTRY, MEEKER, COLORADO,)
FOR AN EXTENSION OF PERMIT NUMBER)
B-3976.)

APPLICATION NO. 13188-PP-Extension

December 29, 1954

Appearances: William W. Gentry, Meeker,
Colorado, pro se;
Leonard Gray, Craig, Colo-
rado, for Gray Truck Line.

S T A T E M E N T

By the Commission:

On October 15, 1954, applicant herein filed his application for an extension of his Private Carrier Permit No. B-3976 to include the transportation of ores from vanadium and uranium mines in Rio Blanco County, Colorado, to Grand Junction, Colorado, and from vanadium and uranium mines in Moffat County, Colorado, to Grand Junction and Rifle, Colorado.

The above application was regularly set for hearing, and heard, in the District Court Room, Grand Junction, Colorado, on December 15, 1954, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently the holder of a Class "B" Private Carrier Permit No. B-3976, which authorizes the transportation of vanadium and uranium ores from vanadium and uranium mines in Rio Blanco County to the mill of the United States Vanadium Corporation at or near Rifle, Colorado.

In the instant application, the applicant wishes to extend his operations to the additional point of Grand Junction and from Moffat County. Applicant has several customers for whom he is hauling and states they are doing some exploration work in Moffat County and he de-

sires to serve them in their new location. Applicant's equipment list is on file and it appears that he is well qualified, both by experience and financially, to carry on his proposed operation.

Leonard Gray, of Craig, Colorado, whose company holds Certificate of Public Convenience and Necessity No. 880, protested the granting of any authority covering Moffat County, stating he had authority to haul uranium and vanadium ores. He stated, however, that he did not presently have equipment to haul uranium and vanadium ores and would have to lease equipment to take care of this haul.

After considering the record, the Commission is of the opinion that the granting of this extension would not impair protestant's service or that of any other common carrier by motor vehicle, for the reason that protestant is not presently hauling uranium ores and we cannot see from the evidence, as long as protestant has not entered into this business, where his present operation would be impaired. For the reasons above stated, we feel that the application for extension should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted for the reasons heretofore set forth in our Statement which, by reference, is made a part of these Findings.

O R D E R

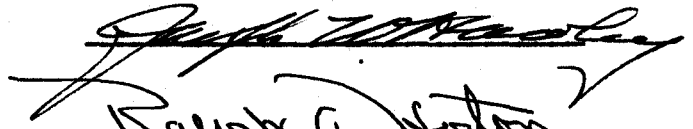
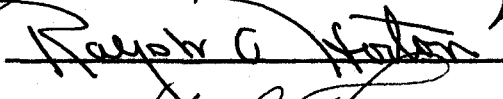
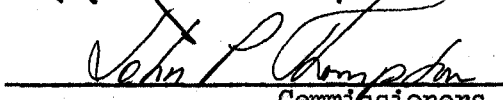
THE COMMISSION ORDERS:

That William W. Gentry, of Meeker, Colorado, be, and he hereby is, authorized to extend his authority under Permit No. B-3976 to include the transportation of ores from vanadium and uranium mines in Rio Blanco County, Colorado, to Grand Junction, Colorado, and from vanadium and uranium mines in Moffat County, Colorado, to Grand Junction and Rifle, Colorado.

This Order is made a part of the permit granted to applicant,

and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|--------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| CECIL E. CALDWELL, DOING BUSINESS) | |
| AS "CALCO," P. O. BOX 605, WALSEN-) | |
| BURG, COLORADO, FOR AUTHORITY TO) | |
| TRANSFER OPERATING RIGHTS GRANTED) | APPLICATION NO. 13184-Transfer |
| BY DECISION NO. 42195, IN APPLI-) | |
| CATION NO. 12748 TO RALPH P. SWABY) | |
| AND LEO W. RICE, 1949 ALTON STREET,) | |
| DENVER, COLORADO.) | |
| -----) | |

December 29, 1954

Appearances: John R. Barry, Esq., Denver,
Colorado, for applicant;
Neil Tasher, Esq., Littleton,
Colorado, and
William Moulton, Esq., Littleton,
Colorado, for Clinton Aviation,
Inc., Drapela Flying Service,
Rocky Mountain Aviation, Inc.,
Intermountain Aviation, Inc.;
Anthony L. Mueller, Esq., Denver,
Colorado, and
W. F. Bridgeman, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 42195, of date March 8, 1954, Cecil E. Caldwell, doing business as "Calco," was granted a certificate of public convenience and necessity authorizing the transportation of passengers and property, not on schedule, but on call and demand, between all points in the State of Colorado.

By the instant application, certificate-holder seeks to transfer this authority to Ralph P. Swaby and Leo W. Rice.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was set for hearing, and heard, on December 10, 1954, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and there taken under advisement.

From the files of the Commission and the evidence introduced at the hearing, it does not appear that there is any reason why said transfer should not be authorized, transferees being qualified, pecuniarily and otherwise, to conduct said operation.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized.

O R D E R

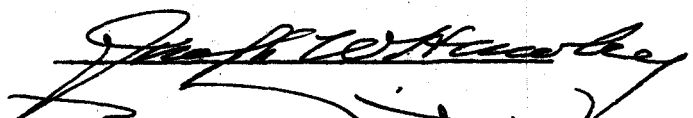
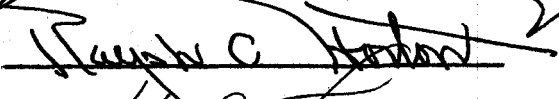
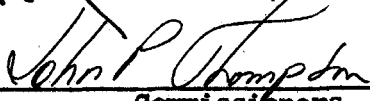
THE COMMISSION ORDERS:

That Cecil E. Caldwell, doing business as "Calco," Walsenburg, Colorado, should be, and hereby is, authorized to transfer certificate of public convenience and necessity granted to him by Decision No. 42195, to Ralph P. Swaby and Leo W. Rice, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-------------------------------------|---|------------------------------|
| IN THE MATTER OF THE APPLICATION OF |) | |
| RICHARD G. KOPLITZ, DOING BUSINESS |) | |
| AS "R. K. ENTERPRISES," 2600 HOLLY |) | |
| STREET, DENVER, COLORADO, FOR A |) | <u>APPLICATION NO. 13167</u> |
| CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY. |) | |
| ----- |) | |

December 29, 1954

Appearances: Richard G. Kopplitz, Denver,
Colorado, pro se;
John R. Barry, Esq., Denver,
Colorado, for Ralph P.
Swaby and Leo W. Rice;
Neil Tasher, Esq., Denver,
Colorado, and
William Moulton, Esq., Little-
ton, Colorado, for Clinton
Aviation, Inc., Drapela
Flying Service, Rocky Mountain
Aviation, Inc., Intermountain
Aviation, Inc.;
W. F. Bridgeman, Denver, Colorado,
and
Anthony L. Mueller, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By the above-styled application, Richard G. Kopplitz, doing business as "R. K. Enterprises," Denver, Colorado, seeks a certificate of public convenience and necessity, for the transportation of passengers by airplane, not on schedule, from, to, and between all points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 10, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant herein stated that he wished to pursue the instant application only in the event the Commission did not authorize transfer of operating rights by Cecil E. Caldwell, doing business as "Calco," Walsenburg, Colorado, to Ralph P. Swaby and Leo W. Rice, Denver, Colorado, in Application No. 13184, then pending before the Commission.

Inasmuch as it is the opinion of the Commission that transfer of operating rights sought in said Application No. 13184 is in the public interest, and that transferees therein will provide suitable call and demand service to care for the needs of the area sought to be served by the above-styled applicant, said transfer was authorized in Decision No. 43861, of date December 29, 1954; hence, the instant application should be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed, for the reasons set forth in the preceding Statement, which by reference is made a part hereof.

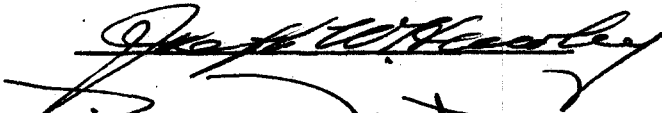
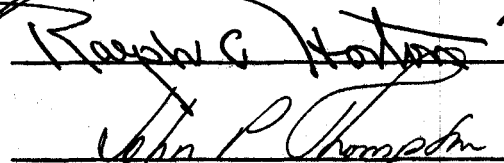
O R D E R

THE COMMISSION ORDERS:

That Application No. 13167 should be, and the same hereby is, dismissed, as requested by applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE H. LONG, DOING BUSINESS AS)
"THUNDERBIRD AVIATION SERVICE," 309)
SOUTH CASCADE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
OPERATING RIGHTS GRANTED BY DEC-)
ISION NO. 39826 IN APPLICATION NO.)
12057, TO RALPH P. SWABY AND LEO W.)
RICE, 1949 ALTON STREET, DENVER,)
COLORADO.)
-----)

APPLICATION NO. 13185-Transfer

December 29, 1954

Appearances: John R. Barry, Esq., Denver,
Colorado, for applicant;
Anthony L. Mueller, Esq.,
Denver, Colorado, and
W. F. Bridgeman, Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 39826, of date December 8, 1952, Clyde H. Long, doing business as "Thunderbird Aviation Service," was granted a certificate of public convenience and necessity authorizing the transportation of passengers and property, not on schedule, but on call and demand, between all points in the State of Colorado.

By the instant application, certificate-holder seeks to transfer this authority to Ralph P. Swaby and Leo W. Rice.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was set for hearing, and heard, on December 10, 1954, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and there taken under advisement.

From the files of the Commission and the evidence introduced at the hearing, it does not appear that there is any reason why said transfer should not be authorized, transferees being qualified pecuniarily and otherwise to conduct said operation.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized.

O R D E R


THE COMMISSION ORDERS:

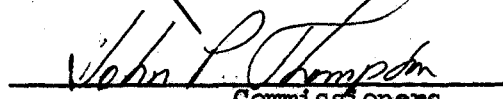
That Clyde H. Long, doing business as "Thunderbird Aviation Service," Colorado Springs, Colorado, should be, and hereby is, authorized to transfer certificate of public convenience and necessity granted to him by Decision No. 39826, to Ralph P. Swaby and Leo W. Rice, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Harlow


John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|--|--------------------------|
| IN THE MATTER OF THE APPLICATION OF) JOHN F. ZAMORA, ROUTE 1, BOX 65,) GRAND JUNCTION, COLORADO, FOR A) CLASS "B" PERMIT TO OPERATE AS A) PRIVATE CARRIER BY MOTOR VEHICLE) FOR HIRE.) -----) | APPLICATION NO. 13190-PP |
|--|--------------------------|

December 29, 1954

Appearances: John F. Zamora, Grand
Junction, Colorado, pro se;
Ernest Porter, Esq., Denver,
Colorado, and
R. E. Turano, Denver, Colo-
rado, for Rio Grande Motor
Way, Inc.

S T A T E M E N T

By the Commission:

On October 14, 1954, John F. Zamora, the applicant herein, filed his application for a Class "B" private carrier permit to operate by motor vehicle for hire for the transportation of sand, gravel, and roofing materials between points within a radius of 75 miles of Grand Junction, Colorado.

The above application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, on December 15, 1954, and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that applicant has a net worth of approximately \$2,000, and is the owner of a 1948 1½-ton Chevrolet dump truck; that he is engaged in the roofing business and desires to haul sand, gravel, and roofing materials for hire in conjunction with his work. It appears that he takes contracts in

the Grand Junction area for building roofs, and specializes in tar and gravel roofs and desires authority to haul the supplies to his roofing jobs.

Rio Grande Motor Way protested the granting of any authority which might compete with its line-haul service. Applicant stated it was not his intention to enter into competition with certificated line-haul carriers.

After a careful review of the evidence, it appears to the Commission that the above application should be granted, with certain restrictions, thereby protecting protestant Rio Grande Motor Way in its line-haul service.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, as hereinafter restricted.

O R D E R

THE COMMISSION ORDERS:

That John F. Zamora, Route 1, Box 65, Grand Junction, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and roofing materials between points within a radius of 75 miles of Grand Junction, Colorado, provided, however, that applicant shall not be permitted to operate in competition with line-haul carriers operating over fixed routes and between fixed points.

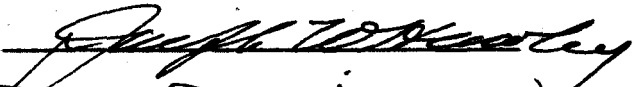
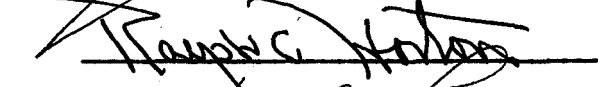

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.

ea

original

(Decision No. 43865)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. R. BRADLEY AND LILAH F. BRADLEY,)
CO-PARTNERS, DOING BUSINESS AS)
"BRIGHTON CAB," BRIGHTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1791 TO J. A. SALTHOUSE AND D. E.)
SALTHOUSE, CO-PARTNERS, DOING BUSI-)
NESS AS "BRIGHTON CAB," 43 SOUTH)
THIRD STREET, BRIGHTON, COLORADO.)
-----)

APPLICATION NO. 13220-Transfer

December 29, 1954

S T A T E M E N T

By the Commission:

B. R. Bradley and Lilah F. Bradley, co-partners, doing business as "Brighton Cab," Brighton, Colorado, by the instant application, seek authority to transfer PUC No. 1791 to J. A. Salthouse and D. E. Salthouse, co-partners, doing business as "Brighton Cab," Brighton, Colorado, said PUC No. 1791 authorizing the transportation of:

passengers and their hand baggage, in cabs of not to exceed five passenger capacity, between points in the area within a radius of ten miles of, and including, the City of Brighton, and from points in same radius, to Denver, Stapleton Airport, Lafayette, and Boulder, Colorado, and return -- that is, transportation of passengers and their hand baggage from Denver, Stapleton Airport, Lafayette and Boulder, to points in said ten-mile area, including Brighton, is limited to (and in connection with) round-trip service, only, where passenger is taken from said area to Denver, Stapleton Airport, Lafayette or Boulder, and returned in the same vehicle, with waiting time of not to exceed one hour at Denver, Stapleton Airport, Lafayette or Boulder, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that passenger-mile tax deposit is to be transferred to

account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said application, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That B. R. Bradley and Lilah F. Bradley, co-partners, doing business as "Brighton Cab," Brighton, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1791 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to J. A. Salthouse and D. E. Salthouse, co-partners, doing business as "Brighton Cab," Brighton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

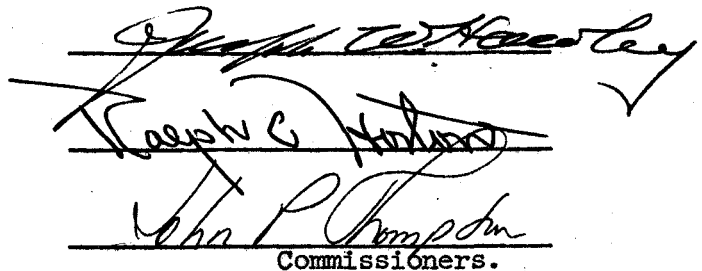
The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferees of all unpaid passenger-mile tax.

That passenger-mile tax deposit of transferors shall be transferred and credited to account of transferees herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KENNETH TRENBERTH, IDAHO SPRINGS,) PUC NO. 1758
COLORADO.)
-----)

December 21, 1954

S T A T E M E N T

By the Commission:

On July 6, 1954, by Decision No. 42895, the above-named certificate-holder was authorized to suspend operations under PUC No. 1758 until December 21, 1954.

The Commission is now in receipt of a communication from said certificate-holder, requesting authority to further suspend operations under said PUC No. 1758 for a period of six months from December 21, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

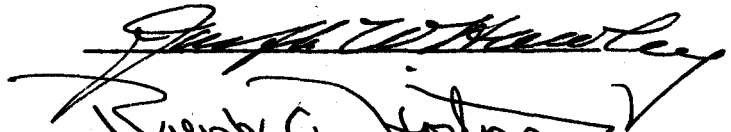
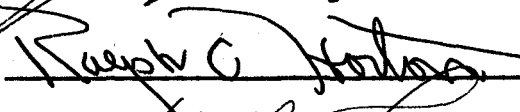
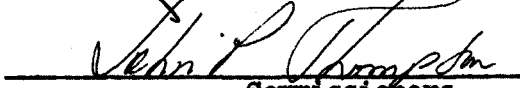
THE COMMISSION ORDERS:

That Kenneth Trenberth, Idaho Springs, Colorado, should be, and he hereby is, authorized to further suspend operations under PUC No. 1758 until June 21, 1955.

That unless said certificate-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificate, said certificate, without

further action by the Commission, shall be revoked, without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
FRANCIS BOCKHOLD, BOX 264, LITTLE-
TON, COLORADO, FOR A CLASS "B" PER-
MIT TO OPERATE AS A PRIVATE CARRIER
BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 13141-PP

December 30, 1954

Appearances: Francis Bockhold, Littleton,
Colorado, pro se;
Norman Blake, Blackhawk,
Colorado, for Gilpin
County Freight Line,
Curnow Livery and Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of feldspar, from mines located within a radius of fifty miles of Buffalo, Colorado, to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has been hauling feldspar for one Harvey McGuire, who leases a mine about nine miles southeast of Bailey, Colorado, the hauling being done under temporary authority from this Commission, of date October 4, 1954. He owns a 1952 Ford two-ton dump truck, and his net worth is \$3,000.00. He has had several years experience in the transportation

business, both in Colorado and in Kansas, and was requested to file the instant application by McGuire. The latter owns one other feldspar mine within the radius requested, the mine being approximately eighteen miles southeast of Bailey, and the ore therefrom being hauled by one "Beam," and one "Claycomb," under Commercial Carrier Permits. All feldspar is hauled to the Feldspar Mineral Corporation, 1301 Maple Street, Denver, Colorado.

Norman Blake testified that he is the owner and operator of PUC No. 1127, issued to him under the name of Gilpin County Freight Line, and also has been requested to appear in protest at the hearing by E. G. Trenberth, owner and operator of Curnow Livery and Transfer Company, Idaho Springs, Colorado. The Gilpin County Freight Line operates in Garfield, Clear Creek, and Jefferson Counties, while the Curnow Livery and Transfer Company has statewide operations. The mines now operated by McGuire are situated in Douglas County, in which the witness has no authority, and the protestants objected to the service by applicant to more than the one customer named.

No witnesses appeared in support of the application, but it was agreed between applicant and Blake that a Class "B" permit might issue to applicant, limited to service to Harvey McGuire, only, for transportation of feldspar within a radius of fifty miles of Buffalo, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Francis Bockhold, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by

motor vehicle for hire, for the transportation of feldspar, from mines within a radius of fifty miles of Buffalo, Colorado, to Denver, Colorado, for Harvey McGuire, only, without the right to add to the number of customers served, except upon permission from this Commission so to do.

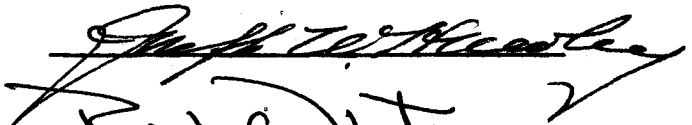
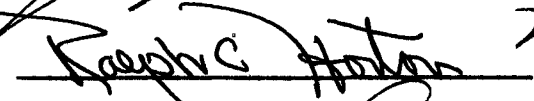

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | | |
|-------------------------------------|---|---------------------------------|
| IN THE MATTER OF THE APPLICATION OF |) | |
| MAX HERRERA, 1347 GROVE STREET, |) | |
| DENVER, COLORADO, FOR A CLASS "B" |) | <u>APPLICATION NO. 13197-PP</u> |
| PERMIT TO OPERATE AS A PRIVATE |) | |
| CARRIER BY MOTOR VEHICLE FOR HIRE. |) | |
| ----- |) | |

December 30, 1954

Appearances: Max Herrera, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver and to points within a radius of ten miles of the City and County of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 16, 1954, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he formerly operated under Private Carrier Permit No. B-2838, and wishes to have the same number assigned to any new authority issued to him. The former permit was revoked because of his failure to file proper insurance, which has now been filed. He has had experience in hauling sand, gravel, and road-building material since 1942, and is now working for the State Highway Department. He owns a 1939 one and one-half-ton Chevrolet dump truck, and his net worth is \$3,000.00. He wishes to haul for any contractor who desires his services.

No one appeared in opposition to the granting of the authority sought.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Max Herrera, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver and to points within a radius of ten miles of the City and County of Denver.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

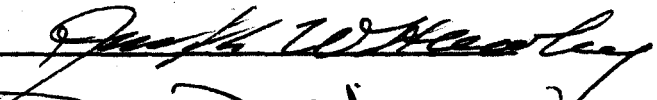
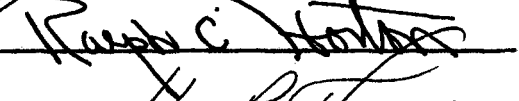

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That authority herein granted shall bear the number "Permit No. B-2838," being the number of a permit formerly held by applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1954.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

| | |
|---------------------------------------|---------------------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| WALTER ANTHONY SMITH, 2100 KIPLING) | |
| STREET, DENVER, COLORADO, FOR A) | |
| CLASS "B" PERMIT TO OPERATE AS A) | <u>APPLICATION NO. 13198-PP</u> |
| PRIVATE CARRIER BY MOTOR VEHICLE) | |
| FOR HIRE.) | |
| -----) | |

December 30, 1954

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek and Gilpin Counties.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 16, 1954, at ten o'clock, A. M., with notice to all parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

The files were made a part of the record, and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought.

It does not appear that applicant's proposed operation will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue, said permit to bear the number "B-4480," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That Walter Anthony Smith, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

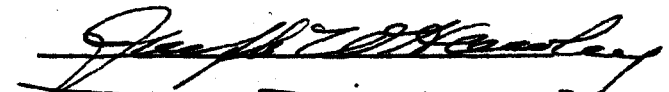
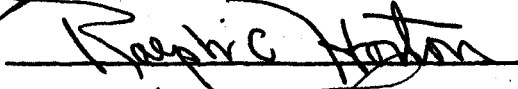

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That permit hereby granted shall bear the number "B-4480."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1954.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAKE GINTHER, 4045 OTIS STREET,)
WHEATRIDGE, COLORADO.)

PERMIT NO. B-3061

January 4, 1954

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3061 be suspended for six months from January 1, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

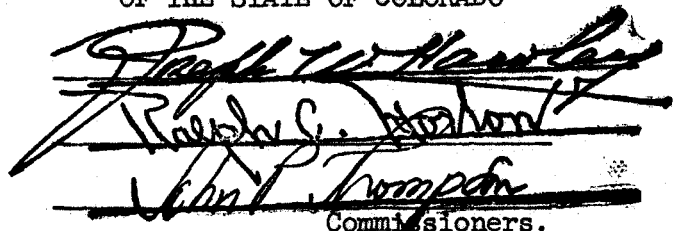
O R D E R

THE COMMISSION ORDERS:

That Jake Ginther, Wheatridge, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3061 until July 1, 1955.

That unless said Jake Ginther, Wheatridge, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
GAYLE PATTERSON, WEST CLIFFE,
COLORADO.

PERMIT NO. A-1335

January 4, 1955

S T A T E M E N T

By the Commission:

On June 28, 1954, the Commission authorized Gayle Patterson, West Cliffe, Colorado, to suspend operations under Permit No. A-1335 until December 24, 1954.

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

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. A-1335 should be, and the same hereby is, reinstated as of December 22, 1954.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hawley
Charles C. Peterson
John P. Thompson
Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. I. ELLIOTT, RIFLE, COLORADO.)

PUC NO. 1810

January 4, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 1810 be suspended for six months from December 24, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

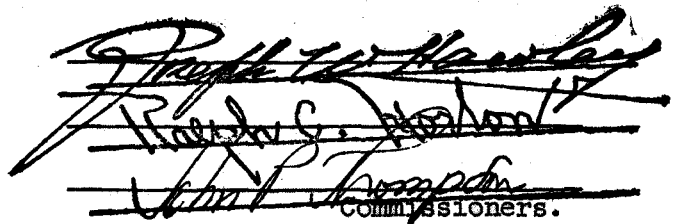
O R D E R

THE COMMISSION ORDERS:

That W. I. Elliott, Rifle, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 1810 until June 24, 1955.

That unless said W. I. Elliott, Rifle, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
JAMES C. NIELSEN, BOX 612,
CRAIG, COLORADO.

)

PERMIT NO. B-4694

January 4, 1955

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4694 be suspended for six months from December 20, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

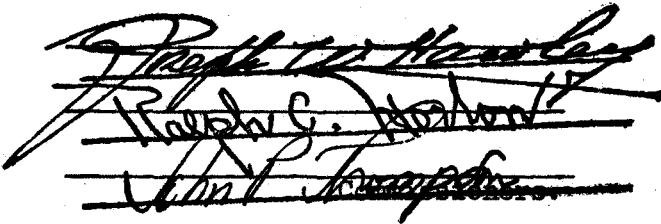
O R D E R

THE COMMISSION ORDERS:

That James C. Nielsen, Craig, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4694 until June 20, 1955.

That unless said James C. Nielsen, Craig, Colorado, shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and other comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado,
this 4th day of January, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF BUENA VISTA,)
CHAFFEE COUNTY, COLORADO,)
AND SCHOOL DISTRICT NO. 9,)
CHAFFEE COUNTY, COLORADO,)
Complainants,)
vs.)
SANGRE DE CRISTO ELECTRIC)
ASSOCIATION, INC.,)
Defendant.)
-----)

CASE NO. 5092

December 31, 1954

Appearances: Donald F. Meyers, Esq.,
Salida, Colorado, for
the Town of Buena Vista;
John M. Boyle, Esq., Salida,
Colorado, for School District
No. 9;
H. Vance Austin, Esq., Denver,
Colorado, and
William S. Rush, Esq., Salida,
Colorado, for the Sangre de
Cristo Electric Association,
Inc.;
Anthony L. Mueller, Esq., Denver,
Colorado,
C. L. Flower, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On November 16, 1954, the Town of Buena Vista, Chaffee County, Colorado, and School District No. 9, Chaffee County, Colorado, filed a complaint with this Commission stating, in effect, that the Defendant Sangre de Cristo Electric Association, Inc., should be required to extend electric service to the premises of the Complainant, School District No. 9, in the Town of Buena Vista, for the purpose of rendering service to a new school.

An Order to Satisfy or Answer was served on the Defendant by the Commission on November 17, 1954, giving the Defendant twenty days within which to Satisfy or Answer. On December 6, 1954, the Defendant answered the complaint stating, in effect, that it is presently serving the premises of School District No. 9 in Buena Vista, and the complaint should be dismissed.

The Commission set the matter down for hearing on December 9, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, after due notice to the interested parties, and at said time and place the hearing was duly held, and at the conclusion thereof, the Commission took the matter under advisement.

The Sangre de Cristo Electric Association, Inc. has its principal office in Salida, Colorado, and renders electric service in certain rural areas in the State of Colorado and also within the corporate limits of the Town of Buena Vista, in and by Ordinance No. 129. The Defendant, Sangre de Cristo Electric Association, Inc. has been rendering electric service in the Town of Buena Vista under authority of this Commission issued January 11, 1945, Decision No. 24003, in Application No. 931-ABA, said authority being transferred to the Defendant from the Mountain Utilities Corporation, its predecessor in said Town. Since this transfer, Defendant has been rendering electric service in the Town of Buena Vista, and as to said electric service therein, this Commission has jurisdiction over the Sangre de Cristo Electric Association, Inc.

The testimony at the hearing revealed that School District No. 9 is presently receiving electric service from the Defendant at the so-called "old school building" in the Town of Buena Vista, and that said School District is now in the process of having a new school constructed approximately 50 feet west of the "old school." The School Board is now desirous of obtaining service at the new school, and while it was apparent from the testimony that the Defendant was not contacted

at the beginning of the new school construction as to the location of the electric service to the new school, the School Board now wants a separate service at the new school. The Defendant took the position that the School Board was presently receiving service and it should make arrangements to bring its electric connections for the new building to the present location of the meter service now serving the "old school."

Testimony by witnesses for the Complainant estimated the cost of extending the electrical service from the new school building to the "old school" between \$500 to \$2500, depending on the size of the cable and the route taken. The total connected load at the new school was estimated at 12,000 watts which included five fractional horsepower motors. The largest motor was estimated to be one-third horsepower and the service would be three wire, single phase, 220 volt.

Witness for the Defendant stated that the School Board presently has service at the "old school" and that if a separate service had to be extended to the new school, it would require the extension of primary lines, the setting of additional poles and a transformer. The service would have to be extended either along Main Street to the front of the school on the public right-of-way, or it could be extended along private right-of-way by obtaining permission from the School Board and other property owners to the west of the school property. The witness estimated that if the line were to be built along the street, it would cost the Defendant \$1130, and if it were to be built on private property it would cost \$1042.

The parties in interest in this proceeding were unable to resolve their difficulties prior to the filing of the formal complaint with the Commission, and this matter comes before the Commission for final adjudication. In brief, the problem here presented is whether or not the School District as a customer within the Town of Buena Vista where Defendant is operating under a certificate of public convenience and necessity from this Commission as a public utility, can request the Defendant to render service at a new location on a property where it is already receiving electric service, and if the Defendant be required to

render this service at the new location, would there be a charge to the School Board for the additional construction required. It is the position of the Defendant that the School Board, since it is receiving service at the "old school", should extend its wiring from the new building to the old building and take its service through one meter, thereby deriving the benefit of the low steps of the rate because of the additional service. The Defendant also claims that it has already rebuilt the existing distribution system, and that it is presently able to render the service for the additional energy required at the "old school" location with very little additional investment necessary.

The School Board does not want the two schools on the one meter and are willing to pay the differential in the rate by being billed as two separate customers on two separate meters. The witness for the School Board further stated that for accounting reasons they would prefer to keep the two meter readings and billings separate. Further, some time in the future, the "old school" might be torn down and, in such an event, any money now expended to take the service to the "old school" location would be wasted because if the "old school" is torn down they would want a separate service for the new school. Further, the School Board witness testified that the bond issue to build the new school did not provide any payments for the extension of electric service to the new building.

The problem herein resolves itself into one main question, who is going to pay to obtain electric service at the new school? If service must be brought to the present meter location, the School Board must pay and the witness stated there were no funds for this purpose. If a new line must be extended to provide service to the new school, is the cost to be borne wholly by the Defendant or does the School Board have to contribute to this cost? Normally, most of the utilities under the jurisdiction of this Commission have on file extension policies with the Commission, stating the terms and conditions under which they will render electric service where line construction is necessary. In the filed tariff of the Defendant, there is one schedule that has such an extension policy as a part of the filing. Unfortunately, however, the rate under which the School Board is presently receiving service

has no filed extension policy, and neither has the Defendant filed a separate extension policy in its tariff to cover such a condition. In the absence of any stated extension policy that would apply in the instant matter, we must resolve this case on its merits.

The witness for Defendant stated during the hearing that if line construction were necessary to connect a customer, it has been a long established policy with the Board of Directors of the Defendant to allow \$400 free construction and to require as a guaranteed annual minimum revenue, not less than 18% of the estimated additional investment required to extend the service. The guaranteed annual minimum would run for a term of five years from the date of service, and after that period, the customer would be entitled to the regular minimum under the applicable rate. However, the Defendant took the position that the \$400 allowance should apply only on new customers and would not apply in the present case, since the School Board already has service at the "old school."

We fail to see why the Defendant endeavors to make the above distinction. If Defendant can afford the \$400 construction for a new customer, we fail to see why the same policy does not hold true when the customer is to be billed separately as though he were a new customer. The witness for the Defendant stated that according to estimates, the rates for the proposed load in the new school would amount to \$9.50 per month, on an average. If we apply the normal extension policy as stated by this same witness to the present case, we obtain two possibilities for service.

In the first instance, if we use the estimate of \$1130 for construction on the public right-of-way along Main Street from the west and allow the \$400 free construction, we have a remaining balance of \$730 which, under the stated extension policy, must be supported by a guaranteed annual revenue of at least 18% for five years. A minimum bill of \$9.50 per month would amount to \$114 per year gross revenue from the new school, and this \$114 capitalized at the rate of 18% per year amounts to \$633. The \$633 is \$97 less than the \$730 required to

support the full investment. If the School Board is to receive electric service under the \$1130 construction estimate, it should advance the \$97 in cash and sign a contract to pay a guaranteed minimum of \$9.50 a month for five years. It is understood that under the blocks of the rate, the School Board is entitled to use as many kilowatt hours as the \$9.50 would permit.

If the extension were to be made on private right-of-way parallel to Main Street from the west, the total estimate for construction is \$1042. If a \$400 allowance is made according to the stated policy, there remains a balance of \$642 which must be supported by the guaranteed revenue. Again the \$9.50 per month for one year would amount to \$114. This amount capitalized at 18% is \$633. If we subtract the \$633 from the \$642, we have a remaining balance of \$9.00 which the School Board would have to advance as a construction cost if the line is built on private right-of-way. Again, the School Board under the second method would be required to sign a contract for a guaranteed monthly minimum of \$9.50 per month for five years.

Since the Sangre de Cristo Electric Association, Inc., is operating as a public utility within the Town of Buena Vista, and is under the jurisdiction of this Commission, we believe that it has certain obligations not only under the certificate, but also under the terms of the franchise granted to it by the Town. It is unfortunate that the interested parties were unable to resolve their difficulties amicably, but we realize that there were certain extenuating circumstances on both sides. We believe that this matter now can be concluded by permitting the School Board to request service from Defendant by either of the two methods outlined above, and by signing up for said service under the method selected.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Sangre de Cristo Electric Association, Inc., within the Town of Buena Vista and as to the subject matter of this Complaint.

That the above Statement be made a part of these Findings by reference.

That School District No. 9, of Chaffee County, Colorado, should request electric service from the Sangre de Cristo Electric Association, Inc., by either of two methods to be set forth in the Order to follow, and that it should sign a contract for such service as selected.

That the Sangre de Cristo Electric Association, Inc., should render electric service to School District No. 9 upon proper application to it by said School District under either of the two possible methods of service depending upon the right-of-way secured by the Sangre de Cristo Electric Association, Inc.

O R D E R

THE COMMISSION ORDERS:

That the Sangre de Cristo Electric Association, Inc., be, and it hereby is, ordered to render electric service on proper application to it by School District No. 9, Chaffee County, Colorado.

That said service be rendered to School District No. 9 by Sangre de Cristo Electric Association, Inc., upon the signing of a contract by said School District, whereby it agrees to take electric service for a period of not less than five years at a guaranteed revenue of not less than \$9.50 per month, and the payment of a construction charge of \$97, if said line should be built on public right-of-way; or

That said service be rendered to the School District No. 9 by Sangre de Cristo Electric Association, Inc., upon the signing of a contract by said School District, whereby it agrees to take electric service for a period of not less than five years at a guaranteed revenue of not less than \$9.50 per month, and a payment of \$9.00 construction charge, if the new line be built on private right-of-way.

That the choice of either of the two methods of service be made by School District No. 9 providing Sangre de Cristo Electric Association, Inc., is able to obtain the necessary rights-of-way.

That the Sangre de Cristo Electric Association, Inc., file with the Commission a conformed copy of the agreement of service as signed by both parties within fifteen (15) days of the date of the

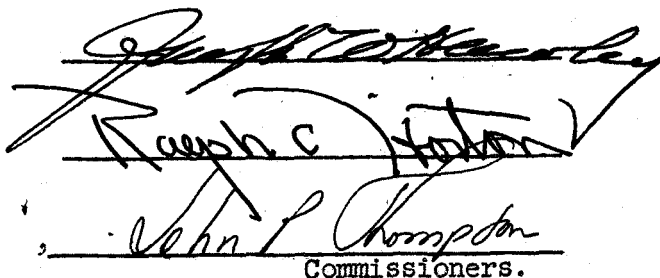
signing of said agreement.

That the Sangre de Cristo Electric Association, Inc., shall begin construction of the facilities necessary to render service to the new school by the method selected by School District No. 9 within ten (10) days of the signing of said contract for service, and shall complete said construction as soon as possible.

That Case No. 5092 be, and it hereby is, dismissed.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1954.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE STATE HIGHWAY COMMISSION OF
COLORADO, A BODY CORPORATE, STATE
OFFICE BUILDING, DENVER, COLORADO,
FOR THE USE AND BENEFIT OF THE
PEOPLE OF THE STATE OF COLORADO
FOR AUTHORITY TO CONSTRUCT HIGH-
WAY RAILROAD GRADE SEPARATION AT
MILE POST 31.62 ON THE DENVER AND
RIO GRANDE WESTERN RAILROAD COMPANY
AND TO ABANDON AND REMOVE EXISTING
GRADE SEPARATION AT RAILROAD MILE
POST 31.52 ALL SITUATED IN THE
SE¹/₄ NW¹/₄ SEC. 2, T. 8 S., R. 67 W.,
OF THE SIXTH PRINCIPAL MERIDIAN
ON STATE HIGHWAY NOS. 1 AND 185,
IN DOUGLAS COUNTY, STATE OF COLORADO.

APPLICATION NO. 13022

December 31, 1954

Appearances: George L. Zoellner, Adminis-
trative Counsel, Colorado
Department of Highways,
Denver, Colorado, appearing
in behalf of
J. P. Holloway, Assistant Attorney
General, Denver, Colorado, for
applicant;
J. L. McNeill, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On August 13, 1954, the Colorado Department of Highways, by Mark U. Watrous, Chief Engineer, filed an application with this Commission, seeking authority to construct a highway-railroad grade separation structure and abandon an existing structure, all as captioned above.

The matter was set for hearing on Friday, November 5, 1954, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including also the owners of adjacent property, to the Mayor, Town of Castle Rock and the Chairman, Board of Douglas County Commissioners. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

Mr. E. L. King, Assistant to the Surveys and Plans Engineer of the Department of Highways, gave explanatory testimony relative to the proposed work and the following exhibits:

Exhibit A: Sheet No. 1 of project plans to show general location of proposed work and highway improvements in the Castle Rock area.

Exhibit B: Situation plan and profile to show layout and vertical and horizontal clearances at proposed underpass structure.

Exhibit C: Plan sheet No. 55 to show location details of the existing and proposed roadways in relation to the Rio Grande railroad and vertical alignment of approach grade at the underpass.

Agreement: Dated June 18, 1954, between Department of Highways and The Denver and Rio Grande Western Railroad Company relative to construction, maintenance and right-of-way of proposed railroad overpass at Mile Post 31.62, Douglas County, Colorado.

Agreement: Dated July 21, 1954, between Department of Highways and The Denver and Rio Grande Western Railroad Company relating to removal of existing railroad highway grade separation structure at railroad Mile Post 31.52, Douglas County, Colorado.

It appears that the Colorado Department of Highways has been engaged in a series of construction projects to provide a four-lane freeway type of improved highway construction between Denver and Colorado Springs, Colorado.

The instant application is in regard to a proposed project for the relocation and construction of some $1\frac{1}{4}$ miles of State Highway No. 1 (U. S. 85-87) northerly beyond the northern city limits of Castle Rock, Colorado. The proposed work is to be accomplished in two units covered by the respective agreements as previously described, namely:

Unit 1 - Construction of a two-span railroad overpass structure for the separation of highway and rail traffic at Rio Grande Mile Post 31.62.

Unit 2 - Provides for closing the existing highway underpass at Railroad Mile Post 31.52.

Purpose of the application is to secure authority from this Commission for construction of the proposed new separation structure and for abandonment of the present underpass which will no longer be required after the new overpass is completed.

According to testimony of Mr. King, the proposed structure is an integral part of the Highway Department's freeway plan for a four-lane highway between Denver and Colorado Springs. The project has the approval of the Department of Highways; Bureau of Public Roads; Town of Castle Rock; Douglas County and the Rio Grande Railroad. Being aware of the steadily increasing volumes of highway travel, it is the Department's estimate that in twenty years, traffic through the underpass will be in excess of 16,000 vehicles per day. The freeway is designed for vehicular speeds up to 70 miles per hour. At this time the rail traffic consists of six northbound passenger and approximately eight northbound freight trains at speeds varying from 30 to 45 miles per hour. At Mile Post 31.62, the railroad is single track where there are no switching movements.

Relative to the construction of the proposed overpass, Mr. King stated that the whole structure will be in conformity with Commission requirements, meet the specifications of the Department and be accepted by the Railroad Company. With reference to Exhibit "B" the General Notes for the Railroad Bridge indicate that specifications for design, materials and fabrications shall be according to the current A.R. E. A. Specifications for Steel Railway Bridges. It is also noted that the minimum vertical clearance of 16' 0" coincides with the Commission's requirement. The horizontal dimension of 34' 6" for each of the two openings is in excess of the 30 feet specification of the Commission. In this regard, each opening will provide a roadway 29 feet wide and two sidewalks at 2' 6" and 3' 0" wide, respectively.

As indicated by Mr. King, it appears that the proposed grade separation structure offers the maximum in safety protection to the motoring public and to the railroad since there is no exposure of the respective traffic. It appears further that every requirement of loading and safety will be met in the indicated specifications for design and construction of the whole structure. Referring also to the construction agreement, the Railroad Company agrees to make the necessary temporary and permanent track changes and adjust right-of-way

fences and wire lines. Also, that Railroad Company Inspectors or Flagmen may be assigned to the work to insure safety of railroad facilities during construction. In case of accident, insurance protection for the traveling public, carriers' employees, cargoes in transit and any other property damage is provided in the following insurance requirements:

Protective Public Liability Insurance:

Providing minimum insurance of \$200,000 for injury or death of any one person, and a total limit of \$1,000,000 for injury or death of more than one person in any one accident.

Protective Property Damage Insurance:

Providing \$500,000 for damage to property in any one accident.

The above insurance protection is required of the construction contractor until all work under the contract is completed and formal acceptance be granted by the Railroad Company and by the Highway Department. As users of the trackage, The Denver and Rio Grande Western Railroad Company, the Atchison, Topeka and Santa Fe Railroad Company, and the Colorado and Southern Railway Company shall all be named as the "insured" in the above insurance policies.

After completion of the overpass structure, all traffic will be diverted from the present highway to the new facility. At that time, the present underpass at Mile Post 31.52 will become obsolete and the second phase, or Unit 2 of the project can be completed. At this location, the proposed work will consist of installation of a 60-inch corrugated metal drainage culvert in the old structure which will then be filled with dirt and the whole embankment compacted to completely close same. Separate insurance coverage as prescribed above for the Unit 1 construction will also be required in this portion of the work.

As indicated previously, all ballasting and track work -- both temporary and permanent -- the changes in fences and wire lines, and in this unit, removal of the superstructure at Mile Post 31.52, will all be handled by railroad forces.

Relative to maintenance, Mr. King explained that these items were covered in the respective agreements covering the work in Unit 1 and Unit 2. In Unit 1, the Railroad Company will maintain the superstructure, track, railroad roadbed and drainage and all railroad appurtenances at Mile Post 31.62. The substructure, piers, abutments and walls will be maintained at the expense of the Highway Department. In Unit 2, or at Mile Post 31.52, the railroad will maintain its track, roadbed and appurtenances. The Department will maintain the 60-inch drainage culvert to be installed in the abandoned structure.

The estimated construction cost of the railroad bridge over the new highway is \$174,419.02. Of this amount, 56.44% will be paid by the Federal Bureau of Public Roads and the remainder by the Highway Department. The track changes to be made on a force account basis by the Railroad Company are estimated at \$12,495.00, all of which will be paid by the Department. No estimates are offered at this time for the Unit 2 project since this work must await completion of the Unit 1 project.

No objections to the proposed work were offered at the hearing and none appear in the files of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the construction of a new highway railroad grade separation structure on State Highway No. 1, being at Rio Grande Mile Post 31.62, and the subsequent abandonment and removal of an existing grade separation structure at Mile Post 31.52, all as set forth in the preceding Statement, which Statement by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That the State Highway Commission of Colorado, a public corporation, be, and it hereby is, granted a certificate of public convenience and necessity to authorize the following:

1. Establishment, construction and maintenance of a new highway-railroad grade separation structure involving Colorado Highway No. 1 (U. S. 85 and 87), and the right-of-way and trackage of The Denver and Rio Grande Western Railroad Company at Mile Post 31.62, Douglas County, Colorado.

2. Abandonment and removal of existing highway-railroad grade separation structure at Mile Post 31.52, Douglas County, Colorado.


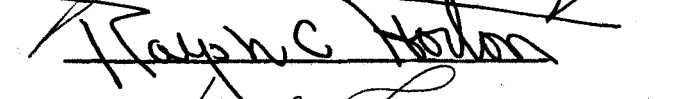
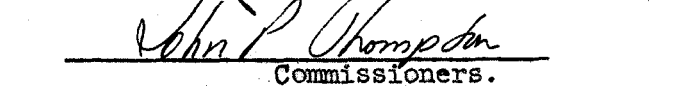
That the work to be done, method of payment and maintenance shall be in accordance with the respective agreements as mentioned herein.

That materials and construction of the proposed new structure shall conform with standard specifications for quality and workmanship, with the whole installation to be made as indicated in the preceding Statement, said Statement, the respective agreements herein, and Exhibits "A," "B," and "C," all by reference, being made a part hereof.

That signing and any other pertinent details of the new separation structure shall all be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1954.

ea

APPLICATION NO. 13134-PP-Extension

December 31, 1954

S T A T E M E N T

— 10 —

Applicant is the owner of Private Carrier Permit No. A-968,

freight for Montgomery Ward and Company, only, shipped by railroad into Trinidad, except so-called "free-zone" freight, from the various freight depots in Trinidad to its store in Trinidad, and to deliver merchandise sold by Montgomery Ward and Company to the purchasers thereof within a radius of sixty-five miles of Trinidad, Colorado.

By the instant application, he seeks authority to extend his operations under said permit by including the transportation of freight for Gamble Stores in Trinidad, Colorado, with similar service to that now furnished Montgomery Ward and Company within a radius of fifty miles of Trinidad, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Trinidad, Colorado, November 9, 1954, at 9:30 o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant requested an amendment to his application to include the proposed transportation within a radius of sixty-five miles of Trinidad, Colorado.

No objection being heard, the amendment was allowed.

Applicant testified that he has had six years experience in the transportation business. He owns a 1954 3/4-ton Chevrolet pick-up truck, and his net worth is \$2,000.00. He filed the instant application on February 10, 1953, and began serving the Gamble Stores the same month, having been advised by the State Patrol that he could do so, even though the application had not been heard. Since that time, he has filed monthly reports with the Commission and paid all ton-mile taxes due. His service consists of the transportation of freight consigned to Gamble Stores, from the freight depots in Trinidad to the company's store in Trinidad, and the delivery of merchandise sold by Gamble Stores to its customers within a radius of sixty-five miles of Trinidad. In addition to the transportation service, he assembles stoves, ranges, and other appliances, uncrates and places furniture, installs refrigerators and other appliances in the homes of these customers, only, furnishing a specialized service not offered by common carriers. The average haul from the store is thirty-five miles. He is available at all times and performs a service for Gamble Stores almost daily, always calling at the store at eight o'clock A. M., ready to serve.

Val Carmack, Local Manager of Gamble Stores at Trinidad, appeared in support of the application. He corroborated the testimony of applicant, stating that his service area is at least seventy-five miles, and that applicant's service has been satisfactory.

For protestants, John Nicoli, Foreman for Couey Transfer and Storage Company (PUC No. 349), testified that his company had made morning and evening deliveries for Gamble Stores during 1947 and 1948, at the end of which period the Gamble Stores Manager had stated to him that his company expected to do away with deliveries. Couey has ample equipment, reference being made to its equipment list on file with the Commission, and the equipment is busy only thirty per cent to thirty-five per cent of the time.

John Salazar, present owner of PUC No. 708, testified that he had worked for Couey for six months, and then purchased his present authority, his principal occupation consisting of a line-haul service between Trinidad and Tercio, Colorado. He referred to his equipment list on file with the Commission, and stated that he could handle Gamble's business, if given a chance.

It appears from the evidence that applicant offers a specialized service under his permit such as is not offered by the common carriers, and no evidence was offered that would justify the Commission in finding that the granting of the extension sought would impair the service of common carriers serving the area applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

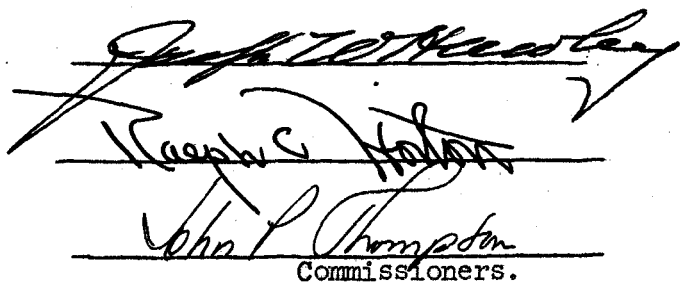
O R D E R

THE COMMISSION ORDERS:

That Steve Glorioso, Trinidad, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. A-968 to include the right to transport freight for Gamble Stores in Trinidad, Colorado, with similar service to that now furnished Montgomery Ward and Company, within a radius of sixty-five miles of Trinidad, Colorado.

That this order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1954.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. BLISS, 1013 CENTRAL)
STREET, EVANS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 13067-PP
SUPPLEMENTAL ORDER

December 31, 1954

Appearances: Karl R. Ahlborn, Esq., Greeley,
Colorado, for applicant;
Clayton D. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company.

S T A T E M E N T

By the Commission:

On December 10, 1954, by Decision No. 43783, the Commission granted to the above-styled applicant a Class "B" permit.

Subsequently, and on December 23, 1954, "Petition for Rehearing of Protestant Union Pacific Railroad Company" was filed in said matter by Clayton D. Knowles, Attorney for Protestant.

The Commission has carefully re-examined the record and evidence in said matter, and finds that said Petition should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That "Petition for Rehearing of Protestant Union Pacific Railroad Company," filed by its Attorney on December 23, 1954, in the above-styled matter, should be granted.

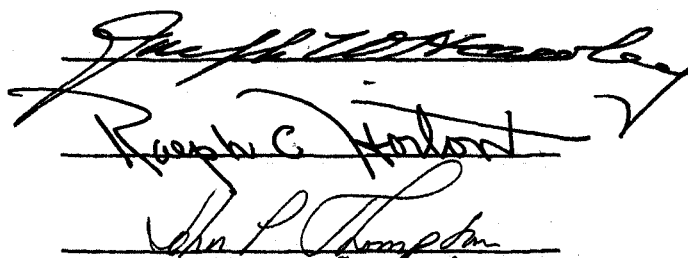
O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing of Protestant Union Pacific Railroad Company," filed by its Attorney on December 23, 1954, in Application No. 13067-PP, should be, and the same hereby is, granted, said Application No. 13067-PP to be set for rehearing at a date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1954.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR DUNSTON, HENDERSON,)
COLORADO.)

PERMIT NO. B-4664

January 4, 1955

S T A T E M E N T

By the Commission:

On July 19, 1954, by Decision No. 42985, the above-named permit-holder was authorized to suspend operations under Permit No. B-4664 until December 28, 1954.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said Permit No. B-4664 for a period of six months from December 28, 1954.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Arthur Dunston, Henderson, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-4664 until June 28, 1955.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked, without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures and stamps over the Commission name]

Dated at Denver, Colorado,
this 4th day of January, 1955.
mls

original

(Decision No. 43879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MILK TRANSPORT, INC.,
5080 RACE STREET, DENVER, COLORADO,

Complainant,

vs.

REINHOLD EHRLICH, GENERAL DELIVERY,
WINDSOR, COLORADO,

Respondent.

CASE NO. 5088

January 3, 1955

Appearances: Paul Hupp, Esq., Denver,
Colorado, for Complainant;
Worth Allen, Esq., Denver,
Colorado, and
Philip A. Rouse, Esq., Denver,
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

By the instant Complaint, filed September 27, 1954, the Complainant alleges, in substance, that Complainant is a common carrier of milk; that Respondent is a private carrier of milk, serving an area also served by Complainant; and that Respondent is unlawfully collecting charges lower than the charges made by the Complainant. Complainant seeks an order of the Commission requiring Respondent to increase his rates to a level not lower than those of Complainant.

Order to satisfy or answer was duly issued; Respondent answered, the burden of said answer being a denial that Complainant actually serves the area of conflict. Respondent also alleged that another carrier, and not Complainant, gathers the milk from the area and delivers it to Complainant at Fort Collins, from where Complainant delivers it to Denver. Respondent alleges that Complainant charges only the rate from the area direct to Denver and not a through rate consisting of the rate to Fort

Collins plus the rate from Fort Collins to Denver. Respondent alleges that in making such charge in such manner Complainant is in violation of law and is, therefore, estopped to complain concerning Respondent's rate.

After appropriate notice to all parties in interest, evidence concerning the matter was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1954, at ten o'clock A. M., and, at the conclusion of the evidence, the matter was taken under advisement.

A brief review of the records of the Commission, which we are entitled to notice officially and of the testimony of the witnesses, is necessary to a clear understanding of the problem presented by the Complaint.

Complainant and Respondent serve adjoining territories which overlap in a strip approximately six and one-half miles wide, east and west, by twenty miles long, north and south. The southwest corner of this strip, which we will hereinafter call "the territory," lies approximately one mile west of the Loveland Traffic Circle that is on State Highway 16 one mile west of U. S. Highway 87.

Complainant is a motor vehicle common carrier. Its right to haul to Denver from the territory derails from Donald G. and Charles M. Cameron, holders of Private Permit A-626. In 1953, the Cameron brothers and certain others hauling milk to Denver from the area north of Denver (but not including Respondent) joined forces by incorporation. Complainant is that corporation. This Commission, by order duly entered (Decision No. 41034, dated July 29, 1953) approved the transfer of the Cameron milk rights to Complainant, and changed the character of the Cameron haul from private carrier to common carrier status. Complainant corporation also has authority to haul milk to Denver from Fort Collins. The rate prescribed by the Commission for the haul to Denver from either Fort Collins or the territory in dispute is, for present purposes, 43¢ per ten gallon can. This rate is the equivalent of the former rate of

50¢ per hundredweight, and for the purpose of clarity we will refer to the rate as a 50¢ rate.

Respondent is a private carrier by motor vehicle. He has no authority to haul to Fort Collins, but hauls from the disputed territory direct to Denver. He charges 45¢ per hundredweight.

One Teller has common carrier authority to haul from part of the territory to Fort Collins only. His published rate to Fort Collins is 26¢ per hundredweight.

Complainant has only two or three customers in the disputed territory. It concedes that since its incorporation it has never itself gone to the territory and collected milk from these customers. Instead, it has had Teller collect the milk from the territory, haul it to Fort Collins and there deliver it to Complainant for delivery to Denver. However, from the date of its incorporation in July 1953, until September 1954, it had no tariff on file which would permit interlining the milk on this basis.

On September 20, 1954, Teller filed upon statutory notice Supplemental 2 to his truck tariff No. 1, to become effective October 20, 1954, proposing to charge in total for the joint interline haul through Fort Collins to Denver, the same rate (the equivalent of 50¢ per hundredweight) which is proper for the single-carrier haul direct from the territory to Denver. Complainant participated in the filing of this amendment. Seven days later, before this tariff could become effective, Complainant lodged the instant Complaint. The Commission has never approved this joint through rate; it is not a "prescribed rate."

Thus, in summary, Complainant common carrier has authority to, but does not itself go to the territory to serve milk producers; if it did, its prescribed single-carrier rate would be the equivalent of 50¢ per hundredweight. The haul by one carrier (Teller) to Fort Collins has a published rate of 26¢ per hundredweight; from there to Denver the prescribed rate is the equivalent of 50¢ per hundredweight. Complainant

wishes to make the circuitous, two-carrier haul through Fort Collins for a total of the equivalent of 50¢ per hundredweight and then require Respondent to raise his rate for the shorter, direct, single-carrier haul from his present 45¢ to the 50¢ level.

As authority for its contention, Complainant relies upon 1953 Colorado Revised Statutes, Chapter 115-11-12, the material portion of which reads as follows:

"Every private carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier or the integrity of the State's regulation of any such service or business; and to that end the Commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates, fares and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service."
(Emphasis supplied)

The first question requiring decision is whether Respondent is engaging in any activity which tends

"...by discrimination or unfair competition, to destroy or impair the service..."

of Complainant, or the integrity of the State's regulatory processes. We believe that he is not.

From the date of incorporation of Complainant in July 1953, until the Teller joint tariff became operative on October 20, 1954, there was no joint tariff on file pursuant to which Complainant could participate in the collection of joint through rates for the two carrier haul through Fort Collins. At no time could Complainant actually collect the 50¢ direct rate, as it has never made the entire haul itself. Thus, until October 20, 1954, Complainant was unable in fact to collect either a direct rate or a joint through rate from the territory. As it could not collect a rate on any basis, then, it was not affected by any rate Respondent saw fit to charge. The Complaint, filed September 27, was,

therefore, premature.

Having heard all of the evidence, however, we should dispose of the whole case.

Complainant has authority to serve both the point of origin (the disputed territory) and the point of destination (Denver). It may be that Complainant cannot properly participate in any joint rate whatsoever, between the disputed territory and Denver. We are not called upon to decide this question at the moment, and make no decision at this time upon that question.

However, if it be assumed without deciding, and for purposes of argument only, that Complainant can properly participate in a joint rate from the territory to Denver, we still have the question whether the instant joint rate is in the public interest. We believe it is not.

Teller's present authority (PUC-1419) permits him to haul milk from the territory to Fort Collins only, his published rate is 26¢ per hundredweight. If he makes an interline rate amounting to the total of the rates for the two local hauls (that is, to Fort Collins, 26¢ per hundredweight, thence to Denver, an additional 50¢ per hundredweight), it is obvious that milk producers in the territory will not ship via Teller to Denver at the interline rate (76¢ per hundredweight) when they can ship via Complainant at 50¢ per hundredweight. Teller will then be able to serve only those producers contemplated in his certificate; that is, those shipping to Fort Collins. However, if Teller's joint through rate to Denver via Fort Collins is reduced to the direct rate; that is, to 50¢ per hundredweight, milk producers in the territory can ship to Denver at 50¢ per hundredweight either via Complainant or via Teller. Teller thus is able to serve competitively milk producers who formerly would not ship to Denver in Teller's trucks. He has, in effect, ability to serve Denver competitively, though his certificate permits him to serve only Fort Collins. In end result, the effect is the same as granting Teller a permit or certificate to serve Denver, but without any show-

ing of public convenience and necessity therefor.

The reason Complainant participates in a joint through rate which will increase its competition is that it is less expensive for Complainant to do that, even at a loss, than to go to the territory itself to collect the milk, with so few customers to be served.

The 50¢ through rate is also contrary to statute in that it discriminates against Fort Collins shippers. Any amount which Complainant must pay Teller to bring the milk to Fort Collins from the territory must come out of the 50¢ per hundredweight collected on the joint through rate. When Complainant loads this milk on its trucks at Fort Collins, then, to haul it to Denver, it is hauling this milk from Fort Collins to Denver for some amount less than 50¢ per hundredweight, the shortage being the amount paid on Teller. Milk originating in Fort Collins, however, is hauled by Complainant only for the full 50¢. Thus Complainant is receiving two different rates to haul milk which it receives in Fort Collins from Fort Collins to Denver.

We do not at this time determine that the 50¢ rate must be too high, if it permits interlining between two carriers over a circuitous route. We do decide, however, that the situation here presented is not akin to the one contemplated by the quoted statute, and that Respondent should not be required to raise his rates in the absence of other or different evidence than that here presented.

We further decide that it is not in the public interest to permit a carrier, by the manipulation of rates, to avoid the provisions of statute regarding private permits and certificates of convenience and necessity. The only clear and just way to enforce this decision is to prohibit Complainant from participating further in the cited joint through rate.

Private carriers, such as Respondent, can pick and choose their customers, and thus select the ones they consider most profitable. Common carriers, on the other hand, have no right to choose, but must serve all

who come asking service. Aside from statute, therefore, the public necessity and common justice require the common carriers be protected, in the areas they serve, from undue competition by private carriers. If, therefore, Complainant is serving conscientiously the area of conflict, it deserves whatever protection we can lawfully give it. It appears to the Commission, however, that in the instant case the common carrier is attempting to avoid serving an area presently unprofitable to it, by having Teller do its collecting for it, but still wants the protection it would be entitled to have if it were itself in fact serving the area. It appears to us that the anomalous situation which results from this attempt to be both fish and fowl must be abated.

If Complainant were itself serving the disputed territory, it is clear that Respondent would be required by the quoted statute to raise his rates to the level of Complainant's prescribed rate. The instant case is not such a case, however.

F I N D I N G S

THE COMMISSION FINDS:

The foregoing Statement is, by reference, incorporated hereinto.

The Complainant has failed to adduce evidence sufficient to show that the rate presently charged by Respondent is an unlawful rate. The Complaint should be dismissed.

Complainant should be prohibited from participating in Supplement No. 2 to Truck Tariff No. 1 issued September 20, 1954, effective October 20, 1954, by H. R. Teller.

O R D E R

THE COMMISSION ORDERS:


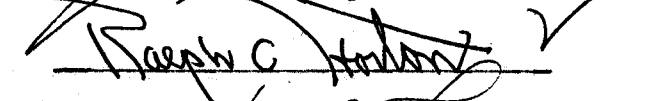

That the instant case should be, and the same hereby is, dismissed, for the reason that Complainant has failed to adduce evidence sufficient to show that the rate presently charged by Respondent is an unlawful rate.

That Complainant should be, and it hereby is, prohibited from

participating in Supplemental No. 2 to Truck Tariff No. 1, issued September 20, 1954, effective October 20, 1954, by H. R. Teller.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 3rd day of January, 1955.

mls