Original

(Decision No. 51090)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JULIO ZARAGOZA, BOX 514, FORT LUPTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16109-PP SUPPLEMENTAL ORDER

October 9, 1958

Appearances: Julio Zaragoza, Fort Lupton, Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 23, 1958, the Commission entered its Decision No. 50111, granting to the above-styled applicant the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicant failed to fulfill requirements set forth in said Decision No. 50111, the Commission, on September 15, 1958, entered its Decision No. 50928, revoking operating rights granted by said Decision No. 50111.

It now appears that applicant has met said requirements of Decision No. 50111, and requests that said operating rights granted thereby be reinstated.

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. 50928, of date September 15, 1958, should be, and the same hereby is, set aside, vacated, and held

for naught, and operating rights granted by Decision No. 50111, of date April 23, 1958, should be, and the same hereby are, re-instated, nunc pro tunc, as of September 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1958.

ea

original

(Decision No. 51091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

W. A. PETTIT, MAYOR, WOODLAND PARK, COLORADO, Complainant, vs. INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, 317 LITTLETON BOULEVARD, LITTLETON, COLORADO, Defendant.	CASE NO. 5150

October 10, 1958

Appearances: David H. Morris, Esq., Colorado Springs, Colorado, for the Town of Woodland Park, Colorado;
Cecil R. Ditsch, Esq., Littleton, Colorado, for Intermountain Rural Electric Association;
Edwin R. Lundborg, Esq., Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

On April 14, 1958, W. A. Pettit, Mayor of Woodland Park, Colorado, filed a complaint with this Commission regarding the rate level of Intermountain Rural Electric Association at Woodland Park.

The matter was investigated by the Commission and was then set for hearing before the Commission, after appropriate notice to all interested parties, at 10:30 A. M., September 23, 1958, at the Town Hall in Woodland Park, Colorado, where the matter was heard and then taken under advisement.

The Commission had before it the report of its valuation engineer and the report of a certified public accountant employed

by the Intermountain Rural Electric Association.

No evidence in regard to the matters complained of, and investigated, was offered by the Town of Woodland Park, Colorado, and the presiding Commissioner proceeded under the law providing that the Commission may move on its own motion, and the hearing was duly conducted.

The Commission's staff Exhibit No. 1 was offered and received after cross-examination, consisting of valuation and operating statement for a test year ending April 30, 1958, showing a return on investment after deducting legitimate operating expenses from revenues in the Town of Woodland Park, of 2.29%. In this calculation, a transmission line between Woodland Park and Green Mountain Falls was not included for the reason that it is not presently used and useful for service to the Town of Woodland Park. The exhibit also shows that the Intermountain Rural Electric Association rate of return, not including Woodland Park, is 3.41%.

The Town of Woodland Park offered testimony in regard to the type of service rendered for installation of a town pump, and Exhibits A through F were presented and received in evidence.

Mr. John S. Tarr, a certified public accountant, appeared for Intermountain Rural Electric Association, and having been duly qualified, testified, after cross-examination, that the rate of return for the Town of Woodland Park was 1.93%, and the Intermountain's system return for the same test year as used by the Commission was 3.43%.

F I N D I N G S

THE COMMISSION FINDS:

From a consideration of the investigation made, and the evidence presented, the Commission concludes that Case No. 5150 should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Case No. 5150, be, and the same is hereby, 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 October, 1958.

ea

Original

(Decision No. 51092)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN A. DOYLE, DOING BUSINESS AS)
"JOHN DOYLE TRUCK LINE," DELTA,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 16610-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
October 14, 1958
- - - - - - - - - -

Appearances: Raymond B. Danks, Esq., Denver, Colorado, for Applicant;
Jones and Meiklejohn, Esqs., Denver, Colorado, by Alvin Meiklejohn, Jr., Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc., Ward Transport, Inc., Pacific-Intermountain Express, B and M Transport Company;
Michael T. Corcoran, Esq., Denver, Colorado, for M and M Oil and Transportation, Inc., Barlow Service, Inc.;
Frank C. Klein, Denver, Colorado, for Frank C. Klein and Company, Inc.

S T A T E M E N T

By the Commission:

On August 19, 1958, John A. Doyle, doing business as "John Doyle Truck Line," Delta, Colorado, filed his application with this Commission, seeking authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of gasoline, petroleum products, and filling station supplies, for Olin Bruton & Sons, only, from Metropolitan Denver and the Gilsonite Plant, near Fruita, Colorado, to Olin Bruton & Sons' Bulk stations and filling stations, in Delta and Montrose Counties, 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, October 3, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Formal protest was filed with the Commission on October 2, 1958, by M and M Oil Transportation, Inc.

At the hearing, applicant presented two witnesses who testified in support of the application.

Applicant testified that he had had experience in motor carrier for-hire operations; that he has two tractors, and that his customer, Olin Bruton and Sons, will furnish the tank and that he was solicited by them to ask for this authority.

It also appears from the record that applicant is well qualified, by reason of experience, and is financially fit to carry on his proposed operation.

Olin Bruton testified that he, in conjunction with his two sons, holds the franchise to distribute Bay Petroleum Products in Delta and Montrose Counties, and that they are conducting a wholesale and retail business; that they presently have a bulk plant in Delta, and filling stations in Delta County, are building a new station in Montrose, and plan to build new stations in both Delta and Montrose Counties; that he has been a gasoline distributor in Delta County for years; that he requested applicant to file the instant application, and is appearing before the Commission to support said application; that he has shipped in gasoline to Delta in the past by rail and by motor transport, and stated definitely that he did not appear at the hearing complaining on either the rail or motor common carrier service; that there have been times in the past that he has been without gasoline, and thus he determined he needed a carrier who will devote his entire time to his operation, and be available at all times; that he believes he will get better service, and will receive a personalized special service that is not offered by common

carriers; that, acting on this, he has ordered a petroleum tank from Fruehauf Trailer Company, which he will lease to applicant, if he receives the permit herein sought; that if applicant fails to receive a permit, the witness will purchase tractors and haul his own gasoline. He stated he would also like applicant to haul lubricating oil, tires, and filling station supplies. Witness stated he is willing and desires to pay the rates prescribed by the Commission.

Several witnesses appeared protesting the instant application.

Loren G. Markley, President of M and M Oil and Transportation, Inc., stated his company holds PUC No. 1512; that his company can perform the service requested in the application, and that they are not operating at full capacity; that they desire this business, and are able to perform the service.

Robert E. Nixon, Secretary of Barlow Service, Inc., stated he was in charge of the Denver operation, and has forty or more units stationed in Colorado for hauling petroleum and petroleum products; that his company has hauled gasoline to Delta, and is willing, ready, and able to serve Mr. Bruton's needs.

Joel Keniston, Traffic Manager for Pacific-Intermountain Express, residing in Salt Lake City, Utah, testified his company served this area, hauling petroleum products, and had made deliveries for Olin Bruton and Sons in Delta County; that they are now operating six units, have served the Brutons in the past, and would like to continue this movement. This witness stated that their business in Colorado is declining, and that they have not been able to maintain their volume for the past year.

Donald S. Smith, of Denver, Manager for R. B. "Dick" Wilson, Inc., who operates under PUC No. 1515, stated his company last year operated at a very small profit, and presently has nine customers in

Delta County and two in Montrose County, although they are not serving applicant's proposed customer; that his company actively solicits business and has idle equipment; that his company desires and needs a larger volume of business to properly serve the public.

Joseph Ellis, of Derby, Colorado, who is Denver Operation Manager for Ward and Melton Transport Company, stated his company had made deliveries to Olin Bruton and Sons in Delta County, and had given them adequate service; that they had ample equipment to take care of all their needs.

Frank C. Klein, of Frank C. Klein and Company, Inc., stated he operated a small company, and specialized in the type service here asked for by applicant; that his company would be happy to render this service.

In considering this application before us, which is an application for a Class "B" private carrier permit, it might be well to review the applicable statutes governing Private Carriers. Chapter 115-11-3, Colorado Revised Statutes, 1953, provides:

> "No application for permit nor for any extension, or enlargement of an existing permit shall be granted by the commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof 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 over the same highway route or routes."

Applicant, in the matter before us, has established he is well qualified by experience, has financial stability, and has been asked by Olin Bruton and Sons to serve them as a contract carrier (said permits, under our Act, being known as "Private Carrier Permits"); that as a result of said request, applicant has petitioned this Commission for authority to serve said Olin Bruton and Sons. In support of the application, Olin Bruton appeared and testified

that he requested applicant to file his application, has ordered a suitable tank, and if said application is denied, he will haul his own gasoline products under a Commercial Carrier Permit. Witness Bruton contends that present common carrier service is not adequate to take care of his needs, as he needs a carrier who will devote his entire time to his transportation needs.

Protestants, in opposition, contend that they are equipped to handle all petroleum business in the area, and it appears to us that 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 the possibility of increasing their income." However, the possible gain in, or loss of, revenue by carriers, and the adequacy of their existing service, are not the sole question involved. What we want to know is, "Will the existing motor vehicle common carrier service for transportation of petroleum products be so affected by the proposed operation that they will not be able to continue their efficient operations to the public?"

We have six common carriers here protesting the granting of the instant application. It appears that applicant has used rail and two or three motor carriers in the past. We cannot say that carriers who have not been favored with witness' business will be impaired, and we fail to discern in the record where those carriers who have been favored with a portion of the Olin Bruton and Sons' business in the past have shown that their service will be impaired.

There is a serious question in the mind of the Commission that the service offered by motor vehicle common carriers is adequate to meet Customer Bruton's needs, for the reason that he has already ordered specialized equipment which he will lease to applicant. The Colorado Law, in our judgment, recognized this situation by the enactment of the Private Carrier Act.

This is an application for restricted commodities, and is limited to only one customer. Finally, the only suggestion that it would impair the efficiency of common carrier service was made by Witness Keniston and Witness Ellis, who stated they have served Bruton and Sons in the past. Their conclusions were that if they lost business, their service would naturally be impaired, while the other witnesses testified that their services were good and sufficient.

The non-impairment of a carrier's service is almost impossible for applicant to show, as the requisite knowledge thereof, obviously, is exclusively in the possession of the protesting, competing common carriers. They know how, and to what extent, if at all, the operation will impair their ability to serve the public. We cannot see from the record herein where protestants have given us this information, and as a result, we are forced to the conclusion that the granting of the instant application will not impair protestants' service to the public.

Applicant asked for authority to transport gasoline, petroleum products, and filling station supplies. The term "filling station supplies" is a broad term, and could include a large variety of commodities. The Commission does not favor the granting of authority so general in nature, and is of the opinion that the record does not justify this particular grant of authority and that an appropriate limitation, consistent with the record should be incorporated in the authority.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed operation of applicant, as hereinafter limited, is in the public interest, and will not impair the efficiency of any motor vehicle common carrier service operating in the territory sought to be served by applicant, and that permit should

issue to applicant herein, for the reasons heretofore given in our Statement, which is incorporated herein, by reference.

O R D E R

THE COMMISSION ORDERS:

That John A. Doyle, doing business as "John Doyle Truck Line," Delta, 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 gasoline and petroleum products, for Olin Bruton and Sons, only, from Denver and a five-mile radius thereof, and the Gilsonite Plant, near Fruita, Colorado, to Olin Bruton and Sons' bulk stations and filling stations, located in Delta and Montrose Counties, Colorado.

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 authority sheets.

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 said application, in all other respects, should be, and the same 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 14th day of October, 1958.

mls

original

(Decision No. 51093)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. T. RANDLES AND KENNETH PATTERSON,)
JR., DOING BUSINESS AS "RANDLES &)
PATTERSON," ULYSSES, KANSAS, CO-) APPLICATION NO. 16187-PP
PARTNERS, FOR A CLASS "B" PERMIT TO) SUPPLEMENTAL ORDER
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
- -

- - - - - - - - - -
October 14, 1958
- - - - - - - - - -

Appearances: J. T. Randles, Ulysses, Kansas, pro se;
Kenneth Patterson, Jr., Ulysses, Kansas, pro se;
H. W. Billings, Springfield, Colorado, pro se;
L. E. Walker, Walsh, Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 17, 1958, the Commission entered its Decision No. 50097, granting to J. T. Randles and Kenneth Patterson, Jr., doing business as "Randles & Patterson," Ulysses, Kansas, the right to operate as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as said applicants failed to fulfill requirements set forth in said Decision No. 50097, the Commission, on September 15, 1958, entered its Decision No. 50936, revoking operating rights granted to applicants herein by said Decision No. 50097.

It now appears that applicants have met the requirements set forth in Decision No. 50097, and request the Commission to reinstate operating rights revoked by Decision No. 50936.

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. 50936, of date September 15, 1958, (revoking Decision No. 50097, of date April 17, 1958), should be, and the same hereby is, vacated, set aside, and held for naught, and operating rights granted to applicants herein by said Decision No. 50097 should be, and hereby are, reinstated, as of September 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1958.

mls

(Decision No. 51094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL E. PETERSON, P. O. BOX 56,) PERMIT NO. M-12386
CLIFTON, COLORADO.) CASE NO. 87271-INS.
- - - - - - - - - - - - - - - - -)

- - - - - - - - -
October 14, 1958
- - - - - - - - -

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 87271-Ins., the Commission entered its Order revoking Permit No. M-12386 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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 Permit No. M-12386 should be, and the same hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 87271-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 14th day of October, 1958.

ea

(Decision No. 51095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY WHISTLER, P. O. BOX 206,) PERMIT NO. M-13443
FORT COLLINS, COLORADO.) CASE NO. 86908-INS.
- - - - - - - - - - - - - - - - - -)

- - - - - - - - -
October 14, 1958
- - - - - - - - -

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 86908-Ins., the Commission entered its Order, revoking Permit No. M-13443 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission 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 Permit No. M-13443 should be, and hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 86908-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 14th day of October, 1958.

Commissioners.

ea

(Decision No. 51096)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF OLEN L. SMITH, 3750 MANITOU BOULEVARD, COLORADO SPRINGS, COLORADO.	PERMIT NO. M-13871 CASE NO. 87128-INS.

October 14, 1958

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 87128-Ins., the Commission entered its Order, revoking Permit No. M-13871 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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 Permit No. M-13871 should be, and the same hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 87128-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John P. Thompson
Joseph T. Rigio
Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1958.

ea

(Decision No. 51097)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CORTEZ WHOLESALE, INC., P. O.)
BOX 811, CORTEZ, COLORADO.)

PERMIT NO. M-1844
CASE NO. 86931-INS.

October 14, 1958

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 86931-Ins., the Commission entered its Order, revoking Permit No. M-1844 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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 Permit No. M-1844 should be, and the same hereby is, reinstated, as of September 25, 1958, revocation Order entered by the Commission on said date in Case No. 86931-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoban
John P. Thompson
Joseph F. Myers
Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1958.

mls

(Decision No. 51098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF BEN FISHMAN, DOING BUSINESS AS "FISHMAN FURNITURE COMPANY," 2017 LARIMER STREET, DENVER, COLORADO.

PERMIT NO. M-8508

October 14, 1958

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 86946-Ins., the Commission entered its Order, revoking Permit No. M-8508 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission 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 Permit No. M-8508 should be, and the same hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 86946-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 14th day of October, 1958.
mls

(Decision No. 51099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. L. CARTER, 2415 WASHINGTON) PUC NO. 3696
STREET, DENVER, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - -
October 14, 1958
- - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of the following communication from the above-styled certificate-holder:

> "Owing to the high cost of insurance to cover my truck, I ask that the Commission grant a temporary suspension of my PUC 3696.
>
> "The last liability insurance on file was terminated as of May 24, 1958. I have been quite ill most of the summer with a stomach ailment.
>
> "If agreeable, I would appreciate a suspension from May 24, to January 1, 1959. All operations under this PUC to cease until I am able to procure the required insurance."

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 J. L. Carter, Denver, Colorado, should be, and he hereby is, authorized to suspend operations under PUC No. 3696, nunc pro tunc, from May 24, 1958 to January 1, 1959.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further

action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1958.

ea

(Decision No. 51100)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LUCAS BARELA, SOPRIS, COLORADO.)
) PERMIT NO. M-1944
)
)

October 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lucas Barela, Sopris, Colorado, requesting that Permit No. M-1944 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1944, heretofore issued to Lucas Barela, Sopris, Colorado, be, and the same is hereby, declared cancelled effective September 13, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Woodward
Tom P. Thompson
Joseph T. Tigro
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1958.

(Decision No. 51101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN M. BEGER, DOING BUSINESS AS)
"BEGER DISTRIBUTING COMPANY," 120)
SOUTH PERRY STREET, DENVER 19, COLORA-) PERMIT NO. M-6016
DO.)
)

October 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John M. Beger, d/b/a Beger Distributing Company, Denver, Colorado, requesting that Permit No. M-6016 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6016, heretofore issued to John M. Beger, d/b/a Beger Distributing Company, Denver, Colorado, be, and the same is hereby, declared cancelled effective October 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hanson

John V. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1958

mjm

(Decision No. 51102)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM STUTZ, 1770 SOUTH HOLLY STREET, DENVER 22, COLORADO.) PERMIT NO. M-985

October 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Stutz, Denver , Colorado, requesting that Permit No. M-985 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-985, heretofore issued to William Stutz, Denver, Colorado, be, and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1958

mjm

(Decision No. 51103)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
SIMEON W. BUNCH, R R 2, LA JUNTA,)
COLORADO.) PERMIT NO. B-5434
)
)

October 16, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Simeon W. Bunch, La Junta, Colorado, requesting that Permit No. B-5434 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5434, heretofore issued to Simeon W. Bunch, La Junta, Colorado, be, and the same is hereby, declared cancelled effective October 12, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Woodward
John P. Thompson
Joseph F. Tigro
Commissioners

Dated at Denver, Colorado,

this 16th day of October, 1958

mjm

SUSPENSION ORDER--COMMON CARRIER

(Decision No. 51104)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF O. J. HOLTCAMP, WELLINGTON, COLORADO.

PUC NO. 785 & I

October 16, 1958

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. 785 & I be suspended for six months from October 1, 1958.

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 O. J. Holtcamp, Wellington, Colorado,

be, and he is hereby, authorized to suspend operations under PUC No. 785 & I until April 1, 1959.

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 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 16th day of October 1958.

mjm

(Decision No. 51105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NO. 105, THE COLORADO)
MOTOR CARRIERS' ASSOCIATION, AGENT,)
J. R. SMITH, CHIEF OF TARIFF BUREAU,)
FOR AND ON BEHALF OF AVARA TRUCK LINE) CASE NO. 1585
AND CENTENNIAL TRUCK LINES, INC., TO)
PUBLISH A COMMODITY RATE ON CANNED)
GOODS.)

October 16, 1958

S T A T E M E N T

By the Commission:

On October 7, 1958, there was filed with the Commission the above stated application by The Colorado Motor Carriers' Association, as Agent, for and on behalf of John E. and Lola M. Avara, DBA Avara Truck Line, and Centennial Truck Lines, Inc., that it be permitted to publish the following tariff change to become effective one day after the filing thereof with this Commission in Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11.

> "Amend Item No. 1435 by publishing a rate of 30¢ per 100 pounds, minimum weight 40,000 pounds, to apply on shipments of canned goods from Crowley, Colorado, to the Kuner-Empson Warehouse adjacent to the City Limits of Brighton, Colorado. Subject to shipper loading and consignee unloading."

In the application, the petitioner states that a letter received from Mr. H. D. Hicks, General Traffic Manager of Centennial Truck Lines, Inc., states, quote: "We have been contacted by the consignee at Brighton, Colorado, who has informed us that in the next six months there will be approximately one million pounds of canned goods moving from Crowley to Brighton, and this traffic may be obtained by common carriers at the above rate. At the present time there is in effect between Crowley and Denver a rate of 25 cents per hundred pounds based on a minimum weight of 40,000 pounds. The thirty-cent rate reflects that additional mileage beyond Denver and will produce approximately the same revenue per mile as the twenty-five cent rate. In

addition, since this is a backhaul movement for our line and that of Avara Truck Line, it will more nearly balance the inbound and outbound tonnage and the revenue per one-way mile is quite a bit above the average for carriers in this area."

The proposed rate is also in line, relatively speaking, with a rate of 25 cents per 100 pounds, minimum weight 40,000 pounds, on canned goods, loaded by shipper and unloaded by consignee, from La Junta to Denver, prescribed in Decision No. 50288, dated May 16, 1958. The said 25 cents rate produced a minimum revenue of 55 cents per one-way truck mile, while the proposed 30 cents rate will produce approximately 69 cents per one-way truck mile.

F I N D I N G S

THE COMMISSION FINDS, That:

The application as filed to amend Item No. 1435, Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, appear to represent just, fair and reasonable rates and charges and should be authorized and an order entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings 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 the statement of this order shall on October 27, 1958, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after October 27, 1958, the carriers affected by the transportation of the aforesaid commodity shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

5. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

6. 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.

7. On and after October 27, 1958, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

8. On and after October 27, 1958, 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, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

9. 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.

10. 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.

11. 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 16th day of October, 1958.

mem

original

(Decision No. 51106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN B. COLE, 20 SOUTH 32ND STREET, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-4729 TO EUGENE MARRONE, 1041 EAST 71ST AVENUE, DENVER, COLORADO.) APPLICATION NO. 16643-PP-Transfer

October 17, 1958

Appearances: Mrs. John B. Cole, Boulder, Colorado, for Transferor; Eugene Marrone, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

John B. Cole, Boulder, Colorado, is the owner of Permit No. B-4729, which authorizes 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;and coal from mines in the northern Colorado coal fields to Denver; to Valmont Plant of Public Service Company located near Boulder; Great Western Sugar Co., and Kuner-Empson Company Plants within a 50-mile radius of Boulder and to Rocky Mountain Arsenal northeast of Denver, Colorado.

By application filed September 22, 1958, John B. Cole, Boulder, Colorado, seeks authority to transfer Permit No. B-4729 to Eugene Marrone, 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,

October 14, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Mrs. John B. Cole, the wife of the Transferor, appeared in support of the application, and stated that her husband has no other authority from this Commission; that he is selling his authority and equipment, and will be out of the transportation business if the transfer is approved; and that there is no indebtedness connected with the operation.

Eugene Marrone, the Transferee, appeared in support of the application. He testified that he has no other authority; that the purchase price of $5,500 includes the equipment; that there is no mortgage involved; that he is acquainted with the operations conducted under said permit; that he is familiar with the rules and regulations of the Commission and will abide by them, if the transfer is approved; that his financial statement attached to the application represents his present financial condition.

No one appeared in opposition to the proposed transfer.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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 John B. Cole, Boulder, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to Permit No. B-4729 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Eugene Marrone, Denver, Colorado, subject to payment of oustanding 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John P. Thompson

Joseph T. Nigro

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.

ea

(Decision No. 51107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAFAEL W. PONCE, DOING BUSINESS AS "RAE'S RUBBISH REMOVAL," 2201 OLIVE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3634 TO O. W. PRICE AND R. K. PRICE, CO-PARTNERS, DOING BUSINESS AS "RAE'S RUBBISH REMOVAL," 2510 SABLE, DENVER, COLORADO.	APPLICATION NO. 16641-Transfer

October 17, 1958

Appearances: Rafael W. Ponce, Denver, Colorado, pro se;
O. W. Price, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

Rafael W. Ponce, doing business as "Rae's Rubbish Removal," Denver, Colorado, is the owner and operator of PUC No. 3634, which authorizes the transportation of:

> ashes, trash, and other waste materials, between points within the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado.

By application filed September 24, 1958, Rafael W. Ponce, doing business as "Rae's Rubbish Removal," Denver, Colorado, seeks authority to transfer PUC No. 3634 to O. W. Price and R. K. Price, co-partners, doing business as "Rae's Rubbish Removal," 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, October 14, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Rafael W. Ponce, the Transferor herein, appeared in support of the application, and stated that he has no other authority, and will be out of the transportation business if the transfer is authorized; that there is no indebtedness except an existing contract with a former owner to pay the remaining amount of approximately $800, which the Transferees agree to pay.

O. W. Price, one of the Transferee co-partners, appeared in support of the application. He testified that R. K. Price is his son; that he has no other authority from this Commission; that he is familiar with the operations under this certificate; that he is familiar with the rules and regulations of the Commission, and will abide by them if the transfer is authorized. He verified the statements of the Transferor, and identified his financial statement attached to the application.

No one appeared in opposition to the proposed transfer.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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 Rafael W. Ponce, doing business as "Rae's Rubbish Removal," Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to PUC No. 3634, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to O. W. Price and R. K. Price, co-partners, doing business as "Rae's Rubbish Removal," 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 transferor 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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.

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Norton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.

ea

Original

(Decision No. 51108)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES W. STRAIT, 170 SOUTH JAY STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16581-PP

October 17, 1958

Appearances: Jones and Meiklejohn, Esqs., Denver, Colorado, by Leslie R. Kehl, Esq., for R. B. "Dick" Wilson, Inc.

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, September 19, 1958, and again October 14, 1958, due notice of the time and place of hearing being forwarded 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 on either occasion, or to explain his failure to appear. The Commission is of the opinion that said application should be dismissed for lack of prosecution.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled 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 17th day of October, 1958.

mls

original

(Decision No. 51109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FORREST ARCHIE GREEN, DOING BUSINESS)
AS "FORREST ARCHIE GREEN TRUCK LINE,") APPLICATION NO. 16642-PP
4575 SOUTH ELATI STREET, ENGLEWOOD,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

October 17, 1958

Appearances: Forrest Archie Green, Englewood, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed July 15, 1958, the applicant herein seeks authority to operate as a Class "B" motor vehicle private carrier, for the transportation of rough lumber, from points within a radius of ten miles of Hahn's Peak, Colorado, to Denver, and to points within a radius of ten miles 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, October 14, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant herein appeared in support of his application and testified that he owns a 1955 Dodge tractor with a 32 foot trailer, and a 1956 International Tandem, bobtail, 24 foot rack; that he receives calls to do extra work when he is overloaded; that his net worth is approximately $15,000; that he owns and operates PUC No. 851 and PUC No. 851-I, which authorizes the transportation of livestock and farm products; that he is familiar with the rules

and regulations of the Commission, and that he will abide by them, if the authority sought is granted.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service in the territory which applicant seeks to serve.

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

That the authority sought should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Forrest Archie Green, doing business as "Forrest Archie Green Truck Line," Englewood, 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 rough lumber, from points within a radius of ten miles of Hahn's Peak, Colorado, to Denver, and to points within a radius of ten miles of Denver, Colorado.

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 authority sheets.

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

Ralph C. Hoban

John P. Thompson

Joseph F. Negri

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.

mls

original

(Decision No. 51110)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GILMAN ULRICKSON, LARKSPUR, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 16644-PP-Extension
UNDER PERMIT NO. B-4805.)

October 17, 1958

Appearances: Gilman Ulrickson, Larkspur, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed August 12, 1958, applicant seeks authority to extend operations under Permit No. B-4805, to include the right to transport milk and dairy products, from and to Larkspur, Colorado, to and from Colorado Springs, Colorado, to and from Fort Collins, Colorado, and between said points.

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, October 14, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Gilman Ulrickson, the applicant herein, appeared in support of his application and stated that he is the owner of Permit No. B-4805; that he owns a 1957 Chevrolet tank and trailer; that his net worth is approximately $30,000; that the Frink Creamery Company asked him to obtain this authority; that he is familiar with the rules and regulations of the Commission and will abide by them, if the extension sought is granted.

Robert L. Frink, Vice-President of Frink Creamery Company,

testified in support of the application, and stated that the applicant is now doing their work satisfactorily, and that they will use the extended service, if it is authorized.

No one appeared in opposition to the granting of the extension sought.

It did not appear that the proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

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

That the authority sought should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Gilman Ulrickson, Larkspur, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4805, to include the right to transport milk and dairy products, between Larkspur, on the one hand, and Colorado Springs and Ft. Collins, Colorado, on the other.

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

Joseph C. Hanlon

John P. Thomas

Joseph T. Regan

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.

mls

original

(Decision No. 51111)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT C. LESNITT, 2933 WEST 24th AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 16555

October 17, 1958

Appearances: Charles E. Bennett, Esq., Denver, Colorado, for Applicant;
Robert E. McLean, Esq., Denver, Colorado, for Denver Association of Rubbish Removers.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity by Robert C. Lesnitt, 2933 West 24th Avenue, Denver, Colorado, for authority to operate as a common carrier by motor vehicle for hire, for the transportation of trash and ashes from point to point within the City and County of Denver, and a ten-mile radius of said City and County of Denver, State of Colorado.

The application was regularly set for hearing after appropriate notice to all interested parties, at 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on October 6, 1958, where the matter was heard and taken under advisement.

The applicant is the owner of one three-quarter-ton stake truck, who formerly was employed as a driver for a large trucking firm and who also was employed for several months by a certificated ash and trash hauler in the City and County of Denver.

It was applicant's testimony that he had been approached by a number of friends and acquaintances who complained to him of poor or inadequate existing service.

The applicant produced five customer-witnesses to support his application. One was from the Arvada area and testified that she was receiving service but that it was inadequate and that the pickup was only once a month. Another witness from an area outside of Denver testified that he hauled his own rubbish because he had heard that the certificated haulers would not pick up grass clippings and would not clean incinerators. A garageman from the Denver area testified that he likewise hauled his own rubbish although he would prefer that a certificated carrier do it but that on every occasion when he called such a hauler they failed or refused to give him the service. The other customer-witnesses testified much to the same effect -- that service was either refused or the service was rendered poorly. It was conceded, however, by all of the witnesses that they made little effort to secure other carriers who were listed in the yellow pages of the telephone book.

A number of protestants, consisting of presently-existing carriers, testified that service over all of the area sought was adequate; that there were sufficient carriers rendering the service; that their own trucks were idle, and that they could serve additional customers and the granting of this certificate would impair their ability to serve the public.

Mr. Joseph E. Vigil, of the Tri-County Health Department, testified that according to his survey no additional trash haulers are needed. His department, in cooperation with the Board of County Commissioners, assigns areas to each certificated carrier, and once these areas have been assigned the Board of County Commissioners may, in their discretion, not grant an area to a carrier even though he has been certificated by this Commission. It was this witness' opinion that the transportation of rubbish is primarily a health problem and that the transportation of ashes and the cleaning of incinerators is primarily a transportation problem. Thus, there would seem to be a very definite conflict in authority between

respective agencies in the state. It must be pointed out that there has been no real conflict between agencies as they have been able successfully to avoid any overlapping jurisdiction. But such a possibility does exist. We firmly believe that this matter must be resolved by the Legislature. If the matter is to be considered a transportation problem then it should be properly vested in this agency to regulate transportation. We hasten to add, however, that at the present time we do not regulate the rates of ash and trash haulers for the very obvious reason that the nature of the services rendered make them almost impossible of standardization. If, however, it is felt that this is primarily a health problem, then it is our opinion that the authority should be vested in the proper agency charged with the maintenance and preservation of public health.

In the instant case, the applicant has certainly established that there is some need for service, but viewing it as a transportation problem, we cannot say that this need arises from inadequacy of existing service. The constant addition of certificated carriers, without the proof of additional growth or inadequacy of present service, cannot but impair the ability of the existing carriers to serve. It is possible that this applicant, in a restricted area, might be able to show public convenience and necessity, but we do not feel that under the present state of the record there is justification for the granting of service to be rendered by one three-quarter-ton stake-body truck in an area the size of Denver and a ten-mile radius thereof.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity do not require the granting of the instant application.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity do not require the transportation services of Robert C. Lesnitt, Denver, Colorado, as

set forth in Application No. 16555, and the application is hereby denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Nelson

John L. Thompson

Joseph T. Nigro

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.

ea

original

(Decision No. 51112)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DANIEL LOOS, DOING BUSINESS AS "DL TRANSFER," 1952 CHAMPA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16608-PP

October 17, 1958

Appearances: Robert McIlhenny, Esq., Denver, Colorado, for Applicant;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

On August 22, 1958, applicant herein filed his application with the Commission, seeking authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of foundry or machine products, from point to point within the City and County of Denver, State of Colorado, for National Lead Company, of Denver, Colorado, only.

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, October 16, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, two witnesses appeared in support of the application. First witness was Superintendent of the Magnus Metal Company, a subsidiary of National Lead Company, who stated he was superintendent of said company's operations in Denver; that he was acquainted with applicant, and that applicant had hauled

machine products between points within the City and County of Denver for the past six to eight years; that some two months ago, applicant was told he had to get authority from this Commission to do this hauling; that he then hired another carrier, whose services have not been satisfactory, due to the fact that they do not have specialized equipment and were not familiar with the hauling of the products his company produces; that he is here asking that the instant application be granted, because the service is in the nature of a specialized service, and other carriers have not performed said service satisfactorily.

Daniel Loos, applicant herein, testified that he presently was the holder of a certificate of public convenience and necessity, authorizing transportation of:

> trash, ashes, etc., between points within the City and County of Denver, to designated dumps, either in or out of the City of Denver.

He stated that about two years ago he had been informed that he had to have a certificate of public convenience and necessity for his ash and trash hauling which he has conducted in Denver for a number of years, and that he had received a certificate for said service. He stated that due to his ignorance, he did not know that the hauling he was performing for National Lead Company was under the jurisdiction of this Commission. In fact, he stated he had given the matter no thought whatsoever, until about two months ago, when he was contacted by Inspectors of this Commission and told he could no longer perform this service until he received authority from this Commission so to do. He immediately filed his application, and discontinued service for National Lead Company.

Applicant furnished a financial statement, wherein he shows a net worth in excess of $25,000.

The evidence indicates that applicant is well qualified by experience, and has given personalized service to National Lead Company for a period of eight years and that he is well fitted otherwise to perform the service asked for in the instant application.

After reviewing the evidence, it does not appear that the granting of the instant application would impair the efficiency of any common carrier service now operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Daniel Loos, doing business as "DL Transfer," 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 foundry or machine products, from point to point within the City and County of Denver, State of Colorado, for National Lead Company, Denver, Colorado, or its subsidiary, Magnus Metal Company, of Denver, Colorado, only.

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 authority sheets.

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

Joseph C. Norton

John P. Thompson

Joseph T. Rigas

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1958.
ea

(Decision No. 51113)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES ILFELD COMPANY, 418 MONTEZUMA AVENUE, SANTA FE, NEW MEXICO.) PERMIT NO. M-1034

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles Ilfeld Company requesting that Permit No. M-1034 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1034, heretofore issued to Charles Ilfeld Company be, and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 195 8.

ma

(Decision No. 51114)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LESTER EICKHOFF, 1588 DENNISION)
ROAD,S.W., ALBUQUERQUE, NEW MEXICO.) PERMIT NO. M-1197
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester Eickhoff requesting that Permit No. M-1197 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1197, heretofore issued to Lester Eickhoff be,

and the same is hereby, declared cancelled effective September 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51115)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RALSTON PURINA COMPANY, BOX 6777 STOCKYARDS STATION, DENVER 16, COLORADO.) PERMIT NO. M-1686

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralston Purina Company requesting that Permit No. M-1686 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1686, heretofore issued to Ralston Purina Company be,

and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51116)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SANTA FE LUMBER COMPANY, 4141 SOUTH)
SANTA FE DRIVE, LITTLETON, COLORADO.)
) PERMIT NO. M-4488
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Santa Fe Lumber Company requesting that Permit No. M-4488 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4488, heretofore issued to Santa Fe Lumber Company be, and the same is hereby, declared cancelled effective September 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 195 8.

ma

(Decision No. 51117)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
B. M. THOMPSON AND JACK DILLON, DOING BUSINESS AS "GREAT WESTERN SUPPLY COMPANY," 900 MILLS AVENUE, LAS VEGAS, NEW MEXICO.

PERMIT NO. M-4730

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. M. Thompson and Jack Dillon DBA Great Western Supply Company requesting that Permit No. M-4730 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4730, heretofore issued to B. M. Thompson and Jack Dillon DBA Great Western Supply Company. be, and the same is hereby, declared cancelled effective October 16, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hodam
Ben T. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22ND day of October, 195 8.

ma

(Decision No. 51118)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE L. FRY, DOING BUSINESS AS)
"CASTLE ROCK PLUMBING & HEATING,")
PAONIA, COLORADO.)
)
)

PERMIT NO. M-5284

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George L. Fry DBA Castle Rock Plumbing & Heating requesting that Permit No. M-5284 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5284, heretofore issued to George L. Fry DBA Castle Rock Plumbing & Heating be, and the same is hereby, declared cancelled effective October 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
C. K. IRVING, 321 WALNUT, STERLING,)
COLORADO.) PERMIT NO. M-6941
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. K. Irving requesting that Permit No. M-6941 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6941, heretofore issued to C. K. Irving be,

and the same is hereby, declared cancelled effective March 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hardman
Allen J. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CLINTON E. AND SHIRLEY L. CALDWELL,)
400 GRANDVIEW DRIVE, LOVELAND,) PERMIT NO. M-9999
COLORADO.)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clinton E. and Shirley L. Caldwell requesting that Permit No. M-9999 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9999, heretofore issued to Clinton E. and Shirley L. Caldwell be, and the same is hereby, declared cancelled effective September 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ma

(Decision No. 51121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR H. WISEHART AND ELMER H.)
BUSETTMAN, DOING BUSINESS AS "A & H)
VENTILATING COMPANY," 1427 SOUTH) PERMIT NO. M-10931
ZUNI, DENVER 23, COLORADO.)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur H. Wisehart and Elmer H. Busettman DBA A & H Ventilating Co. requesting that Permit No. M-10931 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10931, heretofore issued to Arthur H. Wieshart and Elmer H. Busettman DBA A & H Ventilating Co. be, and the same is hereby, declared cancelled effective September 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ma

(Decision No. 51122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT W. ARIE, OAKLEY, KANSAS.)
)
) PERMIT NO. M-10967
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Albert W. Arie requesting that Permit No. M-10967 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10967, heretofore issued to Albert W. Arie be,

and the same is hereby, declared cancelled effective September 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51123)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
KENNETH N. MOORE, P. O. BOX 797,)
ASPEN, COLORADO.)
) PERMIT NO. M-11157
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kenneth N. Moore requesting that Permit No. M-11157 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11157, heretofore issued to Kenneth N. Moore be, and the same is hereby, declared cancelled effective October 12, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 195 8.

ma

(Decision No. 51124)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
DWAYNE R. SCOTT, DOING BUSINESS AS)
"DWAYNE SCOTT TEXACO CONSIGNEE,") PERMIT NO. M-11599
2029 NORTH CORONA, COLORADO SPRINGS,)
COLORADO.)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dwayne R. Scott DBA Dwayne Scott Texaco Consignee requesting that Permit No. M-11599 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11599, heretofore issued to Dwayne R. Scott DBA Dwayne Scott Texaco Consignee be, and the same is hereby, declared cancelled effective September 2, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 195 8.

ma

(Decision No. 51125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PETE VIGIL, WESTON, COLORADO.)
)
) PERMIT NO. M-13634
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Pete Vigil requesting that Permit No. M-13634 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13634, heretofore issued to Pete Vigil be, and the same is hereby, declared cancelled effective September 12, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Woodward
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51126)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW W. MOORE, 961 QUITMAN STREET,)
DENVER 4, COLORADO.)
) PERMIT NO. M-15491
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Andrew W. Moore requesting that Permit No. M-15491 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15491, heretofore issued to Andrew W. Moore be, and the same is hereby, declared cancelled effective October 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 195 8.

ma

(Decision No. 51127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS R. HOLLIFIELD, BOX 234,) PERMIT NO. B-5355
PENROSE, COLORADO.)

October 22, 1958.

S T A T E M E N T

By the Commission:

On April 28, 1958, the Commission entered its Decision No. 50153, authorizing Francis R. Hollifield, Penrose, Colorado, owner of Permit No. B-5355, to suspend operations under said operating rights until October 14, 1958.

The Commission is now in receipt of a request from said permit-holder, requesting authority to further suspend operations under Permit No. B-5355 for an additional six month period.

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 Francis R. Hollifield, Penrose, Colorado, owner of Permit No. B-5355, should be, and he hereby is, authorized to further suspend operations under said Permit No. B-5355, until April 14, 1959.

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

Commissioners

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ma

(Decision No. 51128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
GLENN E. WILLCUTS, GRANBY, COLORADO.)
) PERMIT NO. B-5503
)
)

October 22, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glenn E. Willcuts requesting that Permit No. B-5503 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5503, heretofore issued to Glenn E. Willcuts be, and the same is hereby, declared cancelled effective October 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Hanlon
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 22nd day of October, 1958.

ma

(Decision No. 51129)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAMUEL BRUNTZ AND ROBERT NORRIS,)
DOING BUSINESS AS "BRUNTZ & NORRIS,") PUC NO. 4026-I
P. O. BOX 312, GREELEY, COLORADO.)

October 22, 1958.

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 their PUC No. 4026-I be suspended for six months from September 27, 1958.

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 Samuel Bruntz and Robert Norris, doing business as "Bruntz & Norris," be, and they are hereby, authorized to suspend operations under PUC No. 4026-I until March 27, 1959.

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 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 22nd day of October, 1958.

ma

(Decision No. 51130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES AND REGULATIONS IN THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, LOCAL AND JOINT FREIGHT TARIFF NO. 12-A, COLORADO P.U.C. NO. 11, ISSUED BY J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI ST., DENVER 16, COLORADO.

CASE NO. 1585

October 20, 1958

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 October 21, 1958, 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.

The Rate Department's investigations of the proposed changes and letters submitted by the various carriers involved developed the following information:

For account of Yuma County Transportation Company:

Various exception items in the above enumerated tariff to the rules of the governing classification, as named in the attached appendix, are being amended by the addition of this carrier wherein the provisions of the exception items will either apply or not apply.

The basis of this entry into the orders of this Commission is to clarify the tariff publications for this carrier as being the prescribed rates, rules and regulations. Under Decision No. 47620,

dated April 2, 1957, transfer was authorized from Yuma County Transportation Company or Highway Motor Freight, Inc., to Buckingham Transportation, Inc. Per Decision No. 49218, dated December 9, 1957, the transfer above was vacated and held for naught. During the period Buckingham Transportation, Inc., operated this Certificate of Convenience and Necessity No. 2642, the above mentioned exceptions were operative and now with the return of the authority to Yuma, it is only to reflect the same tariff provisions for Yuma as prevailed for Buckingham.

For the account of Rio Grande Motor Way, Inc., Item No. 1290, covering beer as shown in the appendix is being reduced from 51 cents to 45 cents on the movement from Golden, Colorado, to Glenwood Springs, Colorado, and on the return of the empty containers the rates are being reduced from 37 cents to 35 cents.

Ralph H. Knull, Assistant Traffic Manager of Rio Grande Motor Way, Inc., states in a letter received by the Commission that, "The rates of 51 cents and 37 cents were originally established to eliminate private carriage and obtain this haul for the common motor carriers. Several months ago, however, this movement was taken away from the common carriers and returned to private carriage. We have been assured that establishment of the above reduced rates will again secure this movement for the common carriers."

It is noted by the Rate Department of this Commission that this item also reflects a routing via No. 43, Westway Motor Freight, Inc., direct. The Westway authority under P.U.C. No. 701 for a movement from Golden, Colorado, to Glenwood Springs, Colorado, would be construed as an irregular movement. No mention is made in the Item that the provisions of Rule No. 960, penalty irregular route carriers, would not apply. In this particular instance where the item is silent as pertaining to a general rule, the rule would be applicable.

This item originally appeared in The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, effective May 25, 1955, and prescribed under Decision No. 44281, dated May 24, 1955. No mention was made at that time relevant to the Rule No. 960 in the Commission's order; however, it is felt mention should now be made in the light and reasons of the change in this order.

For the account of Milliken-Johnstown Truck Line, Inc., Rio Grande Motor Way, Inc., Larson Transportation Company and Carbon Motorway, Inc.:

Item No. 2250, 3rd Revised Page No. 225, is being amended by the additional destination points from Johnstown, Colorado, on milk, condensed or evaporated, liquid or paste, with or without vegetable fats, as shown in the appendix. For this particular item the appendix will not show the complete item to other points or the transit privileges as they have previously been prescribed.

In a letter submitted by Mr. R. H. Knull, Assistant Traffic Manager, Rio Grande Motor Way, Inc., quote: "These are the present combination rates over Denver, Colorado, using the 10,000 pound fourth class rate of 26 cents to Denver plus the fourth class 10,000 pound rate beyond. As the through mileage class rates are much higher than these combination class rates over Denver, it is felt that the through mileage rates are unjust and unreasonable and we are attempting to remove this unreasonableness by publishing a combination as a through rate." All the truck lines parties to these rates concur in them.

For the account of Centennial Truck Lines, Inc.:

Howard Hicks, General Traffic Manager of this line, states that Item No. 2255, Original Page No. 225-A, covering mineral wool (rock, slag or glass wool), more completely shown in the attached appendix, needs further amending by the addition as indicated.

In justification for this, quote: "We have been informed by the shipper of these commodities at Pueblo that it is not always possible for them to accumulate the minimum weight required as presently published in the item for separate shipments of other than batts and in batts. However, they advise that they can nearly always provide a 30,000 pound minimum on a mixed shipment of mineral wool in batts and other than batts. If this provision as requested above is allowed to be published, it will increase the number of shipments moving and will in no way reduce our revenue on the commodities. By increasing the possible number of shipments, the result will be that we will receive more backhaul tonnage which will more nearly balance our inbound and outbound traffic from Pueblo, Colorado."

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, appear to represent just, fair and reasonable rates and charges and should be authorized and an order 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 October 21, 1958, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after October 21, 1958, the carriers affected by the transportation of the aforesaid commodity shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

5. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

6. 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.

7. On and after October 21, 1958, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

8. On and after October 21, 1958, 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, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

9. 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.

10. 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.

11. 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 20th day of October, 1958.

mem

APPENDIX "A"

For account of Yuma County Transportation Company:

Add this carrier to the following exceptions to the National Motor Freight Classification series as provided in Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, wherein the exceptions will or will not apply as noted below:

2nd Revised Page No. 56, Item No. 30 (Charges for Collect-On-Delivery Shipments) - Will not apply.

2nd Revised Page No. 57, Item No. 60 (Volume Minimum Weights and Volume or Truckload Ratings) - Will apply.

2nd Revised Page No. 59, Item No. 110 (Automobile Parts and Other Similar Items as Therein Described) - Will not apply.

2nd Revised Page No. 64, Item No. 280 (Fertilizer and Fertilizer Compounds, as Described) - Will not apply.

1st Revised Page No. 69, Item No. 380 (Grocery Items as Described) - Will not apply.

1st Revised Page No. 73, Item No. 490 (Paper and Paper Articles as Described) - Will not apply.

1st Revised Page No. 74, Item No. 520 (Pipe or Culverts, as Described) - Will not apply.

2nd Revised Page No. 76, Item No. 570 (Wine) - Will not apply.

For the account of Rio Grande Motor Way, Inc.

RATES ARE IN CENTS PER 100 POUNDS

ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE
1290	Beer, in cans or bottles, in cases or in bulk in barrels Minimum weight 40,000 lbs.	Golden, Colorado	Glenwood Springs, Colorado	45	87
	Containers, empty, Returned. Subject to Item No. 760	Glenwood Springs, Colorado	Golden, Colorado	35	

For the account of Milliken-Johnstown Truck Lines, Inc., Rio Grande Motor Way, Inc., Larson Transportation Company and Carbon Motorway, Inc., amend the item by adding the following:

RATES ARE IN CENTS PER 100 POUNDS

ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE
2250	Milk, condensed or evaporated, liquid or paste, with or without vegetable fats, in barrels, or boxes. Minimum weight 36,000 lbs., except as noted. (1) Minimum weight 10,000 lbs. Subject to Item No. 770.	Johnstown, Colorado	Alamosa, Craig, Durango, Fruita, Grand Junction, Glenwood Springs, Leadville, Montrose, Salida, Colorado.	(1) 109 (1) 121 (1) 134 (1) 135 (1) 135 (1) 122 (1) 103 (1) 135 (1) 101	8 10 8 15 8 8 8 8 8

Route No. 8 - Milliken-Johnstown Truck Line, Inc., Denver, Colorado, Rio Grande Motor Way, Inc.

Route No. 10 - Milliken-Johnstown Truck Line, Inc., Denver, Colorado, Larson Transportation Company.

Route No. 15 - Milliken-Johnstown Truck Line, Inc., Denver, Colorado, Rio Grande Motor Way, Inc., Grand Junction, Colorado, Carbon Motorway, Inc.

For account of Centennial Truck Lines, Inc., amend Item No. 2255 by adding the following, noted by sign /:

RATES ARE IN CENTS PER 100 POUNDS

COMMODITY	FROM	TO	RATES
Mineral Wool (rock, slag or glass wool) plain or saturated: Batts, with or without paper backing or wrapping, loose or in packages, minimum weight 15,000 pounds. Subject to loading by consignor and unloading by consignee.	Pueblo, Colorado	Denver, Colorado	63
Mineral wool (rock, slag or glass wool) plain or saturated: Other than batts, in cloth or paper bags, minimum weight 30,000 pounds. Subject to loading by consignor and unloading by consignee.	Pueblo, Colorado	Denver, Colorado	33

/ Mixed shipments of mineral wool in batts and other than batts, as described in this item, will be allowed, subject to the following provisions: Charges will be assessed on the basis of the actual weight of each article in the mixed shipment at the applicable volume rate for that article, as published in this item, subject to a minimum weight of 30,000 pounds for the entire shipment. Any deficit in the required minimum weight of 30,000 pounds will be charged for at the lowest rate provided in this item.

CANCELLATION--COMMON CARRIER

(Decision No. 51131)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD A. MC RAE, DOING BUSINESS)
AS "COLORADO TRAILER TRANSPORT",)
321 SOUTH 8 STREET, COLORADO) PUC NO. 3210
SPRINGS, COLORADO.)
)
)

October 21, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Donald A. McRae d/b/a "Colorado Trailer Transport", Colorado Springs, Colorado,

requesting that Certificate of Public Convenience and Necessity No. 3210 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. 3210 heretofore issued to Donald A. McRae, d/b/a "Colorado Trailer Transport", Colorado Springs, Colorado,

be, and the same is hereby, declared cancelled effective October 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert G. Hardy

Wm. P. Thompson

Joseph F. Higro

Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1958

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
STANLEY E. JENKS, 1934 VERBENA) PERMIT NO. B-4917
STREET, DENVER 8, COLORADO.)
)
)

October 21, 1958

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-4917 be suspended for six months from August 15, 1958.

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 Stanley E. Jenks, Denver, Colorado,

be, and he is hereby, authorized to suspend his operations under Permit No. B-4917 until February 15, 1959.

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

Commissioners

Dated at Denver, Colorado,
this 21st day of October , 1958

mjm

(Decision No. 51133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
STANLEY E. JENKS, 1934 VERBENA)
STREET, DENVER 8, COLORADO.) PERMIT NO. M-2133
)
)

October 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Stanley E. Jenks, Denver, Colorado, requesting that Permit No. M-2133 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2133, heretofore issued to Stanley E. Jenks, Denver, Colorado, be, and the same is hereby, declared cancelled effective August 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 21st day of October, 1958

mjm

SUSPENSION ORDER--COMMON CARRIER

(Decision No. 51134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF CECIL W. SOWER AND FLOYD M. SOWER, CO-PARTNERS, DOING BUSINESS AS "SOWER BROTHERS COMPANY", P. O. BOX 207, BAYFIELD, COLORADO.

PUC NO. 367

October 21, 1958

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-holders requesting that their PUC No. 367 be suspended for six months from October 10, 1958.

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 Cecil W. Sower and Floyd M. Sower, Co-Partners, d/b/a "Sower Brothers Company, Bayfield, Colorado, be, and they are hereby, authorized to suspend operations under PUC No. 367 until April 10, 1959.

That unless said certificate-holders 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 21st day of October 1958

mjm

(Decision No. 51135)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 - 15TH STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN SECTION 1, TOWNSHIP 2-SOUTH, RANGE 68-WEST, ADAMS COUNTY.	APPLICATION NO. 16646-Extension

October 20, 1958

S T A T E M E N T

By the Commission:

On October 3, 1958, Public Service Company of Colorado filed an application with this Commission for authority to extend its facilities to serve the residence of Arnold Coufal. The extension will consist of 570 feet of primary single-phase line, said extension is to be located in Section 1, Township 2-South, Range 68-West, Adams County.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application Plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter will issue its order granting the construction as requested. No protest was received from any interested party opposing the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by the interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Arnold Coufal, in Section 1, Township 2-South, Range 68-West, Adams County, Colorado, and that Public Service Company of Colorado should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Arnold Coufal, located in Section 1, Township 2-South, Range 68-West, Adams County, Colorado, all in accordance with the rates, rules and regulations of Public Service Company now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John P. Thompson

Joseph F. Nagle

Commissioners.

CHAIRMAN RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 20th day of October, 1958.

ea

Original

(Decision No. 51136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALTER L. CRAFT, 7275 NORTH FEDERAL BOULEVARD, ROUTE 5, BOX 285, DENVER, COLORADO, DOING BUSINESS AS "FEDERAL VIEW WATER COMPANY," FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A WATER UTILITY IN FEDERAL VIEW SUBDIVISION, ADAMS COUNTY, COLORADO.

APPLICATION NO. 9220
SUPPLEMENTAL ORDER

October 21, 1958

Appearances: Harold Taft King, Esq., Denver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

On December 2, 1948, in the above-styled application, the Commission entered its Decision No. 31605, granting to Walter L. Craft, doing business as "Federal View Water Company," a certificate of public convenience and necessity to operate a water utility in Federal View Subdivision, Adams County, State of Colorado.

Said Walter L. Craft having departed this life, Bertha W. Craft, 322 West Cambridge, Phoenix, Arizona, his widow, obtained an Order of the County Court in and for the County of Adams, State of Colorado, granting to her, as said widow of said Walter L. Craft:

> "All of the property, permits and rights pertinent to Federalview Water Company, together with equipment thereon * * *."

The Commission is in receipt of a communication from Harold Taft King, Attorney, on behalf of Bertha W. Craft, requesting that said operating rights be transferred to her.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, in accordance with Order of the County Court of Adams County, Colorado, in Case No. P-3173.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show that Bertha W. Craft, 322 West Cambridge, Phoenix, Arizona, widow of Walter L. Craft, Deceased, is now the sole owner and operator of certificate of public convenience and necessity granted to said Walter L. Craft, by Decision No. 31605, of date December 2, 1948, in Application No. 9220.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Dalton

John P. Thompson

Joseph F. Myro

Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1958.

ea

original

(Decision No. 51137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KERK TRUCKING COMPANY, A CORPORATION, P. O. BOX 526, FORT COLLINS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-1770.) APPLICATION NO. 16584-PP-Extension

October 21, 1958

Appearances: Stanley Blunt, Canon City, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, Kerk Trucking Company, Fort Collins, Colorado, was authorized to operate as a private carrier by motor vehicle for hire, for the transportation of:

> (a) plaster, from Loveland, cement from Boettcher, and coal from mines in the northern Colorado coal fields, to all points in the State of Colorado; (b) farm products (except livestock), used farm machinery, and oil well machinery and equipment and elevator products, between, from, and to points within a radius of 30 miles of Berthoud, excluding, however, the right to serve between Denver and Eaton and intermediate points, over U. S. Highway No. 85, and between the Colorado-Wyoming State Line and Denver, over U. S. Highway No. 287 and intermediate points, said permit-holder having authority to serve said points on U. S. Highway No. 287 under Permit No. A-509; plaster and cement, from a point on the Colorado-Wyoming State Line, where it is intersected by U. S. Highway No. 287, to all points in the State of Colorado; coal, from mines in the northern Colorado coal fields to said points on the Colorado-Wyoming State Line, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

said operating rights being known as "Permits Nos. B-1770 and B-1770-I."

By the above-styled application, said permit-holder seeks

authority to extend operations thereunder, to include the right to transport building brick and supplies manufactured by Mountain Brick and Supply Company, from brick plant or storage yard of brick plant, located six and one-half miles south of Fort Collins, Colorado, on the Shield Street Road, to all points within the State of Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, October 2, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, John Kerk, President and General Manager of Kerk Trucking Company, appeared in support of the application, testifying that his company has ample and suitable equipment to render the proposed extended service; that the net worth of applicant is approximately $27,000; that his company is rendering extended service under Temporary Authority issued by this Commission, and under said Authority has shipped approximately 165,000 pounds for The Mountain Brick and Supply Company; that said company desires applicant's continued extended service.

T. J. Orrender, General Manager of The Mountain Brick and Supply Company, appeared in support of the application, and testified that his company has used applicant's services; that said services were very satisfactory; that his plant is increasing its out-put, and that it will need and use applicant's extended service; that he had attempted to find satisfactory common carrier service, but had been

unable to do so.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that extended authority issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend his private carrier motor vehicle service, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Kerk Trucking Company, a corporation, Fort Collins, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-1770 and B-1770-I, to include the right to transport building brick and supplies manufactured by The Mountain Brick and Supply Company, from brick plant or storage yard of brick plant of said The Mountain Brick and Supply Company, located six and one-half miles south of Fort Collins, Colorado, on the Shield Street Road, to all points within the State of Colorado, for The Mountain Brick and Supply Company, only.

This Order is made a part of the permit granted to applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Horton

John L Thompson

Joseph A Myers

Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1958.

Original

(Decision No. 51138)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LATIMER FUEL COMPANY, A CORPORATION, 3425 FOX STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16614-PP

October 21, 1958

Appearances: Daniel Crowe, Denver, Colorado, for Applicant;
Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal, from point to point within a radius of fifty miles of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office

Building, Denver, Colorado, October 6, 1958, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Daniel Crowe testified he was an employee of Latimer Fuel Company, applicant herein; that said company is a Colorado corporation, and, as such, is engaged in the business of transporting sand, gravel, and coal, on a for-hire basis, for some of its customers; that his company has received many requests for services set forth in the instant application; that applicant is the owner of three trucks; that if authority herein sought is granted, it is agreeable that operations be limited to the use of dump trucks for transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority herein sought, as limited by Mr. Crowe's testimony.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a

part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Latimer Fuel Company, a Colorado corporation, should be, and 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal, from point to point within a radius of fifty miles of Denver, Colorado, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

That applicant herein is specifically required to file copy of its Articles of Incorporation with the Commission before permit herein granted shall issue.

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 its customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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 21st day of October, 1958.

mls

original

(Decision No. 51139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND O. SIMPSON, BOX 149,)
KREMMLING, COLORADO, FOR AUTHORITY) APPLICATION NO. 16623-PP-Extension
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-4920.)

October 21, 1958

S T A T E M E N T

By the Commission:

Heretofore, Raymond O. Simpson, Kremmling, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests,

said operating rights being known as "Permit No. B-4920."

By the above-styled application said permit-holder seeks authority to extend operations under said Permit No. B-4920, to include the right to transport logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of one hundred miles of said forests.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examinser states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

From the files of the Commission, it appears that applicant herein is the owner and operator of Permit No. B-4920; that he is well qualified, financially and by experience, to conduct his proposed extended operations; that he is presently engaged in transportation of logs and poles, under Temporary Authority issued by this Commission; that proper insurance filing is on file with the Commission.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-4920, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Raymond O. Simpson, Kremmling, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4920, to include the right to transport logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of one hundred miles of said forests.

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 21st day of October, 1958.

mls

Original

(Decision No. 51140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CENTRAL POWER COMPANY, A)
CORPORATION, ENGLEWOOD, COLORADO,)
FOR AUTHORITY TO ISSUE AN ADDITIONAL) APPLICATION NO. 16637-Securities
10,000 SHARES OF COMMON STOCK FOR)
ITS INCENTIVE STOCK OPTION PLAN.)
- -)

- - - - - - - - -
October 21, 1958
- - - - - - - - -

Appearances: Philip A. Rouse, Esq.,
Denver, Colorado,
for Applicant;
E. R. Lundborg, Esq.,
Denver, Colorado,
and
E. R. Thompson, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

Colorado Central Power Company, the Applicant herein, seeks an order authorizing the issuance of 10,000 shares of its common stock, $5.00 par value, to be sold to officers and key employees of the Company under its Incentive Restricted Stock Option Plan extended and adopted by resolution of the Board of Directors, January 21, 1958, and approved by the stockholders at the annual meeting, April 15, 1958.

The matter was set for hearing, after due notice to all interested parties, on Tuesday, October 14, 1958, at ten o'clock A. M., at the offices of the Commission, 330 State Office Building, Denver, Colorado, and was there heard by the Commission and taken under advisement.

Colorado Central Power Company is a Delaware corporation, with authority to do business in the State of Colorado, and is a public utility subject to the jurisdiction of this Commission,

being engaged in the business of the purchase, transmission, distribution and sale of electric energy in the counties of Arapahoe, Clear Creek, Douglas, Jefferson, and Weld, in the business of distribution and sale of water in Jefferson County, and in the business of sale and servicing of electric appliances in the counties of Arapahoe, Jefferson and Weld, all in the State of Colorado. The applicant's principal executive offices are located at 3470 South Broadway, Englewood, Colorado.

Mr. James W. Cryder, President of Colorado Central Power Company, testified that originally, the Incentive Restricted Stock Option Plan was adopted by the Board of Directors of the Company on April 21, 1953, was approved by the stockholders of the Company on May 26, 1953, and was authorized by this Commission by Decision No. 41112, dated August 14, 1953, in Application No. 12474-Securities. He stated also that 12,500 shares of common stock of the par value of $5.00 were originally authorized to be issued for use under the plan and that 12,310 shares of the original number authorized has been paid for and issued under the plan. No stock remains for use under the plan as the remaining 190 shares are under option pursuant to the plan.

The Board of Directors of the Applicant adopted resolutions on January 21, 1958, Exhibit No. 3, reserving and setting aside an additional 10,000 of the authorized but unissued shares of common stock of the Company for use under the extended Incentive Restricted Stock Option Plan, also approved by the Board, subject to the approval of the stockholders of the Company. At the annual meeting of the stockholders of the Company on April 15, 1958, the stockholders approved the resolutions of the Board of Directors and thereby authorized issuance of the additional 10,000 shares of stock, the issuance of said stock being subject to approval of the Public Utilities Commission of the State of Colorado.

This extended and adopted incentive stock option plan is identical with the former and is merely an extension of the original plan for five years, ending May 1, 1963. One of the main features of the plan is that those officers and key men eligible to participate (not to exceed 40 in number) may exercise option agreements to purchase, for cash, shares of common stock at 95% of fair market value at the time of signing of the option. The plan provides that the term of each option shall be not more than five years from the date of granting thereof.

Mr. Cryder further testified that, in his opinion, the plan is fulfilling its purpose and is successful in encouraging the officers and certain key employees to become owners of stock, in furnishing additional incentive for the success of the Company's business and affairs, and in encouraging the officers and certain key employees to remain in the employ of the Company.

Exhibit No. 1 is a copy of the plan as previously adopted, ratified and authorized by the Company and by the Commission. Exhibit No. 2, incorporated by reference, is the record transcript of testimony, exhibits and decision in Application No. 12474-Securities, which was the original application in which the Applicant's Incentive Restricted Stock Option Plan was authorized.

Mr. Earl G. Armstrong, the Applicant's Secretary-Treasurer, identified Exhibit No. 3 as a true and correct copy of the resolutions of the Board of Directors, as approved by the stockholders of the Company, authorizing the issuance of an additional 10,000 shares of common stock for use under the Incentive Restricted Stock Option Plan. Mr. Armstrong identified Exhibit No. 4 as the balance sheet of the Company as of August 31, 1958, and he identified Exhibit No. 5 to be the income statement of the Company for the 12 months ended August 31, 1958.

Upon cross-examination, Mr. Armstrong stated that the book value of the Company's common stock was $18.98 at August 31, 1958,

and that the current market is $34.25 bid and $37.25 asked; and that 35 options for the purchase of 8,850 shares were signed on April 15, 1958. He also stated that of this date, the Company's debt ratio was 55.5%, and that sale of 10,000 additional shares of common stock would improve the present ratio.

F I N D I N G S

THE COMMISSION FINDS:

That Colorado Central Power Company is a public utility, as defined in 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Company and of the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the proposed issue and sale of an additional 10,000 shares of Applicant's $5.00 par value common stock under its extended Incentive Restricted Stock Option Plan are not inconsistent with the public interest; that such issue and sale are permitted by law and are consistent with the provisions of 115-1-4, Colorado Revised Statutes, 1953, and that the order sought should be issued and be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issue and sale of an additional 10,000 shares of Applicant's $5.00 par value common stock to its officers and key men, in accordance with its extended Incentive Restricted Stock Option Plan, authorized by its Board of Directors January 21, 1958, and approved by its stockholders April 15, 1958, be, and it hereby is, authorized and approved.

That the stock certificates to be issued pursuant to said plan shall bear on the face thereof a serial number for the proper and easy identification thereof, and that within ninety (90) days from the date of issue, Applicant shall make a verified report to the Commission of such numbers which are placed on said certificates.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to said issue of the aforementioned common stock on the part of the State of Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton

John P. Thompson

Joseph A. Negri

Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1958.

ea

(Decision No. 51141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARK'S TRAILER SALES, INC.,)
4445 WEST COLFAX AVENUE,) PERMIT NO. M-10605
DENVER, COLORADO.) CASE NO. 87113-INS.
- - - - - - - - - - - - - - - - - -)

- - - - - - - - -
October 21, 1958
- - - - - - - - -

S T A T E M E N T

By the Commission:

On September 25, 1958, the Commission entered its Order in Case No. 87113-Ins., revoking Permit No. M-10605 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that said Respondent has made proper insurance filing with the Commission, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said permit should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-10605 should be, and hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 87113-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21st day of October, 1958.

Commissioners.

ea

(Decision No. 51142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE W. DORSEY, DOING BUSI-)
NESS AS "NORTH FLORK STAGE LINE,") PUC NO. 3338
BOX 358, PAONIA, COLORADO.)
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - -
October 21, 1958
- - - - - - - - -

S T A T E M E N T

By the Commission:

On March 20, 1958, the Commission entered its Decision No. 49849, authorizing the above-styled certificate-holder to suspend operations under PUC No. 3338 until September 3, 1958.

The Commission is now in receipt of a communication from said Lawrence W. Dorsey, doing business as "North Fork Stage Line," Paonia, Colorado, requesting reinstatement of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, inasmuch as said certificate-holder has met all requirements of the Commission.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3338 should be, and the same hereby is, reinstated, nunc pro tunc, as of September 3, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1958.

ea

Original

(Decision No. 51143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOUGLAS M. WHEATLEY, BOX 112,)
KREMMLING, COLORADO, FOR AUTHORITY) APPLICATION NO. 16625-PP-Extension
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-5319.)
-)

- - - - - - - - -
October 22, 1958
- - - - - - - - -

Appearances: Douglas M. Wheatley, Kremmling, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Douglas M. Wheatley, Kremmling, Colorado, was 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, operations to be limited to the use of dump trucks, only,

said operating rights being known as "Permit No. B-5319."

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-5319, to include the right to transport forest and timber products, from point to point within a radius of sixty miles of Kremmling, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is the owner and operator of Permit No. B-5319; that he owns a 1952 and a 1953 International dump truck; that his net worth is $30,000; that he has received many requests for his proposed extended operation; that he is presently operating under Temporary Authority issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-5319, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Douglas M. Wheatley, Kremmling, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5319, to include the right to transport forest and timber products, from point to point within a radius of sixty miles of Kremmling, 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

Ralph C Horton

John P Thompson

Joseph F Mayo

Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ea

original

(Decision No. 51144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PHINEAS F. HERRINGTON, WALDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16621-PP

October 22, 1958

Appearances: Phineas F. Herrington, Walden, 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 forest and sawmill products, within the State of Colorado, from forests to sawmills within a radius of fifty miles of Walden, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is presently engaged in transportation of forest and sawmill products, under Temporary Authority issued by this Commission;

that he is the owner of a 1955 International Truck; that his net worth is $15,000; that he has received many requests for his proposed service.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Phineas F. Herrington, Walden, 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 forest and sawmill products, within the State of Colorado, from forests to sawmills within a radius of fifty miles of Walden, Colorado.

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 authority sheets.

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 22nd day of October, 1958

mls

original

(Decision No. 51145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID L. CHAVEZ, 4669 THOMPSON)
COURT, DENVER, COLORADO, FOR A CLASS) APPLICATION NO. 16613-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 22, 1958

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; clay, from pits and supply points within a radius of fifty miles of Denver, to points within a radius of twenty miles of Denver; peat moss and fertilizer, between points within a radius of one hundred miles of Denver; coal, from mines in the northern Colorado coal fields, to points within a

radius of twenty-five miles of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, State Office Building, Denver, Colorado, October 6, 1958, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

The files of the Commission disclose that applicant is qualified, financially, and by experience, to conduct his proposed operation; that he is presently operating under Temporary Authority issued by this Commission; that proper insurance filing has been made with the Commission by applicant herein.

Attorney for Protestant R. B. "Dick" Wilson, Inc., stated they would have no objection to the granting of authority herein sought, if transportation of road-surfacing materials were limited to the use of dump trucks, only.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That David L. Chavez, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; clay, from pits and supply points within a radius of fifty miles of Denver, to points within a radius of twenty miles of Denver; peat moss and fertilizer, between points within a radius of one hundred miles of Denver; coal, from mines in the Northern Colorado coal fields, to points within a radius of twenty-five miles of Denver, Colorado, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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 22nd day of October, 1958.

mls

Original

(Decision No. 51146)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARIANNE RICHARDS, DOING BUSINESS AS "RICHARDS CONSTRUCTION COMPANY," BOX 183, DERBY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16615-PP

October 22, 1958

Appearances: Robert Richards, Derby, Colorado, for Applicant;
Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 6, 1958, at two o'clock P. M., due

notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Robert Richards testified he is husband of applicant herein; that applicant owns a 1956 Chevrolet Dump Truck, and has a net worth of $10,000; that she is presently engaged in transportation of sand and gravel, under Temporary Authority issued by this Commission; that she has received many requests for said service; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by the testimony at the hearing.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of said Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That Marianne Richards, doing business as "Richards Construction Company," Derby, Colorado, should be, and she 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 inthe State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 her customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon her 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 22nd day of October, 1958.

mls

(Decision No. 51147)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH M. ALLEN, P. O. BOX 285,)
GOLDEN, COLORADO, FOR A CLASS "B") APPLICATION NO. 16612-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
- -)

- - - - - - - -
October 22, 1958
- - - - - - - -

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado, for
R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 6, 1958, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

The files of the Commission indicate that applicant is qualified, financially and by experience, to conduct the proposed operations; that he is presently operating under Temporary Authority issued by this Commission; that proper insurance filing has been made with the Commission.

Attorney for Protestant, R. B. "Dick" Wilson, Inc., stated there would be no objection to authority herein sought, in the event transportation of road-surfacing materials were limited to the use of dump trucks, only.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Ralph M. Allen, Golden, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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 22nd day of October, 1958.

ea

(Decision No. 51148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETE VELCOFF, ERIE, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 16616-PP-Extension
UNDER PERMIT NO. B-4488.)
-)

- - - - - - - - -
October 22, 1958
- - - - - - - - -

Appearances: Pete Velcoff, Erie, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-4488, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 6, 1958, at two o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated for hearing, with Edwin R. Lundborg, as Examiner, conduting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is the owner and operator of Permit No. B-4488; that he is presently engaged in transportation of sand and gravel, under Temporary Authority issued by the Commission; that he is the owner of a 1949 Chevrolet Dump Truck; that his net worth is $7,000; that he has received many requests for his proposed extended operation; that he is agreeable that transportation of sand and gravel be limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's extended motor vehicle private carrier operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant be authorized to extend operations under Permit No. B-4488, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-4488, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That Pete Velcoff, Erie, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4488, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

Ralph C Hatton

John P Thompson

Joseph L Nigro

Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ea

(Decision No. 51149)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL J. STONE, BOX 143, KREMMLING,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER) APPLICATION NO. 16624-PP
BY MOTOR VEHICLE FOR HIRE)
- -)

- - - - - - - -
October 22, 1958
- - - - - - - -

Appearances: Doris M. Stone, Kremmling, Colorado, for Applicant.

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 logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests, and requests that in the event authority herein sought is granted, operating rights be known as "Permit No. B-5043," being the number of a permit formerly held by him.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Doris M. Stone appeared in behalf of applicant, stating she was

his wife; that applicant is the owner of a 1948 White Tractor, and a 1955 pole trailer; that his net worth is $10,000; that he has received many requests for his proposed service.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Carl J. Stone, Kremmling, 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 logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests.

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, thenecessary tariffs, required insurance, and has secured authority sheets.

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 operating rights herein granted shall be known as "Permit No. B-5043."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Hoban

Chas L Thompson

Joseph F Nigro

Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1958.

ea

original

(Decision No. 51150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD E. SHEARS, GRANBY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 16622-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

October 22, 1958

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct

the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

The files of the Commission disclose that applicant is qualified, by experience and financially, to conduct the proposed operation; that he is presently operating under Temporary Authority issued by this Commission; that proper insurance filing has been made with the Commission.

The files further disclose that on September 30, 1958, Jones and Meiklejohn, Attorneys for R. B. "Dick" Wilson, Inc., filed a statement with the Commission, to the effect that protestant would not object to the granting of authority herein sought, if the transportation of road-surfacing materials were limited to the use of dump trucks.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Edward E. Shears, Granby, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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 22nd day of October, 1958.

mls

original

(Decision No. 51151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LOYD NESBITT, YAMPA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16640-PP

October 22, 1958

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 pulp wood, from point to point within a radius of fifty miles of Yampa, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Hot Sulphur Springs, Colorado, October 7, 1958, at 11:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 6, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

The files of the Commission disclose that applicant is qualified by experience and financially, to conduct his proposed operations; that proper insurance filing has been made with the Commission.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Loyd Nesbitt, Yampa, 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 pulp wood, from point to point within a radius of fifty miles of Yampa, Colorado.

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

authority sheets.

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

Ralph C. Carlson

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 22nd day of October, 1958.

mls

(Decision No. 51152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASES AND REDUCTIONS IN RATES AND VARIOUS CHANGES IN RULES, REGULATIONS AND PROVISIONS, IN THE SO-CALLED HEAVY COMMODITIES TARIFF, THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, MOTOR FREIGHT TARIFF NO. 13, COLORADO P.U.C. NO. 12, ISSUED BY J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 414

October 23, 1958

S T A T E M E N T

By the Commission:

By an order dated June 19, 1958 (Decision No. 50460), the Commission entered upon a hearing concerning the lawfulness of certain rates, rules, regulations and provisions, covering the movement of so-called heavy commodities as published in a tariff designated in said order.

Pending such hearing and a decision, the Commission ordered that the operation of the schedules contained in said tariff be suspended, and that the use of the rates, rules, regulations and provisions therein stated be deferred upon intrastate traffic until October 26, 1958, unless otherwise ordered.

F I N D I N G S

THE COMMISSION FINDS:

That such hearing and decision cannot be concluded within the period of suspension above stated, and that the schedules stated in said tariff should be further suspended.

O R D E R

THE COMMISSION ORDERS, That:

1. The operation of the schedules contained in the tariff specified in its order dated June 19, 1958 (Decision No. 50460), be further suspended, and that the use of the rates, rules, regulations and provisions therein stated be further deferred upon Colorado intrastate traffic until the 26th day of April, 1959, unless otherwise ordered by the Commission, and no change shall be made in such rates, rules, regulations and provisions during the said period of suspension.

2. The rates, rules, regulations and provisions thereby sought to be altered shall not be changed by any subsequent tariff or schedules until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired.

3. A copy of this order be filed with said tariff in the office of the Commission and that a copy hereof be forthwith served upon:

J. R. Smith, Chief of Tariff Bureau, Motor Truck Common Carriers' Association, 4060 Elati Street, Denver 16, Colorado;

R. B. Danks, Esq., 105 Filmore St., Denver 9, Colorado;

J. P. Norman, 1410 16th St., Denver 2, Colorado;

Hubert Work, 1700 15th St., Denver 2, Colorado;

C. A. Grant, 614 Denham Bldg., Denver 2, Colorado;

Paul F. Santo, 1940 Blake St., Denver 2, Colorado;

James A. Duffy, 1521 20th St., Denver 2, Colorado;

Ben Goldstein, 3434 Walnut St., Denver 5, Colorado;

Joseph J. McCabe, 1790 Logan St., Denver 3, Colorado;

Raymond L. Pherson, Pherson Trucking Company, Boulder, Colo.;

Philip E. Bolian, Esq., P.O. Box 1979, Tulsa, Oklahoma;

M. W. Standridge, P.O. Drawer 1710, Tulsa, Oklahoma;

D. E. Furnas, Phillips Petroleum Company, Adams Bldg., Bartlesville, Oklahoma;

Lewis H. Echart, P.O. Box 2880, Dallas, Texas;

F. M. Magruder, P.O. Box 591, Tulsa, Oklahoma;

John Cash, P.O. Box 4567, Tulsa, Oklahoma;

W. H. Behr, Jr., Continental Oil Company, 1755 Glenarm Place, Denver 2, Colorado;

Wm. DeBoer, Colorado Fuel & Iron Corporation, 503 Continental Oil Bldg., Denver 2, Colorado;

E. M. Wilkerson, Sinclair Oil & Gas Company, Denver Club Bldg., Denver 2, Colorado;

A. S. Bonney, Colorado Builders Supply Company, 1534 Blake St., Denver 2, Colorado.

4. This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John P. Thompson

Joseph F. Negri

Commissioners

COMMISSIONER HORTON NOT PRESENT.

Dated at Denver, Colorado,
this 23rd day of October, 1958.

mem

(Decision No.51153)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF SPRINGER ELECTRIC COOPERATIVE, INC., SPRINGER, NEW MEXICO, A NEW MEXICO CORPORATION AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING IT TO ENCUMBER ALL OF ITS PROPERTY IN FAVOR OF THE RURAL ELECTRIFICATION ADMINISTRATION TO SECURE A LOAN FROM SAID ADMINISTRATION IN THE SUM OF $238,000.00.	APPLICATION NO. 16695 Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed October 22, 1958, by Springer Electric Cooperative, Inc., a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing November 6, 1958, at 9:00 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 October 31, 1958, 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

Joseph C Hoston

John L Temple

Joseph F Nigro

Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1958.

original

(Decision No. 51154)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. T. GUILD AND W. D. GUILD, DOING BUSINESS AS "GUILD BROTHERS," GENERAL DELIVERY, DOLORES, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16600-PP

October 27, 1958

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and lumber, from point to point within a radius of fifty miles of Dolores, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, October 29, 1958, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Conour and Conour, Attorneys for Applicants herein, stating said applicants do not desire 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 hearing of the above-styled application, presently set for October 29, 1958, at Durango, Colorado, should be, and the same hereby is, vacated.

That Application No. 16600-PP should be, and the same hereby is, dismissed, at request of Attorneys for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of October, 1958.

(Decision No. 51155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUSSELL LUNKE, GENERAL DELIVERY,)
DOLORES, COLORADO, FOR A CLASS "B") APPLICATION NO. 16602-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

October 27, 1958

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein sought authority to operate a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and lumber, from point to point within a radius of fifty miles of Dolores, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, October 29, 1958, at 9:30 o'clock A M., due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Conour and Conour, Attorneys for Applicant herein, stating said applicant does not desire 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 hearing of the above-styled application, presently set

for October 29, 1958, at Durango, Colorado, should be, and the same hereby is, vacated.

That Application No. 16602-PP should be, and the same hereby is, dismissed, at request of Attorneys for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of October, 1958.

mls

Original

(Decision No. 51156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MRS. VERNICE WRAY, WIDOW OF ED WRAY, DECEASED, 1045 COLLIER STREET, LONGMONT, COLORADO, FOR REINSTATEMENT OF PERMIT NO. B-4641, AND FOR AUTHORITY TO TRANSFER SAID PERMIT TO JOHN L. SHUPE AND IVAN D. SHUPE, CO-PARTNERS, DOING BUSINESS AS "SHUPE BROTHERS," 500 26TH STREET, GREELEY, COLORADO.

APPLICATION NO. 16588-PP Transfer

RE MOTOR VEHICLE OPERATIONS UNDER PERMIT NO. B-4641, HERETOFORE ISSUED TO ED WRAY, 1045 COLLIER STREET, LONGMONT, COLORADO, NOW DECEASED.

PERMIT NO. B-4641

October 28, 1958

Appearances: Charles A. Karowsky, Esq., Greeley, Colorado, for Applicants;
Howard D. Hicks, Denver, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Ed Wray, of Longmont, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> grain and feed (loose or sacked), between points within a radius of seventy miles of Longmont, Colorado, and between said points within said radius, to all points in the State of Colorado, he, however, not to be permitted to open any other office for the solicitation of business,

said operating rights being known as "Permit No. B-4641."

Thereafter, said permit-holder departed this life, and, on February 26, 1958, the Commission entered its Decision No. 49718, authorizing suspension of operations under said Permit No. B-4641 until

August 26, 1958.

On July 21, 1958, the above-styled application was filed with the Commission, seeking reinstatement of said permit, and authority to transfer said operating rights to John L. Shupe and Ivan D. Shupe, co-partners, doing business as "Shupe Brothers," Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, October 2, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Etta Vernice Wray testified she acquired, and became the lawful owner of, Permit No. B-4641, by virtue of Last Will and Testament of Willis Edker Wray, also known as "Ed Wray," her deceased husband, wherein she was sole heir; that the consideration for transfer of said operating rights is the sum of $150.00; that there are no debts outstanding against said operation.

Ivan D. Shupe appeared at the hearing, and testified he and his brother, as co-partners, operating under the trade name and style of "Shupe Brothers," were transferees herein; that they have had many years' experience in the trucking business; that they have ample and suitable equipment with which to conduct the operation; that their net worth is in excess of $100,000; that they are owners of PUC No. 2604-I and Permit No. M-2593, issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

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

Report of the Examiner recommends that transfer of operating rights herein sought should be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That Permit No. B-4641 should be reinstated, nunc pro tunc, as of July 21, 1958.

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of indebtedness against said permit, if any there be, whether secured or unsecured.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Permit No. B-4641 should be, and the same hereby is, reinstated, nunc pro tunc, as of the 21st day of July, 1958.

That Mrs. Vernice Wray, Widow of Ed Wray, Deceased, Longmont, Colorado, should be, and she hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-4641 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to John L. Shupe and Ivan D. Shupe, copartners, doing business as "Shupe Brothers," Greeley, 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 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, unless such time shall be extended by the Commission, upon proper application.

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 the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of October, 1958.

mls

(Decision No. 51157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TED MENDIAS, FIRESTONE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16585-PP

October 28, 1958

Appearances: Ted Mendias, Firestone, 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 farm produce, excluding livestock, from point to point within a radius of fifty miles of Fort Lupton, Colorado, and from and to Fort Lupton, Colorado, to and from Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, October 2, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proveedings to the Commission.

Report of said Examiner states that at the hearing applicnat herein testified he is presently engaged in transportation of farm produce, excluding livestock, under Temporary Authority issued

by this Commission; that he is the owner of a G.M.C.two-ton truck, and has a net worth of $3,600; that he has had many requests for said service; that if authority herein sought is granted, he will obey the rules and regulations of the Commission.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Ted Mendias, Firestone, 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 point to point within a radius of fifty miles of Fort Lupton, Colorado, and from and to Fort Lupton, Colorado, to and from Denver, Colorado.

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 authority sheets.

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

Ralph C Norton

John P Thompson

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of October, 1958.

ea

(Decision No. 51158)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES P. BENNETT, BOX 92, WEST END POST OFFICE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16632-PP

October 28, 1958

Appearances: James P. Bennett, Colorado Springs, 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 trash, from Academy Site to dump.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is the owner of a two-ton Chevrolet Truck; that he has a net worth of $3,000; that he has made proper insurance filing with the Commission; that he has received many requests for

his proposed operations; that in the event authority herein sought is granted, he will obey the rules and regulations of the Commission.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations will impair the efficiency of the service of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That James P. Bennett, Colorado Springs, 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 ashes, trash, and other waste materials, from the Air Force Academy site, to dump sites located at Black Forest, Colorado, and/or other regularly designated and approved dumps and disposal places located in either El Paso or Douglas Counties, Colorado.

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 authority sheets.

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

Ralph C Horton

John P Kempfer

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of October, 1958.

ea

(Decision No. 51159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DELBERT ALLENBAUGH, 1203 NORTH 11TH, GARDEN CITY, KANSAS, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO LEE TRESNER, 104 NORTH 10TH, GARDEN CITY, KANSAS.

PUC NO. 3220-I-Transfer

October 28, 1958

S T A T E M E N T

By the Commission:

Heretofore, Delbert Allenbaugh, Garden City, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935 as amended to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 3220-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Lee Tresner, Garden City, 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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Delbert Allenbaugh, Garden City, Kansas, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3220-I to Lee Tresner, Garden City, Kansas, 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 Delbert Allenbaugh, Garden City, Kansas, should be, and he hereby is, authorized to transfer all right, title and interest in and to PUC No. 3220-I to Lee Tresner, Garden City, Kansas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisons 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.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of October, 1958.

ea

(Decision No. 51160)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN L. SHUPE AND IVAN D. SHUPE, CO-PARTNERS, DOING BUSINESS AS "SHUPE BROTHERS," 500 26TH STREET, GREELEY, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4641.	APPLICATION NO. 16589-PP-Extension

October 29, 1958

Appearances: Charles A. Karowsky, Esq., Greeley, Colorado, for Applicants; Howard D. Hicks, Denver, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Ed Wray, of Longmont, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> grain and feed (loose or sacked), between points within a radius of seventy miles of Longmont, Colorado, and between said points within said radius, to all points in the State of Colorado, he, however, not to be permitted to open any other office for the solicitation of business,

said operating rights being known as "Permit No. B-4641."

Thereafter, said permit-holder departed this life, and, on February 26, 1958, the Commission entered its Decision No. 49718, authorizing suspension of operations under said Permit No. B-4641 until August 26, 1958.

On July 21, 1958, application was filed with the Commission by Etta Vernice Wray, Widow of said Ed Wray, seeking authority to transfer said operating rights to John L. Shupe and Ivan D. Shupe, co-partners, doing business as "Shupe Brothers," Greeley, Colorado, and on October 28, 1958, the Commission entered its Decision No. 51156, in Application No. 16588-PP, authorizing said transfer, and reinstating said operating rights, as of July 21,1958.

By the above-styled application, John L. Shupe and Ivan D. Shupe, co-partners, doing business as "Shupe Brothers," Greeley, Colorado, seek authority to extend operations under said Permit No. B-4641, to include the right to transport farm produce, between points within a radius of seventy miles of Longmont, Colorado, and between points within said radius, to all points within the State of Colorado, and for authority to change office from Longmont, Colorado, to Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, October 2, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting areport of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Ivan D. Shupe, one of applicants herein, testified applicants have had many years' experience in hauling farm produce, in interstate traffic; that they own seven three-axle tractors and nine tandem trailers; that they have a net worth in excess of $100,000; that they have had many requests for their proposed extended service, because no common carrier in the area will render said proposed service. Witness further stated that if the proposed extended service is authorized by the Commission, it would be necessary to change base of operations from Longmont, Colorado, as set forth in the present authority, to Greeley, Colorado, inasmuch as he and his brother and their families live in Greeley; Greeley has been their base of operations for years; all applicants' equipment and other facilities are located in Greeley;

the bulk of their business would emanate from the Greeley area, and they could not profitably operate elsewhere.

Several shipper-witnesses appeared in support of the instant application. Their testimony, in general, disclosed need for applicants' extended service, because of their inability to obtain prompt and adequate service from common carriers serving in the area involved. Their testimony disclosed they had lost business and money because of their inability to secure adequate transportation.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicants' proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicants.

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicants herein should be authorized to extend operations under Permit No. B-4641, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That John L. Shupe and Ivan D. Shupe, co-partners, doing business as "Shupe Brothers," Greeley, Colorado, should be, and

they hereby are, authorized to extend operations under Permit No. B-4641, to include the right to transport farm produce, between points within a radius of seventy miles of Longmont, Colorado, and between points within said radius, to all points within the State of Colorado.

That this Order is made part of the permit granted to applicant.

That the restriction contained in Decision No. 40751, which states:

> "Applicant, however, shall retain his office in Longmont, Colorado, and shall not be permitted to open any other office for the solicitation of business,"

shall be changed to read as follows:

> "Applicants, however, shall retain their office in Greeley, Colorado, and shall not be permitted to open any other office for the development of business."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John P. Thompson

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

ea

(Decision No. 51161)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NO. 106, THE COLORADO)
MOTOR CARRIERS' ASSOCIATION, AGENT,)
J. R. SMITH, CHIEF OF TARIFF BUREAU,)
FOR AND ON BEHALF OF CARRIERS PARTY) CASE NO. 1585
TO ITS MOTOR FREIGHT TARIFF NO. 14,)
COLORADO P.U.C. NO. 13, TO PUBLISH)
A RULE, VIZ.: "COMBINING SHIPMENTS)
AT ONE LOADING POINT," FOR LIVESTOCK.)

October 28, 1958

S T A T E M E N T

By the Commission:

On September 29, 1958, there was filed with the Commission the above stated application by the Colorado Motor Carriers' Association, as Agent, for and on behalf of all livestock carriers parties to its tariff, that it be permitted to publish the following tariff change to become effective upon less than statutory notice in Motor Freight Tariff No. 14, Colorado P.U.C. No. 13.

Combining Shipments at One Loading Point:

> In the event any single shipper does not have tonnage sufficient to enable him to take advantage of the truckload rates, shipments from more than one owner at one loading point to one unloading point may be consolidated and the rate to be charged will be that applicable on the total weight of the combined shipments.

The petitioner states in the application the following facts as justifying the request herein made:

> "On September 5, 1958, other livestock carriers parties to the above tariff were advised that the Estes Trucking Company had taken independent action under the Bureau's Rules of Procedure and had requested that the above rule be published for its account to apply within a 50-mile radius of Rifle.
>
> "Since that letter was mailed to the other carriers, your petitioner has received many replies requesting that the proposed rule be published to apply within, from and to points in other areas or territories.

"Inasmuch as we have received those requests, and in view of the fact that this rule is included in the proposed complete revision of all livestock rates, rules and regulations for general application, we are of the opinion that the rule should be made applicable statewide for all carriers without restriction.

"In further support of our request for authority to publish this rule for general application, we should like to direct your attention to the following portion of the Commission's findings in Decision No. 50910 of September 12, 1958:

> 'Shippers should be permitted to consolidate loads and thus obtain the lower rates applicable to larger shipments; where the shippers assemble their loads to permit loading the group at a single point and unloading at another single point, no special or extra charge should be assessed; * * * ' "

F I N D I N G S

THE COMMISSION FINDS, That:

Application No. 106 as filed to publish an Item No. 1315 (Combining Shipments at One Loading Point), as stated in above statement, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, appears to represent a just, fair and reasonable rule and should be authorized and an order entered prescribing the said publication upon one day's filing.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings be and they are hereby made a part hereof.

2. The request as filed to publish a rule as set forth in the statement of this order shall become effective November 3, 1958, upon one day's filing and posting according to the Rules and Regulations of this Commission and shall be considered a prescribed rule.

3. On and after November 3, 1958, all motor vehicle common carriers transporting livestock shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

4. All motor vehicle common carriers who are affected by the rule prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

5. All private carriers by motor vehicle to the extent they are affected by the rule involved herein shall publish, or cause to be published, provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

6. 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.

7. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Commissioners

COMMISSIONER NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of October, 1958.

mem

original

(Decision No. 51162)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDWIN C. MEYER, 614 17TH STREET, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-577 TO ALVIN O. NORDELL, c/o ERVIN HENRY, BOX 384, JOHNSTOWN, COLORADO.

APPLICATION NO. 16586-PP-Transfer

October 29, 1958

Appearances: Alvin O. Nordell, Johnstown, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Edwin C. Meyer, Greeley, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

milk, from points in the area described as:

beginning at Johnstown; thence north to U. S. Highway No. 34; thence east along said highway to the northeast corner of Section 12, Township 5-North, Range 66-West; thence south to the southeast corner of Section 13, Township 4-North, Range 66-West; thence west to the southwest corner of Section 16, Township 4-North, Range 67-West; thence north to the point of beginning, to Johnstown, Colorado, with back-haul of empty cans;

milk, only, to Johnstown, Colorado, from the territory described as:

Sections 7, 8, 9, 10, 15, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in Township 4-North, Range 67-West, and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in Township 4-North, Range 68-West, and Sections 3 to 10, inclusive, in Township 3-North, Range 67-West, and Sections 1, 2, 11, and 12, in Township 3-North, Range 68-West, with back-haul of empty cans;

milk, only, to Johnstown, Colorado, from the territory described as: Sections 7, 8, 9, 10,

15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in Township 4-North, Range 67-West, and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in Township 4-North, Range 68-West, and Sections 3 to 10, inclusive, in Township 3-North, Range 67-West, and Sections 1, 2, 11, and 12 in Township 3-North, Range 68-West, with back-haul of empty cans,

said operating rights being designated "Permit No. A-577."

By the above-styled application, said permit-holder seeks authority to transfer said Permit No. A-577 to Alvin O. Nordell, Johnstown, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, at ten o'clock A. M., October 2, 1958, due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Alvin O. Nordell, Transferee herein, testified he is the owner of a 1949 two-ton Chevrolet Truck and a 1957 two-ton Chevrolet truck; that he has a net worth of $8,500; that the consideration for transfer of Permit No. A-577 is the sum of $2,500, of which $1,000 has been paid, the balance being secured by a promissory note, to be paid at the rate of $50 per month until paid in full; that neither he nor transferor herein have any financial or proprietary interest in any other operating rights issued by this Commission.

No one appeared in opposition to the granting of authority herein sought.

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

Report of the Examiner recommends that transfer herein sought should be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest and should be authprized, subject to payment of outstanding indebtedness against said operation, if any there be.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Edwin C. Meyer, Greeley, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-577 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Alvin O. Nordell, Johnstown, 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 auth-

ority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

mls

original

(Decision No. 51163)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS BUSH, 2931 NORTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16633-PP

October 29, 1958

Appearances: Thomas Bush, Colorado Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1956 Ford Dump Truck, and has a net worth of $4,200; that he has received many requests for his proposed operations; that he is agreeable to limitation to the use of dump trucks, only, in transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Thomas Bush, Colorado Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

mls

original

-(Decision No. 51164)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER RUMNEY AND CELESTE W. RUMNEY,)
ROUTE 4, BOX 287, GREELEY, COLORADO,) APPLICATION NO. 16587-PP-Transfer
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-729 TO RUMNEY TRUCK SERVICE, INC.,)
BOX 287, GREELEY, COLORADO.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
October 29, 1958
- - - - - - - - - -

Appearances: Barry, Hupp and Dawkins, Esqs., Denver, Colorado, by Paul M. Hupp, Esq., Denver, Colorado, for Applicants; Howard Hicks, Denver, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Walter Rumney and Celeste W. Rumney, Greeley, Colorado, were granted a Class "B" permit, authorizing them to operate as a private carrier by motor vehicle for hire, for the transportation of:

> monuments, stone, gravel, tile, brick, machinery, steel, grain, beans, seed, beet tops, lumber, oil well equipment, coal, and, when moving farmers from place to place, household goods, farm equipment, and livestock, between points within the State of Colorado,

said operating rights being known as "Permit No. B-729."

By the above-styled application, said permit-holders seek authority to transfer said Permit No. B-729 to Rumney Truck Service, Inc., Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, October 2, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 19, 1958, the Commission, as provided by law,

designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Walter Rumney, one of applicants herein, testified he and his wife, as a co-partnership, have owned and operated Permit No. B-729 for several years; that they have formed a family corporation for the express purpose of transferring said permit to said corporation; that copy of Articles of Incorporation is on file with the Commission; that transferors herein will continue active management and operation of transferee corporation; that the purpose of transfer of said operating rights was for tax reasons, and to avoid certain estate problems, if he or his wife were to die; that the consideration for transfer is all Capital Stock of said corporation; that said corporation has ample equipment, and is financially able to carry on said operation; that the proper name of the corporation is "Rumney Truck Service, Inc."

Report of the Examiner further states that base of operations of transferors has been in the Greeley area; therefore, he recommends that the authority herein sought to be transferred contain a restriction of establishment of an office to the City of Greeley, Colorado, for the purpose of developing business, and that, so restricted, said transfer should be authorized.

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

No one appeared in opposition to the granting of authority herein sought.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part

of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Walter Rumney and Celeste W. Rumney, co-partners, Greeley, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-729 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Rumney Truck Service, Inc., Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

Transferee herein shall not have the right to establish an office in any town or city other than Greeley, Colorado, for the purpose of developing business under Permit No. B-729, unless permission so to do is first had and obtained from this Commission.

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 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, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

mls

(Decision No. 51165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. KIGER, 210 CRYSTAL PARK ROAD, MANITOU SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 16634-PP

October 29, 1958

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points;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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to

conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of the Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel.

Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

The files and records of the Commission disclose that applicant is qualified, both by experience and financially, to conduce his proposed operation; that he is presently operating under Temporary Authority issued by this Commission; that proper insurance filing has been made with the Commission by applicant.

Written protest was filed by Jones and Meiklejohn, Attorneys, on behalf of R. B. "Dick" Wilson, Inc., objecting to issuance of authority to applicant herein to transport road-surfacing materials in any other type equipment but dump trucks.

It does not appear that applicant's proposed operations, as limited by the Order following, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That E. Kiger, Manitou Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.
ea

Original

(Decision No. 51166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DONALD L. CHIDO AND EDITH JOYCE CHIDO, CO-PARTNERS, DOING BUSINESS AS "FRENCHIE'S CLEAN-UP SERVICE," ROUTE 3, GOLDEN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 2605 TO GOLDEN ASH & TRASH SERVICE COMPANY, A CORPORATION, BOX 924, GOLDEN, COLORADO.	APPLICATION NO. 16611-Transfer

October 29, 1958

Appearances: George G. Christiansen, Esq., Denver, Colorado, for Transferor;
I. E. Kaiser, Esq., Denver, Colorado, for Transferee;
Norris M Nelson, Golden, Colorado, for Mountain Disposal;
William F. Malenk, Golden, Colorado, pro se;
Ray Jenkins, Golden, Colorado, for Golden Disposal.

S T A T E M E N T

By the Commission:

Heretofore, Donald L. Chido and Edith Joyce Chido, co-partners, doing business as "Frenchie's Clean-Up Service," Golden, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation, on call and demand, of:

> ashes, trash, topsoil, and fertilizer, in the City of G olden, Colorado, and a radius of five miles thereof; garbage, in the area described as: The City of Golden, Colorado, and a radius of five miles from the center thereof, excluding an area described as: Extending from the line commonly designated as the center 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 said excluded area,

and extending from a line 300 feet north of and paralleling West 26th Avenue, which said last 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,

said operating rights being designated "PUC No. 2605."

By the above-styled application, said certificate-holders seek authority to transfer said operating rights to Golden Ash and Trash Service Company, a corporation, Golden, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 6, 1958, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On October 3, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, Donald Jamison, General Manager of Golden Ash and Trash Service Company, transferee herein, appeared and testified that transferee is a Colorado corporation; that its Articles of Incorporation are on file with the Commission; that its net worth is in excess of $500; that it owns one 1951 Ford three-fourths-ton pick-up truck, and is currently renting or leasing one 1954 Chevrolet one-half-ton pick-up truck; that the consideration for transfer of said operating rights is the sum of $1,000; that there are no outstanding unpaid operating obligations against said certificate.

Three customers appeared in support of the application, testifying as to excellent service, and stating they desired said service to continue.

Report of the Examiner further states that thre protestants, viz., Norris M. Nelson, doing business as "Mountain Disposal," William F. Malenk, and Ray Jenkins, doing business as "Golden Disposal," appeared at the hearing and testified in opposition to the granting of authority herein sought, stating that if the proposed transfer were denied, it would tend to help their business by decreasing competition.

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

Report of the Examiner recommends that authority herein sought be granted, inasmuch as protestants herein would not be faced with additional competition.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

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.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Donald L. Chido and Edith Joyce Chido, co-partners, doing business as "Frenchie's Clean-Up Service," Golden, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2605 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Golden Ash & Trash Service Company, Golden, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners .

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

ea

Original

(Decision No. 51167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. P. LITTELL, 3100 WOOD AVENUE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16635-PP

October 29, 1958

Appearances: Willie Littell, Colorado Springs, Colorado, for Applicant.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundburg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Willie Littell testified she is the wife of applicant herein; that her husband is now operating under Temporary Authority issued by this Commission; that he is the owner of two 1958 Ford Dump Trucks, and has a net worth of $1,000; that he has received many requests for his proposed operation; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by the testimony at the hearing.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That R. P. Littell, Colorado Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

ea

(Decision No. 51168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAROLD E. TINSLEY, DOING BUSINESS AS "TINSLEY MILK LINE," 2623 EAST MONUMENT, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 1570.	APPLICATION NO. 16631-Extension

October 29, 1958

Appearances: Harold E. Tinsley, Colorado Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Harold E. Tinsley, doing business as "Tinsley Milk Line," Colorado Springs, Colorado, owner and operator of PUC No. 1570, seeks authority to extend operations under said certificate, to include the right to transport bulk milk, in tank trucks, as well as in cans, from Peyton, Calhan, Fondis, Falcon, Elbert, and Ellicott, Colorado, to Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified that he is the owner of a 1957 two and one-half ton G.M.C. tank-type truck, and a two-ton 1951 Chevrolet Truck; that he has a net worth of $17,000; that he has received many requests for his proposed extended service.

No one appeared in opposition to the granting of authority herein sought.

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein, authorizing extended operations under PUC No. 1570.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of applicant herein, under PUC No. 1570, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Harold E. Tinsley, doing business as "Tinsley Milk Line," Colorado Springs, Colorado, under PUC No. 1570, to include the right to transport bulk milk, in tank trucks, as well as in cans, from Peyton, Calhan, Fondis, Falcon, Elbert, and Ellicott, Colorado, to 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 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.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

ea

(Decision No. 51169)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF G. H. SAGER, DOING BUSINESS AS "SAGER MINING COMPANY," 525 CHEYENNE BOULEVARD, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16636-PP

October 29, 1958

Appearances: G. H. Sager, Colorado Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is the owner of a 1955 Ford Truck, and has a net worth of $5,000; that he has had many requests for the services proposed; that he is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That G. H. Sager, doing business as "Sager Mining Company," Colorado Springs, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and upply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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

Joseph C. Norton

John L. Compton

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.
Dated at Denver, Colorado,
this 29th day of October, 1958.
ea

Original

(Decision No. 51170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CORNELIUS VAN AND HEAVY HAULING COMPANY, BOX 1668, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 343 AND PUC NO. 343-I TO DALBY TRANSFER & STORAGE, INC., BOX 1668, COLORADO SPRINGS, COLORADO.) APPLICATION NO. 16630-Transfer

October 29, 1958

Appearances: R. George Silvola, Esq., Colorado Springs, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Cornelius Van and Heavy Hauling Company, Colorado Springs, Colorado, owner and operator of PUC Nos. 343 and 343-I, seeks authority to transfer said operating rights to Dalby Transfer & Storage, Inc., Colorado Springs, Colorado, said PUC Nos. 343 and 343-I being the right to operate as a common carrier by motor vehicle for hire, for:

> the conduct of a transfer, moving and general cartage business in the Counties of El Paso, Teller, Fremont, and Douglas, in the State of Colorado, and for occasional service throughout the State of Colorado and in each of the counties thereof, subject to the terms and conditions that for transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as 20% higher in all cases than those charged by scheduled carriers; applicant shall not operate on schedule between any points; applicant shall not be permitted, without further authority from this Commission, to establish a branch office, or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business;
>
> transportation of general commodities, including new and used household goods, between points located within the corporate limits of Colorado Springs, Colorado;

transportation of freight, between all points in Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 9, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, R. George Silvola, Esq., appeared and testified for applicants herein, stating the purpose of the transfer was for unity of ownership, in that transferor is a wholly-owned subsidiary of transferee; that if this Commission approves said transfer, transferor corporation will be dissolved; that there is no consideration for transfer of said operating rights; that transferee will use the same equipment heretofore used by transferor; that the operations conducted under said certificates will be under the same management; that neither transferor nor transferee has any financial or proprietary interest in any other operating right granted by this Commission. Articles of Incorporation of Dalby Transfer & Storage, Inc., Dalby Transfer & Storage, Inc., Balance Sheet, as of June 30, 1958, and Affidavit of Debts were introduced in evidence.

No one appeared in opposition to the granting of authority herein sought.

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

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

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.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Cornelius Van and Heavy Hauling Company, Colorado Springs, Colorado, should be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 343 and PUC No. 343-I -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Dalby Transfer & Storage, Inc., Colorado Springs, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

That transfer 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 twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of October, 1958.

ea

(Decision No. 51171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)
MINNIE L. AND LESLIE D. ARMSTRONG,)
DOING BUSINESS AS "LA BELLE STUDIOS";) PERMIT NO. M-3612
1451 SOUTH BROADWAY, DENVER 10,)
COLORADO.)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Minnie L. and Leslie D. Armstrong DBA LaBelle Studios

requesting that Permit No. M-3612 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3612, heretofore issued to Minnie L. and Leslie D. Armstrong DBA LaBelle Studios be,

and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

mq

(Decision No. 51172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR S. HEDEMAN, 771 SOUTH)
SHERMAN AVENUE, LITTLETON,) PERMIT NO. M-5491
COLORADO.)
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur S. Hedeman requesting that Permit No. M-5491 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5491, heretofore issued to Arthur S. Hedeman be,

and the same is hereby, declared cancelled effective October 13, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ELMER C., FERN S. AND DUANE C.)
ROBERTS, DOING BUSINESS AS "ROBERTS)
DISTRIBUTING COMPANY," 1715 9TH)
AVENUE, LONGMONT, COLORADO.)

PERMIT NO. M-5833

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elmer C., Fern S. and Duane C. Roberts, DBA "Roberts Distributing Company" requesting that Permit No. M-5833 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5833, heretofore issued to Elmer C., Fern S. and Duane C. Roberts DBA "Roberts Distributing Company be, and the same is hereby, declared cancelled effective June 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN GAS AND OIL COMPANY, 1000 WEST 3RD, LA JUNTA, COLORADO.) PERMIT NO. M-6270

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Western Gas and Oil Company requesting that Permit No. M-6270 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6270, heretofore issued to Western Gas and Oil Company be, and the same is hereby, declared cancelled effective December 31, 1957.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hoban
Lyn P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
L. J. BENNETT, DOING BUSINESS AS "LAKEWOOD CAR & TRUCK SALES," 9490 WEST COLFAX, LAKEWOOD, COLORADO.) PERMIT NO. M-7054

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. J. Bennett DBA Lakewood Car & Truck Sales requesting that Permit No. M-7054 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7054, heretofore issued to L. J. Bennett DBA Lakewood Car & Truck Sales be,

and the same is hereby, declared cancelled effective October 16, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoyt
John P. Thompson
Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WALDO O. VIGIL, 2630 EAST 14TH,)
PUEBLO, COLORADO.)
) PERMIT NO. M-10277
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Waldo O. Vigil requesting that Permit No. M-10277 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10277, heretofore issued to Waldo O. Vigil be, and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hardesty
Tom P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BERTHA S. ORTIZ, P. O. BOX 374,)
MANASSA, COLORADO.)
) PERMIT NO. M-11596
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bertha S. Ortiz

requesting that Permit No. M-11596 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11596, heretofore issued to Bertha S. Ortiz be,

and the same is hereby, declared cancelled effective October 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hanson
Lyn P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ED HARTZ, STAR ROUTE, BOX 97A,)
MORRISON, COLORADO.)
) PERMIT NO. M-13048
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ed Hartz requesting that Permit No. M-13048 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13048, heretofore issued to Ed Hartz be, and the same is hereby, declared cancelled effective October 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoover
Ron V. Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

(Decision No. 51179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
HARRY BARNES, DOING BUSINESS AS)
"BARNES SERVICE," 402 SOUTH 9TH ST.,) PERMIT NO. M-13757
GARDEN CITY, KANSAS.)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry Barnes DBA Barnes Service

requesting that Permit No. M-13757 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13757, heretofore issued to Harry Barnes DBA Barnes Service be,

and the same is hereby, declared cancelled effective September 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robt. G. Dumm
Wm. P. Thompson
Joseph E. Evans
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 1958.

ma

(Decision No. 51180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DALE V. CLEMENTS, 164 WEST)
ELLSWORTH, DENVER 23, COLORADO.)
) PERMIT NO. M-15012
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dale V. Clements requesting that Permit No. M-15012 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15012, heretofore issued to Dale V. Clements be, and the same is hereby, declared cancelled effective October 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoover
Wm. J. Thompson
Joseph E. Negro
Commissioners

Dated at Denver, Colorado,
this 29th day of October, 1958.

ma

(Decision No. 51181)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
KARL'S SHOE STORE, LTD., BRIGHTON,)
COLORADO.)
) PERMIT NO. M-15481
)
)

October 29, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Karl's Shoe Store, Ltd.

requesting that Permit No. M-15481 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15481, heretofore issued to Karl's Shoe Store, Ltd. be,

and the same is hereby, declared cancelled effective October 5, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
Jim P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 29th day of October, 195 8.

ma

original

(Decision No. 51182)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLORENCE GOODWIN, DOING BUSINESS AS "GOODWIN SEPTIC TANK SERVICE," 1610 DOLORES AVENUE, GRAND JUNCTION, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO 3641.	APPLICATION NO. 16652-Extension

October 31, 1958

Appearances: Florence Goodwin, Grand Junction, Colorado, pro se;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage Company, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Florence Goodwin, Grand Junction, Colorado, was granted a certificate of public convenience and necessity, authorizing operations as a common carrier by motor vehicle for hire, for the transportation of:

> contents of septic tanks, grease traps, cesspools, and outside toilets, from point to point within a radius of sixty miles of Grand Junction, Colorado,

said operating rights being designated "PUC No. 3641."

By the above-styled application, authority is sought to extend operations under said PUC No. 3641, to include the right to transport refuse from lime and sulphur pits, sand traps, stock cisterns, basements, carbide pits, and to extend radius of service to sixty-five miles of Grand Junction, Colorado; also, transportation of house trailers from point to point within said radius.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, need was established for transportation of refuse from lime and sulphur pits, sand traps, stock cisterns, basements, carbide pits, and for extension of present radius from sixty miles of Grand Junction, to a radius of sixty-five miles of Grand Junction; however, no need was established for the transportation of trailers, and such proposed service was vigorously protested.

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 public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Florence Goodwin, doing business as "Goodwin Septic Tank Service," Grand Junction, Colorado, under PUC No. 3641, as set forth in the Order following, 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 extended motor vehicle common carrier call and demand transportation service of Florence Goodwin, doing business as "Goodwin Septic Tank Service," Grand Junction, Colorado, under PUC No. 3641, to include the right to transport refuse, from lime and sulphur pits, sand traps, stock cisterns, basements, carbide pits, and to extend radius of operations to sixty-five miles of Grand Junction, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall operate her 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 in all other respects, Application No. 16652 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 31st day of October, 1958.

mls

original

(Decision No. 51183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF IVAN MC DANIEL, GENERAL DELIVERY, PITKIN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16666-PP

October 31, 1958

Appearances: Harrison Loesch, Esq., Montrose, Colorado, for Applicant;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap & Son;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Fellin Brothers, Ouray, Colorado, pro se;
H. L Willis, Silverton, 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 forest and sawmill products within the State of Colorado, from forests and sawmills, to railroad loading points, and to places of storage, within a radius of seventy-five miles of said forests.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 21, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, evidence was introduced on behalf of protestants, but it does not appear that protestants are taking care of said business, and it therefore appears there will be no impairment

of service of common carriers by the granting of the instant application.

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 permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ivan McDaniel, Pitkin, 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 forest and sawmill products, consisting of logs and rough lumber, within the State of Colorado, from forests and sawmills, to railroad loading points, and to places of storage, within a radius of seventy-five miles of said forests.

That all operations hereunder shall be stricIty 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 authority sheets.

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

Joseph C. Hoban

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

mls

Original

(Decision No. 51184)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARTHUR FERRIER AND JACK RIBELIN, CO-PARTNERS, DOING BUSINESS AS "FERRIER & RIBELIN," GENERAL DELIVERY, MONTROSE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16669-PP

October 31, 1958

Appearances: Jack Ribelin, Montrose, Colorado, for Applicants;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap and Son;
C. J. Schuler, Tellurdie, Colorado, for Telluride transfer;
Fellin Brothers, Ouray, Colorado, pro se.

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 caterpillar tractors, and forest and sawmill products, within the State of Colorado, from forests within a radius of one hundred miles of Montrose, Colorado, to sawmills, storage places, and railroad loading points within said one-hundred-mile radius of Montrose, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 21, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, evidence was presented on behalf of protestants, but it does not appear that protestants are taking care of said business, and it therefore appears there will be no impairment of service of common carriers by the granting of the instant application.

Applicants failed to make sufficient showing for the transportation of caterpillar tractors.

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

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Arthur Ferrier and Jack Ribelin, co-partners, doing business as "Ferrier and Ribelin," Montrose, 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 forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points, and places of storage, within a one-hundred-mile radius of Montrose, Colorado, excluding any service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

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 authority sheets.

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.

That in all other respects Application No. 16669-PP should be,

and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hatton

John P. Thompson

Joseph F. Higgins

Commissioners.

Dated at Denver, Colorado,
this 31st day of Octoner, 1958.

mls

(Decision No. 51185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BERT R. HAPPY, GENERAL DELIVERY, PITKIN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16664-PP

October 31, 1958

Appearances: Harrison Loesch, Esq., Montrose, Colorado, for Applicant;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap & Son;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Fellin Brothers, Ouray, Colorado, pro se;
E. L. Willis, Silverton, 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 forest and sawmill products, within the State of Colorado, from forests and sawmills, to railroad loading points, and to places of storage, within a radius of fifty miles of said forests.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 21, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, evidence was introduced on behalf of protestants, but it does not appear that protestants are presently adequately taking care of said business, and therefore it appears that there will be no impairment of service of common carriers by the granting of the instant application.

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 permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Bert R. Happy, Pitkin, 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 forest and sawmill products, consisting of logs and rough lumber, within the State of Colorado, from forests and sawmills, to railroad loading points, and to places of storage, within a radius of fifty miles of said forests.

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 authority sheets.

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

Dated at Denver, Colorado,
this 31st day of October, 1958.

Commissioners.

ea

Original

(Decision No. 51186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DON J. STONE, 288½ MOUNTAIN VIEW, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5366 TO ALVIN POWERS, 820 CHIPETA, GRAND JUNCTION, COLORADO.

APPLICATION NO. 16658-PP-Transfer

October 31, 1958

Appearances: Alvin Powers, Grand Junction, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Don J. Stone, Grand Junction, Colorado, owner and operator of Permit No. B-5366, seeks authority to transfer said operating rights to Alvin Powers, Grand Junction, Colorado, said Permit No. B-5366 being the right 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, operations to be limited to the use of dump trucks, only.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Alvin Powers, Transferee herein, testified that the consideration for transfer of said operating rights and certain equipment is the sum of $2,800. It appears that said equipment is mortgaged, but there is no mortgage on Permit No. B-5366.

No one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferee were 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, as setforth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Don J. Stone, Grand Junction, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5366 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Alvin Powers, Grand Junction, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 operations under said permit up to time of transfer of said permit.

This order is made a part of the permit authorized to be transferred, 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 October, 1958.

ea

(Decision No. 51187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT S. ALLEN, 488 28½ ROAD, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16653-PP

October 31, 1958

Appearances: Robert S. Allen, Grand Junction, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant stated he had no objection to limitation to the use of dump truck, only, in transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority herein sought, as limited by Applicant's testimony.

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

It does not appear that applicant's operations, as hereinafter limited, will impair the efficiency of any common carrier service 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 to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Robert S. Allen, Grand Junction, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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 31st day of October, 1958.

ea

original

(Decision No. 51188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THOMAS C. HALBERT, 510 29 ROAD, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16654-PP

October 31, 1958

Appearances: Thomas C. Halbert, Grand Junction, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of

the evidence, the matter was taken under advisement.

At the hearing, applicant stated he had no objection to transportation of road-surfacing materials being limited to the use of dump trucks, only.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's operations, as hereinafter limited, will impair the efficiency of any common carrier service 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 to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Thomas C. Halbert, Grand Junction, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be

limited to the use of dump trucks, only.

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 authority sheets.

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

Joseph C. Hahn

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

mls

original

(Decision No. 51189)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK N. MURPHY, ROUTE 1, GRAND JUNC-)
TION, COLORADO, FOR A CLASS "B" PER-)
MIT TO OPERATE AS A PRIVATE CARRIER) APPLICATION NO. 16657-PP
BY MOTOR VEHICLE FOR HIRE.)

October 31, 1958

Appearances: Leslie Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, October 22, 1958, due notice thereof being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear at the

time and place designated for hearing, either in person or by counsel.

Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

Attorney for Protestant herein stated there would be no objection to granting of authority herein sought, provided transportation of road-surfacing materials be limited to the use of dump trucks, only.

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

It does not appear that the granting of authority herein sought, and applicant's operations thereunder, as hereinafter limited, will impair the efficiency of any common carrier service 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 to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Jack N. Murphy, Grand Junction, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the Stateof Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply

points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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 31st day of October, 1958.

mls

original

(Decision No. 51190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES A. SCHIMPF, 3064 D½ ROAD,)
GRAND JUNCTION, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE) APPLICATION NO. 16659-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 31, 1958

Appearances: James A. Schimpf, Grand Junction, Colorado, pro se;
Leslie Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

Applicant herein, by the above-styled application, sought 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Grand Junction, Colorado, October 2,

1958, due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, applicant stated he no longer desired to prosecute said application, and requested 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. 16659-PP should be, and hereby is, dismissed, at request of Applicant 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 31st day of October, 1958.

mls

original

(Decision No. 51191)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAROLD O. WILLISON, ROUTE 1, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16661-PP

October 31, 1958

Appearances: Harold O. Willison, Grand Junction, Colorado, pro se;
Leslie Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, and requests that in the event authority herein sought is granted, permit be known as "Permit No. B-5215," being the number of a permit formerly held by him.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared in opposition to the granting of authority herein sought.

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

It does not appear that the granting of authority herein sought, and applicant's operations thereunder, will impair the efficiency of any common carrier service 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 to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Harold O. Willison, Grand Junction, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius

of fifty miles of said pits and supply 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 authority sheets.

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 operating rights herein granted shall be known as "Permit No. B-5215."

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 31st day of October, 1958.

mls

Original

(Decision No. 51192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY B. HAWKS, MONTROSE, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 16665-PP-Extension
UNDER PERMIT NOT. B-1365.)

October 31, 1958

Appearances: Brooks and Miller, Esqs., Montrose, Colorado, for Applicant;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap & Son;
Fellin Brothers, Ouray, Colorado, pro se;
H. L Willis, Silverton, Colorado, pro se;
Marion Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-1365.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, October 21, 1958, due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Attorney for Applicant asked to amend and enlarge said application, which request was denied.

Thereupon, Attorney for Applicant requested that said matter be continued, to be later re-set for hearing.

There being no objection thereto,

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled matter should be continued, to be re-set for hearing at a later date to be determined by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16665-PP should be, and the same hereby is, continued, to be later re-set for hearing, 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 October, 1958.

mls

original

(Decision No. 51193)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY A. SCHLAPPE, C. M. R., DELTA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16651-PP

October 31, 1958

Appearances: Harry A. Schlappe, Delta, Colorado, pro se;
Marion R. Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Robert Campbell, Delta, Colorado, for Parkinson Transfer and Transportation Company.

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 freight and cream, from point to point within a radius of five miles of Delta, Colorado; also, freight and cream to and from Olathe, Colorado, for Ephraim Freightways, Inc., only.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 21, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, no customer witnesses appeared in support of said application, and said application was vigorously protested by several common carriers operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That applicant herein has failed to show need for his proposed operations; therefore, said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16651-PP 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

Ralph C. Morton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

mls

(Decision No. 51194)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ORVILLE D. ARNOLD AND WILLIAM A. LATHROP, CO-PARTNERS, DOING BUSINESS AS "ARNOLD & LATHROP," BOX 237, NUCLA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16649-PP

October 31, 1958

Appearances: Orville D. Arnold, Nucla, Colorado, for Applicants;
Alvin Meiklejohn, Jr., Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap and Son.

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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; vanadium and uranium ores, between points within a radius of fifty miles of Uravan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Montrose, Colorado, October 21, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, protestants indicated they had no objection to the granting of authority herein sought, provided transportation of road-surfacing materials was limited to the use of dump trucks, only.

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

It does not appear that applicants' proposed operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicants.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue to applicants herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Orville D. Arnold and William A. Lathrop, co-partners, doing business as "Arnold & Lathrop," Nucla, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a

radius of fifty miles of said pits and supply points; vanadium and uranium ores, between points within a radius of fifty miles of Uravan, Colorado, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Joseph F. Rigio

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

ea

Original

(Decision No. 51195)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. H. DUNFEE AND D. O. DUNFEE, CO-PARTNERS, 436 BAKER STREET, LONGMONT, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-3008 TO H. E. WATSON, JR., DOING BUSINESS AS "WATSON TRANSPORT COMPANY," LOVELAND, COLORADO.	APPLICATION NO. 14677-PP-Transfer

October 31, 1958

Appearances: H. E. Watson, Jr., Loveland, Colorado, pro se.

S T A T E M E N T

By the Commission:

On May 17, 1956, F. H. Dunfee and D. O. Dunfee, alleging they were the owners of motor vehicle private carrier Permit No. B-3008, filed application to transfer the same to H. E. Watson, Jr., doing business as "Watson Transport Company," Loveland, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, August 30, 1956, and now stand submitted for decision.

While the matter was under consideration, the owners of the authority allowed the insurance required by law to lapse and failed to renew or reinstate the same. Accordingly, on January 28, 1957, the Commission ordered the owners to appear February 11, 1957, and show cause why the permit should not be revoked. The owners failing to appear or show any further desire to operate the permit, the Commission, on May 9, 1957, cancelled and revoked the authority. There is, accordingly, nothing left now to be transferred and the application should be dismissed in order that our records may be cleared and the files closed in connection with this authority. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

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

That the authority to be transferred being no longer in existence, the application should be dismissed, and our files ordered closed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 14677-PP-Transfer should be, and the same hereby is, dismissed, and the files of the Commission be, and the same hereby are, closed.

This Order shall become effective as of theday and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

ea

original

(Decision No. 51196)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RILLA M. LANE, EXECUTRIX OF THE)
ESTATE OF O. F. LANE, DECEASED,)
DOING BUSINESS AS "LANE'S MOTOR)
FREIGHT LINES," 816 SANTA FE, WOOD-) PUC NO. 1804-I-Transfer
WARD, OKLAHOMA, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING)
RIGHTS TO G. H. FEESE, DOING BUSI-)
NESS AS "LANE'S MOTOR FREIGHT LINES,")
816 SANTA FE, WOODWARD, OKLAHOMA.)

October 31, 1958

Appearances: Tom Hieronymus, Esq., Woodward, Oklahoma, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, O. F. Lane, doing business as "Lane's Motor Freight Lines," Woodward, Oklahoma, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, and PUC No. 1804-I issued to him.

Subsequently, said O. F. Lane departed this life, and Rilla M. Lane, Executrix of the Estate of O. F. Lane, Deceased, hereby requests authority to transfer PUC No. 1804-I to G. H. Feese, doing business as "Lane's Motor Freight Lines," Woodward, Oklahoma.

It appears that on September 16, 1958, Order Confirming Sale was entered in the County Court in and for Woodward County, Oklahoma, copy of which is on file with the Commission, approving and confirming sale of said PUC No. 1804-I by said Rilla M. Lane,

Executrix of the State of O. F. Lane, Deceased, to said G. H. Feese, doing business as "Lane's Motor Freight Lines," Woodward, Oklahoma.

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 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.

O R D E R

THE COMMISSION ORDERS:

That Rilla M. Lane, Executrix of the Estate of O. F. Lane, Deceased, should be, and she hereby is, authorized to transfer all right, title and interest in and to PUC No. 1804-I to G. H. Feese, doing business as "Lane's Motor Freight Lines," Woodward, Oklahoma, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C Hoban

John L Lompton

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

mls

(Decision No. 51197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL MOSES, ROUTE 2, BOX 214,) PUC NO. 3266-I
OGDEN, UTAH.) CASE NO. 87134-INS.

October 31, 1958

S T A T E M E N T

By the Commission:

On September 25, 1958, in Case No. 87134-Ins., the Commission entered its Order, revoking PUC No. 3266-I for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission 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. 3266-I should be, and the same hereby is, reinstated, as of September 25, 1958, revocation order entered by the Commission on said date in Case No. 87134-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hartman
John P. Thompson
Joseph L. Rogers
Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1958.

mls

(Decision No. 51198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF EXPRESS SHOPPER BUS SERVICE BY THE DENVER TRAMWAY CORPORATION, 350 SOUTH SANTA FE DRIVE, DENVER, COLORADO.	)	APPLICATION NO. 16706

October 31, 1958

S T A T E M E N T

By the Commission:

The matter of Express bus service by The Denver Tramway Corporation has long been a topic of general inquiry and results of actual trial trips have been submitted to this Commission by its Service Committee as a part of the Committee function to secure good public transit service.

More recently a recommendation for an Express Shopper Service has been presented by said Service Committee, consisting of John A. Bruce, Traffic Engineer for the City and County of Denver, W. A. Baker, General Manager of The Denver Tramway Corporation, and J. L. McNeill, Transportation Engineer for the Commission. The Committee proposal is as follows:

1. Grant a temporary permit authorizing the trial operation of Express Shopper Bus routes to serve from the general areas of Virginia Village and South Harvey Park into downtown Denver.

2. That the purpose of the trial operation is to secure operating knowledge regarding Express service in Denver during the forthcoming Holiday season, and to further ascertain the continuing need, revenues, and costs of this type of service.

3. That if patronage and resulting revenues meet or exceed operating expenses, then the trial operation may be further extended beyond January 1st, 1959, on a temporary basis to firmly establish rider needs.

4. That the trial service is being offered on an experimental basis and future discontinuance of the temporary permit may become effective without a hearing after the posting of Public Notice in the buses involved for three days.

5. That before the proposed trial operation is established, there will be ample descriptive publicity in the area to be served.

6. That the results of the proposed operation be forwarded weekly to the Commission in a Statement of Operations to show: Number of Patrons; Revenues; Expenses and Net Results.

F I N D I N G S

THE COMMISSION FINDS:

It appears that the instant proposal of the Service Committee is designed to provide a specialized type of Tramway service wherein a limited-stop movement will be made over the most direct route to the downtown shopping section from the areas known as Viginia Village and South Harvey Park. At this time there is no direct non-transfer route from these particular areas to the Downtown-Denver shopping section; nor does either area have a major shopping area located conveniently nearby.

A temporary trial during the forthcoming Christmas shopping season is proposed for a limited-stop or Express-type of shopping service during mid-morning and mid-afternoon when extra Tramway equipment is not being used for the peak-time worker movements. Meanwhile, operating data will be secured regarding running time, traffic conditions, newly completed traffic arteries, costs and public acceptance of this type of Express service.

Being a specialized type of service wherein there will be only a one-way passenger haul with an empty or "dead-head" return movement for the vehicle, a premium fare has been further suggested of 25 cents for adults, and customary one-half fare for children, or 13 cents when over 6 years and under 12 years of age.

Therefore, on recommendation of our Service Committee and for the purpose of securing operating knowledge, public reaction and costs regarding Express bus travel, we will herewith authorize

the institution of a trial operation by The Denver Tramway Corporation, as follows:

1. Type: Express Shopper Bus Service for Holiday Season. Provide direct non-transfer movement with limited enroute stops to and from the Denver-Downtown shopping district and the residential areas of Virginia Village and South Harvey Park.

2. Schedule: To be arranged by Tramway. Consist of two morning and afternoon trips, daily except Saturday and Sunday, to meet opening store hours and avoid afternoon peak demands for equipment.

3. Route: To be selected by Tramway with approval of City Traffic Engineer. General direction to be:

   (a) Virginia Village-Downtown-Denver; via South Colorado Boulevard, East 1st Avenue, and Speer Boulevard.

   (b) South Harvey Park-Downtown-Denver; via South Lowell Boulevard, W. Florida Avenue, South Federal Boulevard and Valley Highway or West Colfax viaduct.

4. Fare: Per one-way trip:
   Adults 25 cents; Children one-half fare or 13 cents when over 6 years and under 12 years of age.

5. Conditions:
   (a) That if patronage and resulting revenues meet or exceed operating expenses, then the trial operation may be further extended beyond January 1st, 1959, on a temporary basis to firmly establish rider needs.

   (b) That the trial service is being offered on an experimental basis and future discontinuance of the temporary permit may become effective without a hearing after the posting of Public Notice in the buses involved for three days.

   (c) That before the proposed trial operation is established, there will be ample descriptive publicity in the area to be served.

   (d) That the results of the proposed operation be forwarded weekly to the Commission in a Statement of Operations to show: Number of Patrons; Revenues; Expenses and Net Results.

O R D E R

THE COMMISSION ORDERS:

That The Denver Tramway Corporation is hereby permitted to institute a temporary trial Shopper Express Bus service, all as set forth in the foregoing Findings, and by reference made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton

John P. Thompson

Commissioners.

COMMISSIONER JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 31st day of October, 1958.

ea

(Decision No. 51199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DAVID B. ILES, JR., 364½ ROSEVALE, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4372.

APPLICATION NO. 16655-PP-Extension

November 3, 1958

Appearances: Cecil S. Haynie, Esq., Grand Junction, Colorado, for Applicant;
Robert G. Porter, Esq., Gunnison, Colorado, for Partch Brothers;
Oliver Fellin, Ouray, Colorado, for Fellin Brothers;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Hugo Willis, Silverton, Colorado, pro se;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap and Sons;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Peter P. Couey, Denver, Colorado, for North Park Transportation Company;
Marion R. Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Lester R. Kehl, Esq., Denver, Colorado, for Fairplay Motor, North Park Transportation Company, Arnold Weiss Trucking Company, Stanton Transportation Company; South Park Motor Lines;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc.;
Lester Estes, Rifle, Colorado, for Estes Trucking Company.

S T A T E M E N T

By the Commission:

On September 11, 1958, David B. Iles, Jr., Grand Junction, Colorado, filed his application with the Commission, seeking authority to extend operations under Permit No. B-4372, to include

the right to transport ore, ore oxides and sulfides, mining machinery, mining supplies, road-building machinery, excavating equipment, logs, lumber, and building supplies, from point to point within a radius of three hundred miles of Meeker, Colorado.

Said application was regularly set for hearing, and heard, at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of Permit No. B-4372, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of:

> coal, from the Taylor Coal Mine, located approximately thirty-six miles south of Craig, Colorado, on Colorado Highway No. 13, to the railhead in Craig, Colorado, for the Taylor Coal Company; coal, from the Yampa Valley Coal Mine, located approximately ten miles south of Craig, Colorado, on Colorado Highway No. 13, to Craig, Colorado, for Yampa Valley Coal Company, only; vanadium and uranium ore, from mines in Rio Blanco County, to Rifle, Colorado; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs located within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; uranium and vanadium ore, between points within a radius of three hundred miles of Meeker, Colorado.

At the hearing, it appeared that applicant had been asked to deliver ore from the Upper Ophir Mining District, in San Miguel County to Ridgway, for one Lloyd Robinson; that three common carriers authorized applicant to participate in the hauling of oxide iron ore, and he is now asking to haul ore oxides and sulfides, etc., from point to point within a radius of three hundred miles of Meeker, Colorado.

It appears that applicant has suitable equipment, is financially responsible, and is an aggressive private carrier. He based the need for his service upon the fact that he is presently hauling ore under Temporary Authority or emergency letters.

Applicant failed to produce customer witnesses to testify as to the need for his services.

A careful reading of the application discloses that applicant is asking for state-wide authority, and as a result, many protestants appeared from all over the State of Colorado, objecting to the granting of authority herein sought.

At the hearing, the Commission failed to discern the contracts that applicant would enter into, if said authority herein sought were granted. Applicant insisted upon state-wide authority, contending that this authority was needed.

Protestants produced several witnesses, protesting the granting of authority in their certificated areas. All protestants contended that they were willing and able to take care of the ore shipments; that they have ample equipment, and are in a position to secure additional equipment, if same is needed.

We have reviewed the record very carefully, and we are of the opinion that applicant has failed to make the proper showing for private carrier authority. We cannot say that service of common carriers here appearing would not be impaired by the granting of so wide authority or that the service offered by common carriers is inadequate.

It therefore is our opinion that the Commission has only one alternative -- and that is to deny the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied, for the reasons set forth in the preceding Statement, which is made a part hereof, by reference.

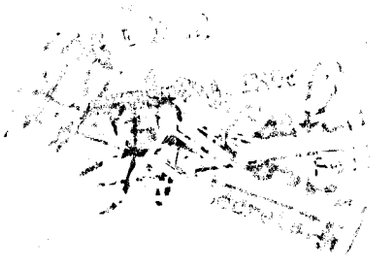
O R D E R

THE COMMISSION ORDERS:

That Application No. 16655-PP should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hoskins

John L. Thompson

Joseph F. Negri

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

Original

(Decision No. 51200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RUSSELL MC FADDEN AND BILLY MC FADDEN, CO-PARTNERS, DOING BUSINESS AS "R & B MC FADDEN," 2710 B¼ ROAD, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4889.	APPLICATION NO. 16656-PP-Extension

November 3, 1958

Appearances: Cecil S. Haynie, Esq., Grand Junction, Colorado, for Applicants;
Robert G. Porter, Esq., Gunnison, Colorado, for Partch Brothers;
Oliver Fellin, Ouray, Colorado, for Fellin Brothers;
C. J. Schuler, Telluride, Colorado, for Telluride Transfer;
Hugo Willis, Silverton, Colorado, pro se;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap and Sons;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Peter P. Couey, Denver, Colorado, for North Park Transportation Company;
Marion R. Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Lester R. Kehl, Esq., Denver, Colorado, for Fairplay Motor, North Park Transportation Company, Arnold Weiss Trucking Company, Stanton Transportation Company, South Park Motor Lines;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc.;
Lester Estes, Rifle, Colorado, for Estes Trucking Company.

S T A T E M E N T

By the Commission:

On September 22, 1958, Russell McFadden and Billy McFadden, co-partners, doing business as "R & B McFadden," Grand Junction,

Colorado, filed their application with the Commission, seeking authority to extend operations under Permit No. B-4889, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles ofsaid pits and supply points; ore, from point to point within a two-hundred-mile radius of Grand Junction, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, G rand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the only objection to issuance of authority for transportation of sand and gravel was that applicants be restricted to the use of dump trucks, only. It therefore appears that said restriction should be granted.

On the other hand, there was very serious objection to the granting of authority to haul ore within a two-hundred-mile radius of Grand Junction, Colorado.

The only testimony on behalf of this portion of the application was given by applicant; while on the other hand, several witnesses who have authority to haul ore at different points over the State of Colorado, vigorously protested the granting of such authority.

We have reviewed the evidence, and are of the opinion that applicants failed to show that common carrier service is not adequate

for transportation of ore, and we are of the further opinion that the granting of such authority would impair common carrier service.

Witnesses for protestants all testified that they had ample equipment, and that they had idle equipment; that they were anxious to haul ore in various sections of the State of Colorado.

A two-hundred-mile radius of Grand Junction is virtually state-wide authority, and we cannot grant so broad an authority as herein requested upon the scant evidence here introduced.

F I N D I N G S

THE COMMISSION FINDS:

That extended operating rights should issue to applicants herein, as set forth in the Order following.

That in all other respects, the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

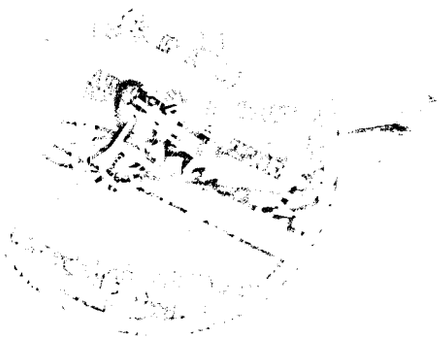
That Russell McFadden and Billy McFadden, co-partners, doing business as "R & B McFadden," Grand Junction, Colorado, should be, and they hereby are, authorized to extend operations under Permit No. B-4889, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

That this Order is made part of the permit granted to applicant,

That the above-styled application, in all other respects, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph C Halsa

John P Thompkins

Joseph F Nigro

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

(Decision No. 51201)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEONARD DI GRADO AND PETE DI GRADO, CO-PARTNERS, DOING BUSINESS AS "DI GRADO PRODUCE," ROUTE 4, BOX 122, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO LEONARD DI GRADO, ROUTE 4, BOX 122, PUEBLO, COLORADO.	)	PUC NO. 2583-I-Transfer

November 3, 1958

S T A T E M E N T

By the Commission:

Heretofore, Leonard Di Grado and Pete Di Grado, co-partners, doing business as "Di Grado Produce," Pueblo, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of freight, in interstate commerce, and PUC No. 2583-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Leonard Di Grado, Pueblo, Colorado, said Pete Di Grado being desirous of withdrawing from said partnership.

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 the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Leonard Di Grado and Pete Di Grado, co-partners, doing business as "Di Grado Produce," Pueblo, Colorado, should be, and they

hereby are, authorized to transfer all right, title, and interest in and to PUC No. 2583-I to Leonard Di Grado, Pueblo, Colorado, said Pete Di Grado being hereby authorized to withdraw from said partnership.

That transfer herein authorized is subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

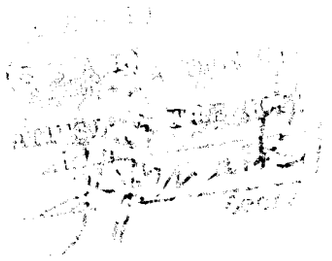
This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hohn

John P. Thompson

Joseph F. Nigro
Commissioners.



Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

(Decision No. 51202)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN SECTIONS 28 AND 29, TOWNSHIP 2-SOUTH, RANGE 71-WEST, JEFFERSON COUNTY.	APPLICATION NO. 16697-Extension

November 3, 1958

S T A T E M E N T

By the Commission:

On October 23, 1958, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities, and to construct approximately 4900 feet of primary line and 30 feet of secondary line to serve a ranch owned by Mr. and Mrs. Richard Vigil, located in the Northwest Quarter (NW¼) of Section 28, Township 2-South, Range 71-West, Jefferson County. The estimated cost of the construction is $5,210.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated October 27, 1958, and a letter from Colorado Central Power Company,

dated October 24, 1958, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's order in Decision No. 47074 previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to the ranch owned by Mr. and Mrs. Richard Vigil, located in the Northwest Quarter (NW¼) of Section 28, Township 2-South, Range 71-West, Jefferson County, and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to serve a ranch owned by Mr. and Mrs. Richard Vigil, located in the Northwest Quarter (NW¼) of Section 28, Township 2-South, Range 71-West, Jefferson County, Colorado, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C Horton

John P Thompson

Joseph F Mayo

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

(Decision No. 51203)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, GAS AND ELECTRIC BUILDING, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ITS ELECTRIC LINES AND FACILITIES TO SERVE PERL-MACK MANOR SUBDIVISION, ADAMS COUNTY, STATE OF COLORADO.	APPLICATION NO. 16564-Extension
IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, GAS AND ELECTRIC BUILDING, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ELECTRIC LINES AND FACILITIES IN SECTION 27, TOWNSHIP 2-SOUTH, RANGE 68-WEST, ADAMS COUNTY, COLORADO, TO SERVE STATE HIGHWAY DEPARTMENT, AT INTERSECTION OF STATE HIGHWAY NO. 185, AND EAST 84TH AVENUE, NEAR THORNTON, COLORADO.	APPLICATION NO. 16565-Extension
IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., FOR AUTHORITY TO EXTEND FACILITIES AT INTERSECTION OF HIGHWAY 185 AND EIGHTY-FOURTH AVENUE.	APPLICATION NO. 16626-Extension
IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., FOR AUTHORITY TO EXTEND FACILITIES TO SERVE PERL-MACK MANOR SUBDIVISION, 14TH AND 15TH FILINGS.	APPLICATION NO. 16627-Extension

November 3, 1958

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs., by Bryant O'Donnell, Esq., Denver, Colorado, for Applicant Public Service Company of Colorado;
Grant, Shafroth & Toll, Esqs., by Erl H. Ellis, Esq., Denver, Colorado, for Applicant Union REA;
J. M. McNulty, Denver, Colorado, and
E. R. Thompson, Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

These matters were regularly set for hearing before the Commission after appropriate notice to all interested parties, at 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on September 29, 1958, where the four applications were heard on a consolidated basis, and then taken under advisement by the Commission.

These are substantially identical applications by Public Service Company of Colorado and Union Rural Electric Association, Inc., for authority to extend electric lines and facilities in Section 27, Township 2-South, Range 68-West, Adams County, Colorado, to serve the State Highway Department at the intersection of State Highway No. 185 and East 84th Avenue, near Thornton, Colorado, and to extend electric lines and facilities to serve the 14th and15th Filings of Perl-Mack Subdivision, Adams County, Colorado.

The applications of Union REA were not filed in sufficient time to give the required notice under the statute, but by stipulation Public Service Company, who would be the principal party in interest in such a proceeding, waived notice, entered its appearances in the respective cases, and stipulated that the hearing on the applications of Union REA could proceed at this hearing. All parties stipulated that the several applications be heard on a consolidated record.

With respect to the application to serve the State Highway Department at the intersection of East 84th Avenue and State Highway No. 185, testimony developed that this intersection is being served at the present time by Public Service Company, providing lighting for the road that goes from the main highway to Thornton, Colorado. Road improvement is proposed at the intersection which will require a relocation of the existing utility lines and extension

to approximately 16 mercury vapor lights of the type commonly used at such intersections, and extensions to serve flasher caution signals.

Both of the applicant utilities have lines in the vicinity of this service. However, in view of the fact that the service is presently being rendered by Public Service Company and that other services in the vicinity of Thornton and to the City of Thornton itself come from the main line of Public Service Company, we feel it is in the public interest to allow Public Service Company to continue the service of this intersection.

The applications to serve the 14th and 15th Filings of the Perl-Mack additions involve different problems. Exhibit No. 8 of the Applicant Public Service Company is a map that clearly shows the location of the proposed additions in relation to existing services of Public Service Company and to existing service connections of Union REA. The 14th Filing is located north of 70th Avenue and substantially east of Huron Street in Adams County, Colorado. A strip of lots abuts on the west side of Huron Street between 70th Place, which is one block north of 70th Avenue, running northerly to adjoin other Perl-Mack Subdivisions to the north.

Public Service Company has primary lines in the vicinity of this abutment from which it would draw power to serve the filings covered by this application. For all practical purposes the 14th Filing of Perl-Mack, which is the filing north of 70th Avenue, is contiguous to and to be construed to be an integral part of that area that consists of other Perl-Mack Subdivisions which are presently served by Public Service Company. By virtue of the location of these homes, it is our opinion that natural geography will substantially integrate the homes to be built in the area with the others immediately surrounding it.

The Union REA has a primary line which extends along the northern boundary of this filing. The southerly line which extends

from this northerly primary line generally in the vicinity of Huron Street to 70th Avenue, at best, can be construed as only a temporary tie-line not previously authorized by this Commission.

The 15th Filing is located east of Huron Street and south of 70th Avenue. Immediately to the west, between Huron Street and Pecos, bounded by 68th Street and 70th Street on the south and north, the area is served by Union REA. North of 70th Avenue, Union REA likewise has isolated tracts. Union REA has primary facilities to serve the 15th Filing from a line that extends along 70th Avenue and in a southerly direction along Huron Street that has been in existence since 1939.

The question to be resolved by this Commission is the assignment of either of these two filings, or both, to one or the other of the applicant utilities. Both of the applicant utilities filed their applications pursuant to this Commission's Decision No. 47074 for service in an area described as Appendix A territory and in which area neither utility is to have exclusive right to serve and that either, or both, must secure the permission of this Commission to extend their lines beyond 300 feet. This fixing of territory was designed to allow for an orderly, natural growth of the respective utilities under the supervision of this Commission in order to effect the most efficient service to the customers of the respective utility.

The present applications are simply additions to a long series of applications that have been heard by this Commission. These applications that have been contested have been ardently and vigorously advocated,attended by considerable acrimony and truculence on both sides. There has always been present from both sides the suggestion of ideological postures. With respect to the advocacy of certain philosophies, we feel that the matter is moot and wholly misdirected at this Commission. It is not within our power, nor is it our desire to sit in judgment on the efficacy of the corporate

structure of either protesting utility. These questions are more properly addressed to other forums. With respect to the right of one utility over the other, we have the impression that both of the applicants appear before this Commission in the role of contesting litigants. This Commission has repeatedly stated on previous occasions that it is not in existence for the use and benefit primarily of industries regulated but rather our duty is to protect the customers of these utilities. With this in mind then we must insist that the claims and assertions of the respective utilities are subordinate to the paramount interests of their customers.

Since our Decision No. 47074 was designed to effect an orderly process in the growth of utilities and insure efficient economical service to the public at large, we, in our previous decisions, have awarded territories to one or the other applicant now here before us, seeking to implement this policy. In so doing we have had the advantage, as we have in the instant case, of the record made in the hearing that resulted in Decision No. 47074. It is a well known fact that Public Service Company is a large, efficient, stockholder-owned, privately-financed utility that serves the Denver Metropolitan Area as well as other large centers of population in the State of Colorado. The Union REA had its origin as a cooperative venture through government loans designed to serve rural customers who were not served by private utilities. The Union REA pioneered service to some of the area that both utilities now seek to serve. The establishment of service to this area by Union REA took place in the late 1930's at a time when Union REA was not considered a public utility but was merely a cooperative. It is a well known fact that since that time a good part of this area has developed from a sparsely settled rural community to a highly developed suburban and industrial area.

As we have previously indicated,neither the nature of the Union REA nor its prior service in this general area has any appeal either for or against that company's right to serve. To this Commission, both of the applicants are public utilities and they will both be governed and treated as such, being accorded the same rights, duties and obligations thereof. The Union REA in size is considerably smaller than Public Service Company, but is a strong, sound company financially that has likewise rendered good service to its customers.

Normally, in endeavoring to determine the interests of the public vis-a-vis the service of one or the other applicant utility, we would take into consideration availability of supply of power, ability and means for delivery, economy to the customer, and all the other factors that would go into quality of service. No single individual fact would be controlling but we would view the situation as a whole. In the instant cases, both of the contending utilities may point with pride to respective advantages which their customers enjoy. We deem it sufficient to say that for the purpose of the hearing pending before us, it is our opinion that either of these companies is well able to serve efficiently all or part of the customers who will require power in the area sought by these applications.

Eliminating these factors in determining which utility is to be accorded the privilege of serving, we then must return to the original concept of our Decision No. 47074. It is to the interest of the public to have normal and unrestricted orderly growth of the utilities which serve it. This is true not only of the customers who would be served immediately but of all of the other customers of that power company. If we endeavor to circumscribe the normal natural growth of Public Service Company, all of the customers of this company, including those in the City of Denver and other parts of the state, may suffer by virtue of the

adverse effect of such a restraint upon the company's ability to finance. We deem that this broad view is our sworn duty to protect the customers. By the same token, however, customers of Union REA are likewise citizens of this state, entitled to the equal protection of its laws and the protection of this Commission. Thus, in a non-exclusive area such as the area in dispute, if we do not permit the addition of concentrated load to already existing concentrated loads of Union REA, we are inflicting upon Union REA the same restrictions and circumscription which we fear may be visited upon the customers of Public Service Company. We do not say that there should be any artificial formula designed to fix ratios of expansion of growth or to fix specific areas as of this time. But in view of the fact that we cannot predict with any certainty what the future growth and expansion of this area will be, we feel it is incumbent upon us to accord to Union REA a certain amount of normal orderly growth in order to effect the stability of the company, assure continued service to its customers, and enable them to enjoy the fruits and benefits that are derived from having a stable, secure source of power.

With this thought carrying all persuasive influence with us in the instant cases, and giving some consideration to the physical location of the respective new additions in relation to the area presently served by the applicant utilities and giving some consideration to the physical ability of the respective applicants to serve, it is our opinion that it is in the public interest to award the 14th Filing to Applicant Public Service Company, and to award the 15th Filing to Union REA.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is incorporated into these Findings by reference.

That public convenience and necessity require that Public Service Company of Colorado extend its facilities to serve the 14th

Filing of Perl-Mack Manor Subdivision, Adams County, Colorado.

That public convenience and necessity require Union REA to extend its facilities to serve the 15th Filing of Perl-Mack Manor Subdivision, Adams County, Colorado.

That public convenience and necessity require that Public Service Company of Colorado extend electric lines and facilities in Section 27, Township 2-South, Range 68-West, Adams County, Colorado, to serve the State Highway Department at the intersection of State Highway No. 185 and East 84th Avenue, near Thornton, Colorado.

That Application No. 16626 of Union REA should be denied.

That the motion of Public Service Company of Colorado to dismiss both Union REA applications should be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require Public Service Company of Colorado to extend its facilities to serve the 14th Filing of Perl-Mack Manor Subdivision, Adams County, Colorado, under Application No. 16564, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require Union Rural Electric Association, Inc., to extend its facilities to serve the 15th Filing of Perl-Mack Manor Subdivision, Adams County, Colorado, under Application No. 16627, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the extension of electric lines and facilities of Public Service Company of Colorado in Section 27, Township 2-South, Range 68-West, Adams County, Colorado, to serve the State Highway Department at the intersection of State Highway No. 185 and East 84th Avenue, near Thornton, Colorado, under Application No. 16565, and this Order shall be taken,

deemed, and held to be a certificate of public convenience and necessity therefor.

That Application No. 16626 of Union Rural Electric Association, Inc., be, and it is hereby, denied.

That in all other respects the applications of the respective applicants be, and the same are hereby, denied.

That the motion of Public Service Company of Colorado, to dismiss both applications of Union Rural Electric Association, Inc., be, and it is hereby, denied.

That the respective utilities herein shall render electric service under the certificates granted herein under the rates, rules and regulations of said company now or hereafter on file with this Commission, 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

Joseph F Nyro
Commissioner.

Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

Commissioners Horton and Thompson, concurring specially:

For reasons to be explained, we accept Commissioner Nigro's final result.

These cases, like many others before them, have their root in Application No. 13576 and Case No. 5108, both of which were decided by our Decision No. 47074. Briefly, those cases involved the attempt of Union REA to obtain the benefits associated with certificated utility status in an area north of and bordering Denver; Public Service Company of Colorado and Colorado Central Power Company protested the application. After many months of hearing, our Decision issued, asserting our regulatory authority, and granting Union REA limited utility status. We two had the benefit of hearing all of that evidence, and of participating in the research, discussions, and drafting required to arrive at that Decision; Commissioner Nigro, appointed to the Commission subsequently, did not. We can accordingly understand how he might have a different view than we of what happened there, and of what we decided.

That Decision has been under attack in the Courts at all times since, and is now before the Supreme Court of Colorado. No one can confidently predict the outcome. Surely all the parties are aware that any actions we take meantime must be tentative, when our authority to act at all is under such unanimous attack and is consequently so uncertain. Commissioner Nigro's order is on the same footing.

In addition to these legal complications, several engineering, social and economic factors complicate the final resolution of the problem, and are mentioned in our 1957 Decision. We conclude there, however, by saying: "If the parties are held in approximate status quo for a time, the ends desired can be accomplished with minimal dislocation and maximum benefit to the public and the parties."

We had expected, or perhaps hoped is a better word, that the area would expand somewhat uniformly, and that we could maintain

a substantial parity between the parties pendente lite, assigning some new loads perhaps in the Brighton area to Union, and some in say the Westminster area to Public Service Company.

The area has indeed expanded, and a number of applications have been filed to serve new customers. Each case has been separately decided on its own merits, after hearing, as each is separately subject to Court review; indeed, some are now being reviewed. We can only decide the cases which are presented, however; and as it has happened, the cases have involved almost exclusively a small area near Westminster, hard by a territory long since certificated to a predecessor of Public Service Company. The overwhelming majority of the cases where we have had the opportunity to act have thus been cases where the individual facts of the particular case clearly favored Public Service Company. It has been the usual situation, just as here, that Union REA had no public or customer witness at all to support its claim, while the customer seeking service vigorously insisted that we approve Public Service Company.

Whatever the reason, review of these 14 contested cases indicates that the expansion has not been random, as we hoped. Public Service has been given authority to serve a planned 2,891 new meters, Union REA a planned 365. However, a substantial proportion of Public Service's meters have actually been installed, while, we are told, Union REA has had only nine or ten requests for service out of its planned 365. Looking at it case by case, as it occurred, we have done only what in law we properly should have done; but no matter how meritorious the reason, the fact is that the status quo has not been maintained.

In the present cases, Commissioner Nigro had the benefit of hearing the evidence; we did not. Although we have diligently studied the written record, still it is a cold record, not colored by nuances which properly influence any hearing officer. Upon

careful consideration, we cannot find it in our consciences to say that his result is wrong. Accordingly, we accept it.

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1958.

ea

Original

(Decision No. 51204)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. C. RICE, GENERAL DELIVERY,)
DOLORES, COLORADO, FOR A CLASS "B") APPLICATION NO. 16606-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
- - - - - - - - - - - - - - - - - - - -

- - - - - - - - -
November 5, 1958
- - - - - - - - -

Appearances: Marion Smyser, Esq., Denver, Colorado, for Rio Grande Motorway, Inc.

S T A T E M E N T

By the Commission:

By application filed September 17, 1958, applicant herein seeks authority to operate as a Class "B" motor vehicle private carrier for hire, for the transportation of logs and lumber, from point to point within a radius of fifty miles of Dolores, Colorado.

Said application was regularly set for hearing at the New Court House, Durango, Colorado, October 29, 1958, due notice of the time and place being forwarded 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.

Thereupon, the files were made a part of the record and the matter was heard and taken under advisement.

The protestant did not oppose the granting of the authority sought, provided it is limited to the transportation of rough lumber, only.

It did not appear that the granting of said permit, as limited in the following Order, will tend to impair the efficiency of any common carrier service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That L. C. Rice, Dolores, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and rough lumber, from point to point within a radius of fifty miles of Dolores, Colorado.

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 authority sheets.

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 5th day of November, 1958.

mls

original

(Decision No.-51205)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GERALD C. RANDOLPH, EGNAR, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16677

November 5, 1958

Appearances: Harold D. Torgan, Esq., Denver, Colorado, and Junior Cole, Grand Junction, Colorado, for Cole Bros. Trailer Transport.

S T A T E M E N T

By the Commission:

By application filed September 11, 1958, applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the towing of house trailers from any point to any point within the Counties of San Miguel, Dolores, Montezuma and La Plata Counties, Colorado, and to the towns of Naturita, Nucla and Uravan, in Montrose County, Colorado, along Colorado Highways Nos. 145 and 141, and from any point within said area to any other point within said area and return.

Said application was regularly set for hearing at the New Court House, Durango, Colorado, October 29, 1958, due notice of the time and place being forwarded to all parties in interest.

The application was called for hearing several times during the morning, but applicant failed to appear either in person or by counsel. The protestant herein made a motion to dismiss the application for failure of applicant to prosecute. He stated that he had called the applicant, and talked to the applicant's wife, and it appears that the applicant does not wish to prosecute the application.

The Commission is of the opinion that the application should be dismissed so as to clear our records. If the applicant decides to pursue the matter, he may file another application.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16677 should 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 5th day of November, 1958.

mls

(Decision No. 51206)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RALPH W. BISHOP, 524 EAST MAIN, CORTEZ, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER FOR HIRE.	APPLICATION NO. 16678-PP

November 5, 1958

Appearances: Ralph W. Bishop, Cortez, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed September 22, 1958, applicant seeks authority to operate as a Class "B" motor vehicle private carrier 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Ralph Bishop, applicant herein, appeared in support of his application and testified that he has an International Dump Truck; that his net worth is approximately $7,000; that he has work line up to do; that the limitation to the use of dump trucks only is satisfactory; and that he is familiar with the rules and regulations of the Commission, and will abide by them, if the authority sought is granted.

No one appeared in opposition to the granting of the authority sought, if limited to the use of dump trucks, only.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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

That authority sought should be granted, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Ralph W. Bishop, Cortez, 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of

said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; operations hereunder to be limited to the use of dump trucks, only.

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 authority sheets.

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

Joseph C. Hostetler

John L. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1958.

mls

(Decision No. 51207)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE CHAPEN, GENERAL DELIVERY,)
PAGOSA SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 16680-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-)

- - - - - - - - -
November 5, 1958
- - - - - - - - -

Appearances: Eugene Chapen, Pagosa Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed September 15, 1958, applicant herein seeks authority to operate as a Class "B" motor vehicle private carrier for hire, for the transportation of logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Eugene Chapen, Pagosa Springs, Colorado, applicant herein, appeared in support of his application and testified that he owns two Mack long-logging trucks; that his net worth is approximately $100,000; that he has work line up to do; that he is familiar with the rules and regulations of the Commission, and will abide by them, if the authority sought is granted.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating

in the territory which applicant seeks to serve.

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

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Eugene Chapen, Pagosa Springs, 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 logs and poles, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests.

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 authority sheets.

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 5th day of November, 1958.
ea

(Decision No. 51208)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WM. THOMAS, JR., AND HAROLD F. KREBS, CO-PARTNERS, DOING BUSINESS AS "K & T LUMBER COMPANY," BOX 276, PAGOSA SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16683-PP

November 5, 1958

S T A T E M E N T

By the Commission:

By application filed July 28, 1958, applicants herein seek authority to operate as a Class "B" motor vehicle private carrier for hire, for the transportation, within the State of Colorado, of logs, from point to point within a radius of one hundred miles of Pagosa Springs, Colorado.

Said application was regularly set for hearing at the New Court House, Durango, Colorado, October 29, 1958, due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, applicants failed to appear either in person or by counsel at the time and place designated for hearing.

Thereupon, the files were made a part of the record and the matter was heard and taken under advisement.

No one appeared in opposition to the granting of the authority sought.

It did not appear that the granting of said permit and operations by applicants thereunder, will tend to impair the efficiency of any common carrier service with which they will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Wm. Thomas, Jr., and Harold F. Krebs, co-partners, doing business as "K & T Lumber Company," Pagosa Springs, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of one hundred miles of Pagosa Springs, Colorado.

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 authority sheets.

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 5th day of November, 1958.

ea

Original

(Decision No. 51209)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE NW¼ OF SECTION 21, TOWNSHIP 2-SOUTH, RANGE 70-WEST, TO REACH A CLAY PIT BEING OPERATED BY MARCUS F. CHURCH.	APPLICATION NO. 16668-Extension

November 5, 1958

Appearances: Grant, Shafroth and Toll, Esqs., by Erl H. Ellis, Esq., Denver, Colorado, for Union Rural Electric Association, Inc.;
Lee, Bryans, Kelly and Stansfield, Esqs., by Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado;
Edwin R. Lundborg, Esq., Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

On October 8, 1958, Union Rural Electric Association, Inc., of Brighton, Colorado, filed an application seeking authority to render electric service to a clay pit owned by Marcus F. Church, located in Section 21, Township 2-South, Range 70-West, Jefferson County, Colorado.

On October 17, 1958, Public Service Company of Colorado, filed a protest to this application stating, in effect, that the area to be served was located in the so-called Arvada certificated area, within which Public Service Company of Colorado has been authorized by the Commission to render electric service.

The matter was set for hearing on Friday, October 31, 1958, after due notice to all interested parties, in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. The

matter was heard at said time and place and at the conclusion of the hearing, the Commission took the matter under advisement.

In the application, as filed by Union Rural Electric Association, the statement was made that if Public Service would extend service to the clay pit owned by Mr. Church free of charge, that Union Rural Electric would not request a hearing in this matter. At the hearing, it developed that Public Service was ready, willing and able to render this service in accordance with the rates, rules and regulations and extension policy of said company presently on file and approved by this Commission. It further developed that under said extension policy there would be no charge for the service contemplated at the clay pit and, accordingly, Mr. Church can obtain electric service from the Public Service Company. There being nothing further to come before the Commission at the hearing, the matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission is fully advised in the premises.

That the application of Union Rural Electric Association, Inc., seeking authority to render electric service to the clay pit owned by Marcus F. Church should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16668 in the matter of the application of Union Rural Electric Association, Inc., for authority to extend facilities in the Northwest Quarter (NW¼) of Section 21, Township 2-South, Range 70-West, Jefferson County, Colorado, to render electric service to Marcus F. Church be, and it hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John P. Thompson

Joseph F. Negro

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1958.
ea

original

(Decision No. 51210)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD J. KNOWLES, DOING BUSINESS)
AS "KNOWLES TRAILER REPAIR SERVICE,")
845 HIGHWAY 50, GRAND JUNCTION,) APPLICATION NO. 16663-PP-Extension
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-5525)
AND PERMIT NO. B-5525-I.)

November 6, 1958

Appearances: Harold J. Knowles, Grand Junction, Colorado, pro se; Harold D. Torgan, Esq., Denver, Colorado, for Cole Brothers Trailer Transport, Denver Trailer Supply Company.

S T A T E M E N T

By the Commission:

Harold J. Knowles, doing business as "Knowles Trailer Repair Service," Grand Junction, Colorado, is the owner and operator of Permits Nos. B-5525 and B-5525-I, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation, in intrastate and interstate commerce, of:

> trailers, only, to and from the repair shop of applicant and the sales lot of Aetna Trailer Sales Lot, located in Denver, Colorado, to and from any point in the State of Colorado, and only in connection with the repair of said trailers by the applicant or the sale or trade-in of trailers by any person to the Aetna Trailer Sales Company in Denver, Colorado, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

On September 9, 1958, applicant filed the above-styled application with the Commission, seeking authority to extend operations under said Permits Nos. B-5525 and B-5525-I, by substituting the following, in lieu of present authority:

"Transportation of trailers, only, in intrastate and interstate commerce, to and from repair shop of applicant and sales lot of Thrifty Trailer Mart, located in Grand Junction, Colorado, to and from any point in the State of Colorado, only in connection with repair of said trailers by applicant, or sale or trade-in of trailers by any person to the Thrifty Trailer Mart, in Grand Junction, Colorado, interstate operating rights to be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Grand Junction, Colorado, October 23, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that Harold J. Knowles is Lot Manager for Thrifty Trailer Mart, located in Grand Junction, Colorado, and, in addition, conducts a repair shop for trailers, under the firm name of "Knowles Trailer Repair Service." It appears that in the past, applicant has used the service of Cole Brothers Trailer Transport, domiciled in Grand Junction, and applicant contends that said service was not satisfactory.

The situation we find is rather peculiar. Applicant is the manager for a sales lot of trailers -- that is, Thrifty Trailer Mart, for whom he desires to make deliveries and pick-ups. He also conducts a business known as "Knowles Trailer Repair Service," for the repair of trailers. Applicant states that he will haul to and from any point in the State of Colorado, only in connection with repairs of said trailers by himself, or sale or trade-in of trailers by any person to the Thrifty Trailer Mart in Grand Junction, Colorado.

The evidence indicates that applicant has authority to operate as a private carrier by motor vehicle for hire, is financially responsible, is experienced, and presently has, or can obtain, suitable equipment.

There was a vigorous protest to the granting of this auth-

ority by Cole Brothers Trailer Transport, the holder of a common carrier certificate domiciled in Grand Junction.

The situation herein is unique, in that the presently-authorized common carrier is in a competitive business with applicant herein, and that of Thrifty Trailer Mart, of which applicant is Manager. The applicant herein asks for private carrier authority, to serve his repair shop, and to make deliveries for Thrifty Trailer Mart. Applicant contends that he is forced to get private carrier authority, due to the competition in sale and servicing of trailers.

The question, therefore, naturally arises: "Will the granting of the permit impair the common carrier service of protestant?" The suggestion of impairment was that they would lose applicant's business, but we cannot see where that limited loss of business would impair the common carrier service to the general public. It is true that it may hurt protestant's sales and repair service, as this certificate does give protestant a decided advantage in this highly competitive field.

After considering the above, the Commission can see no good reason why applicant, as hereinafter limited, should not be granted authority to extend operations under his Permits Nos. B-5525 and B-5525-I, as that, in our opinion, eliminates a major portion of the common carrier service, leaving only an individual service for applicant and the company he manages.

The question of adequacy of service was raised, due to the competitive nature of their business, and, finally, we cannot see where the proposed extended service, as hereinafter limited, will tend to impair the efficiency of common carrier service operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That applicant herein should be authorized to extend operations

under Permits Nos. B-5525 and B-5525-I, as set forth in the Order following, for the reasons set forth in the preceding Statement, which is made a part hereof, by reference.

O R D E R

THE COMMISSION ORDERS:

That Harold J. Knowles, doing business as "Knowles Trailer Repair Service," Grand Junction, Colorado, should be, and he hereby is, authorized to extend operations under Permits Nos. B-5525 and B-5525-I, by striking present authority under said permits, and substituting in lieu thereof, the following:

> "Transportation of trailers, only, in intrastate and interstate commerce, to and from repair shop of applicant and sales lot of Thrifty Trailer Mart, located in Grand Junction, Colorado, to and from any point in the State of Colorado, only in connection with repair of said trailers by applicant or sale or trade-in of trailers by any person to the Thrifty Trailer Mart, in Grand Junction, Colorado, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

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

Ralph O Hatton

John P Thompson

Joseph F Negri

Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1958.

mls

original

(Decision No. 51211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BOYD E. RICHNER, INC., A COLORADO CORPORATION, 730 EQUITABLE BUILDING, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16684-PP

November 6, 1958

Appearances: Charles H. Haines, Jr., Esq., Denver, Colorado, for Applicant;
Marion R. Smyser, Esq., Denver, Colorado, for Rio Grande Motorway, Inc.; Fellin Brothers; H. L. Willis.

S T A T E M E N T

By the Commission:

By application filed August 20, 1958, the applicant seeks authority to operate as a motor vehicle private (contract) carrier for the transportation of uranium and vanadium ores, in bulk, from points in Montezuma, Dolores, San Miguel, Montrose, Mesa, La Plata, San Juan and Ouray Counties, to Naturita and Durango, Colorado; mining supplies and equipment, excluding Class "A" and Class "B" explosives, between points in Montezuma, Dolores, San Miguel, Montrose, Mesa, La Plata, San Juan and Ouray Counties, on the one hand, and, on the other, Durango and Naturita, Colorado; sand, gravel, and coal, from point to point within the Counties of La Plata, San Juan, Dolores, and Montezuma, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Don Ward, Vice-President of the applicant Colorado corporation, testified in support of the application, as did Mr. K. W. Erickson, Shop Foreman and Truck Dispatcher at the Vanadium Corporation of America Mill at Durango; Mr. John Ferguson, operator of the Telluride Iron Works Co. at Durango; and Mr. Gordon Burnett, a general contractor at Durango.

It appears from the evidence in support of the application that the applicant corporation was organized in 1955 and maintains offices and a shop at Durango. The corporation appears to have equipment and finances suitable to the work, which Mr. Ward said could be done with dump trucks. The corporation has interstate common carrier authority, not in all respects identical to the private carrier intrastate authority now sought; however, it feels that the authority now sought within Colorado would permit supplemental use of the facilities now available for interstate commerce. No opposition was expressed to the request for authority to haul uranium and vanadium ore, in bulk, nor to the requested authority to haul sand, gravel, and coal, with the usual restriction to dump truck equipment. No reason appears why these authorities should not be granted.

Concerning mine supplies and equipment, however, the situation is somewhat different. It appears that the applicant has in mind to move small supplies and equipment, and equipment which has been repaired, to uranium and vanadium mine sites, from Durango and Naturita. Mr. Erickson, of V. C. A.,illustrated that company's need for supplies and equipment service. He stated that formerly V. C. A. had a private (contract) carrier who hauled uranium and vanadium ores to the V. C. A. reduction mill at Durango, and, as a convenience, would haul back to the mine site whatever repaired equipment or other supplies the mine operator might require, which would be supplied by V. C. A. The transportation both ways was entirely under the control

and direction of V. C. A. Subsequently, V. C. A. decided to end this hired service and operate its own service, and it has done so for several years. It now wishes to get out of the trucking business again and hire its work done. It has accordingly made arrangements with the applicant to use the applicant's service as a complete two-way service between its mining locations and its mills at Durango and Naturita. Regarding the type of supplies and equipment contemplated, Mr. Erickson said that there is really very little to be transported to the mines; perhaps a few rails or mine timbers, these to be taken directly to the mine as the truck returned to the mine after having delivered its ore at the mill. The Company has never needed a flat bed truck to transport any of these commodities in the past. These commodities are now being hauled in Company trucks and accordingly, it does not appear that if properly limited the proposed operation would interfere with existing common carrier operations. Speed of delivery is important to the Company, overnight service being necessary to keep in operation the mines upon whose production the milling operation depends. No authority is needed for service between points served by regular route common carriers, except possibly between Durango and Naturita.

Mr. Ferguson, the iron works company operator, stated that his Company is in the business of mine supply and steel fabrication. He has used the existing common carriers for many years and finds their service satisfactory, except in the Slick Rock-Egnar areas north of Dove Creek, a uranium-vanadium mining area, and to Uravan. To these areas, he has difficulty getting service. He has in mind that if the service V. C. A. needs is authorized, he can call V. C. A. when he has a delivery to be made and catch the next truck going to that vicinity. Several delays to these limited areas have required that he make delivery himself, but he finds this expensive and believes he could adjust his requirements to the operation of

V. C. A.-controlled trucks. It would not make any difference to him, he said, what kind of equipment it was, as the commodities he shipped could be carried in any type truck. He does not have in mind that he would have a separate service of his own, but would only like to be able to catch trucks going back to mines and put his equipment on them.

Mr. Burnett, a general contractor, testified concerning his desire to have sand, gravel and coal service available.

In protest, Mr. Oliver Fellin, of Ouray, and Mr. H. L. Willis, of Silverton, testified that they are local service common carriers in those two areas, qualified and having equipment to serve and being anxious to serve any need which may arise in their areas.

Mr. Max N. Wood, of Grand Junction, Traffic Representative for Rio Grande Motorway, testified concerning adequacy of existing regular route common carrier service.

In view of the limiation we will place upon our Order to follow, it does not appear that our action will tend to impair the existing service of any of these carriers. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

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

That authority sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Boyd E. Richner, Inc., a Colorado corporation, should be, and it hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uranium

and vanadium ores, in bulk, from points in Montezuma, Dolores, San Miguel, Montrose, Mesa, La Plata, San Juan, and Ouray Counties, to Naturita and Durango, Colorado; sand, gravel and coal, from point to point within the Counties of La Plata, San Juan, Dolores, and Montrose; mining supplies and equipment, excluding Class "A" and Class "B" explosives, between Durango, Naturita and Uravan, Colorado; and from Durango and Naturita, Colorado, to uranium and vanadium mines and mills located in Montezuma, Dolores, San Miguel, Montrose, Mesa, and La Plata Counties; all of the foregoing operations to be conducted in dump vehicles only.

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 neeessary tariffs, required insurance, and has secured authority sheets.

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 6th day of November, 1958.

mls

(Decision No. 51212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARTHUR D. CARTER, 1138 PITKIN, GRAND JUNCTION, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16662

November 6, 1958

Appearances: Cecil S. Haynie, Esq., Grand Junction, Colorado, for Applicant;
O. E. Johnson, Denver, Colorado, for Continental Bus System, Inc.;
Plateau Valley Stage Line, Collbran, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

On September 15, 1958, Arthur D. Carter, Grand Junction, Colorado, filed his application with the Commission for a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, on schedule, for the transportation of passengers, between Grand Junction, Colorado, and Mesa Lakes, via U. S. Highway 6 and 24, Colorado Highway 65, and U. S. Highway 50, but without authority to transport passengers from and to Grand Junction, Clifton, Palisade, and Mesa, Colorado, or from and to Grand Junction and Whitewater, Colorado, with occasional trips from Mesa Lakes to Ward Lake and return.

The above application was regularly set for hearing and heard, at the Court House, Grand Junction, Colorado, October 22, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant desires to operate a scheduled operation, from Grand Junction to

Mesa Lakes, via Palisade and Clifton, and on U. S. Highway 50, via Whitewater. Applicant stated he does not desire to carry passengers in competition with Continental Bus Company, or with Plateau Valley Stage Line -- that is, the performing of any service between Grand Junction on the one hand, and Clifton, Palisade, and Whitewater, on the other. However, he desires to pick up or discharge passengers at either Grand Junction, Clifton, Palisade, or Whitewater, destined to or from Mesa Lakes, on Grand Mesa.

Protestants stated they had no objection, if applicant was not performing a competitive service between towns on their established routes.

An examination of the record herein made discloses that there is a need for applicant's proposed service, and as protestants had no serious objection, it leaves the Commission with no alternative than to grant the application.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed common carrier scheduled motor vehicle transportation service, as set forth in the Order following, 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 motor vehicle common carrier transportation service of Arthur D. Carter, Grand Junction, Colorado, on schedule, for the transportation of passengers, from and to Grand Junction, Clifton, Palisade, and Mesa, on the one hand, and, on the other, Grand Mesa Lake Area, over U. S. Highways 6 and 24, and State Highway 65; from and to Grand Junction and Whitewater, on the one hand, and, on the other, the Grand Mesa Lake Area, over U. S. Highway 50 and State Highway 65, with an occasional trip from Mesa Lakes to Ward Lake and return,

it being understood that all transportation service hereunder authorized must either originate or terminate in the Grand Mesa Lake 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 and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system according to the schedule filed 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 6th day of November, 1958.

ea

(Decision No. 51213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GORDON B. IRVINE, CORTEZ, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16682-PP

November 6, 1958

Appearances: Gordon B. Irvine, Cortez, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed September 30, 1958, the applicant seeks authority to operate as a private (contract) motor vehicle carrier in intrastate and interstate service, for the transportation of waste from mines, ore, and mine supplies, from point to point within a radius of twenty-five miles of Egnar, Colorado, and from points in said twenty-five-mile radius to Rifle, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. There was no appearance or testimony in protest.

It appears from the evidence that Egnar is a small community located approximately 12 miles north of Dove Creek, along the west border of Colorado. The principal communities within a 25-mile radius of Egnar are Dove Creek and the reduction mill of the Union Carbide Company at Slick Rock. The applicant has work available to do in season, and equipment sufficient to do the work. Concerning transportation to Rifle, he has in mind, as to transportation

for hire, to haul only ore and only in one direction, that is, to Rifle. Any back haul he might do would be entirely limited to materials used at or in connection with his own mining production. His net worth is approximately $35,000. If granted authority, he is willing to study and abide by the rules and regulations of the Commission.

No reason appears why the application should not be granted as set forth in the following Order.

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

That authority sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Gordon B. Irvine, Cortez, 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 waste from mines, ore, and mine supplies, from point to point within a radius of 25 miles of Egnar, Colorado; and uranium and vanadium ore from points within said 25-mile radius of Egnar to Rifle, Colorado.

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 authority sheets.

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 6th day of November, 1958.

ea

(Decision No. 51214)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE ADDITION OF A RULE FOR "STOPPING IN TRANSIT TO UNLOAD) PARTIALLY" APPLICABLE TO BRICK) AND RELATED ARTICLES AS PUBLISHED BY THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.

CASE NO. 1585

November 6, 1958

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 was filed with the Commission on statutory notice a schedule stating a new rule advertised to become effective November 10, 1958, designated as set forth below.

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.

Motor Freight Tariff No. 14, Colorado P.U.C. No. 13

Item No. 190 - Stopping In Transit to Unload Partially:

(Applies only in connection with shipments moving at rates and charges provided in Section No. 1 of this tariff.)

(Applies only via (✓) Larson Transportation Company, (✓) Rio Grande Motor Way, Inc., and Southwestern Transportation Company.) ((✓) See Note.)

Except as otherwise provided herein, shipments upon which charges are based upon a weight of 30,000 pounds or more may be stopped in transit at a point, or points, between the point of origin and the point of final destination for the purpose of unloading, providing that the stop-off point or points are directly intermediate to the point of final destination via the route over which the rate to such final destination applies, subject to the provisions of Paragraphs (A), (B), (C), (D) and (E) below.

(A) The bill of lading shall show at what point, or points, the shipment is to be stopped off for unloading, the name and address of the party to receive the shipment at such stop-off point, and a description of that part of the shipment to be unloaded at the stop-off point.

(B) The charge for each stop-off in transit for partial unloading shall be $7.50 per stop, in addition to all other applicable charges.

(C) Upon shipments stopped off for partial unloading, the charges shall be determined on the basis of the minimum weight, or actual weight when greater, of the entire shipment, and at the rate applicable from the original point of origin to that point where any portion of the shipment is delivered to which the highest charges are applicable.

(D) The provisions of this item will not apply to C.O.D., or "Order Notify" shipments.

(E) All charges on shipments moving under this rule must be prepaid.

(✓) Note: Larson Transportation Company and Rio Grande Motor Way, Inc., were added to this item to become effective November 25, 1958.

The following information has been received by this Commission from Mr. Stanley Blunt, President of the Southwestern Transportation Company, in support of the rule.

"In our operation the provision will be used mainly in connection with our movements of fire brick. From some experience in this field we find that the major portion of the movements of both building brick and fire brick is being conducted by shipper owned or leased equipment.

"Information given us by our shippers shows that they are having difficulty competing with these shipper owned truck deliveries on smaller lots as the difference in delivered prices on smaller shipments as against full loads is not nearly so great as the difference between common carrier rates between small and large shipments. It is our desire to place ourselves and our shippers in the same position as these shippers who provide their own delivery service. This position being that when our shippers are able to offer us a load of 30,000 pounds or more that we will be able to distribute this load to our shippers customers at rates which are fair and competitive and at the same time compensatory to us. We believe a 30,000 pound rate to the fartherest point plus $7.50 for each intermediate stop will accomplish this purpose.

"This provision is especially needed in the distribution of fire brick for the reason that there is a growing demand for fire brick by the general public in constructing outside fire places and barbeques. This has resulted in our shippers having established a number of retail outlets such as lumber yards to meet this demand. Obviously, such an outlet does not buy in large quantities but in the aggregate it is good business for our shippers and for us. The proposed provision will allow our two shippers at Canon City to compete for this type of business and for us to enjoy business that without such a provision will go more and more to the shipper owned trucks."

F I N D I N G S

THE COMMISSION FINDS, That:

Item No. 190, Original Page No. 34-A, Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, as shown in the statement of this order, appears to represent a just, fair and reasonable rule and should be authorized and an order entered prescribing the said publication.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rule as set forth in the statement shall on November 10, 1958 for Southwestern Transportation Company, and November 25, 1958 for Larson Transportation Company and Rio Grande Motor Way, Inc., be the prescribed rule 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 a rule which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after dates set forth in Paragraph 3 above, the motor vehicle common carriers involved in the rule set forth in the statement of this order shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.

6. On and after dates set forth in Paragraph 3 above, 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 Feburary 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 6th day of November, 1958.

mem

(Decision No. 51215)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITION OF NATIONAL BUS TRAFFIC ASSOCIATION, INC., AGENT, FOR AND ON BEHALF OF CERTAIN NAMED MOTOR CARRIERS OF PASSENGERS FOR AUTHORITY TO MAKE CERTAIN CHANGES IN COLORADO CHARTER COACH TARIFF NO. A-70, COLO. P.U.C. NO. 36, MORE FULLY HEREINAFTER SET FORTH.

APPLICATION NO. 1606, ET AL.

November 6, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of Application No. 34 of National Bus Traffic Association, Inc., Agent, for and on behalf of the following carriers:

American Buslines, Inc. (R. W. Smith, Trustee and W. F. Aikman, Additional Trustee of)

Cannon Ball, Inc.

Colorado Motorway, Inc.

Colorado Springs-Limon Transportation Company (Fred C. Taylor, DBA)

Colorado Transportation Company DBA Rocky Mountain Motor Company

Continental Bus System, Inc. (Continental Rocky Mountain Lines)

Denver-Boulder Bus Company

Denver-Colorado Springs-Pueblo Motorway, Inc.

Denver-Salt Lake-Pacific Stages, Inc.

Greyhound Corporation, The (Central Greyhound Lines Division)

Southwestern Greyhound Lines, Inc.

Transcontinental Bus System, Inc. (Continental Central Lines)

Valley Transit Lines, Inc., N.S.L.

seeking authority to cancel its Colorado Charter Coach Tariff No. A-70, Colorado P.U.C. No. 36, and in lieu thereof to file its Charter Coach Tariff No. A-290 to make the charges and arrangements published therein applicable to Colorado intrastate charter coach movements. The majority of the carriers propose to adopt Section I rates and charges of Charter Coach Tariff No. A-290 for all charter movements originating at points on their lines, except where it is necessary to publish lower charges due to competitive conditions.

If this application is granted, it is proposed to make the following changes in Charter Coach Tariff No. A-290:

(1) The Title Page will be revised to show a "Colorado P.U.C. No." to indicate intrastate filing in the State of Colorado.

(2) The Issuing Carrier List in Section A will be revised to show the Colorado Power of Attorneys in connection with the Colorado carriers, and to add the Colorado Motorway, Inc., Colorado Springs-Limon Transportation Company (Fred C. Taylor, DBA) and Colorado Transportation Company, DBA Rocky Mountain Motor Company, as Issuing Carriers.

(3) Section B - "Individual Carrier Application of and Exceptions to the Rules, Regulations and Charges Shown Herein" will be amended to include the Colorado intrastate application in connection with each Colorado carrier. It is proposed to publish specific additional exceptions for each of the following carriers:

Colorado Motorway, Inc.

Colorado Transportation Company,
DBA Rocky Mountain Motor Company

Denver-Boulder Bus Company

reading:

In lieu of the charges provided under Item No. 3, Column 3, and Exception C, Column 3, Section I hereof, for five (5) "hours" or less, the charges provided under Column 3 will apply for seven (7) "hours" or less.

This same exception will be published for other competitive carriers at common equipment points, who so request.

Canon Ball, Inc.

Rates and charges will be as published in Section G of Charter Coach Tariff No. A-290.

The petitioner bases such requests upon the following facts:

"(a) The last general increase in charges applicable to Colorado intrastate charter coach service was authorized by your Honorable Commission in Decision No. 38763, dated September 12, 1952.

"(b) Decision No. 50044, dated April 11, 1958, authorized a ten (10%) per cent increase in Colorado intrastate passenger fares for regular scheduled service, which became effective April 25, 1958. Subsequent to that date, under authority of Decision No. 46012, dated June 18, 1956, carriers effected a six (6%) per cent increase in Colorado intrastate passenger fares, effective June 29, 1956, and an additional five (5%) per cent increase was effected May 1, 1957, under authority of Decision No. 47809, dated April 22, 1957.

"(c) Although generally considered as 'supplementary' or 'incidental', to revenues derived from their primary, regularly scheduled, intercity transportation service, the revenue derived from charter coach service, has become increasingly important to the regular route intercity motor bus carriers, to the extent that the continuation of adequate, frequent and efficient regular route service for the travelling public between many points is dependent upon these 'supplementary' or 'incidental' revenues.

"(d) The performance of charter coach service is subject to the same substantial increases in costs of operation, with which the carriers, whom petitioner represents, have been and are confronted. It is believed that this special exclusive type of service should bear a full proportionate share of these increases in costs, directly and indirectly attributable thereto.

"(e) The proposed increases in charges for charter coach service were made applicable to interstate charter coach movements in petitioner's Charter Coach Tariff No. A-290, effective April 1, 1958.

"(f) Although the proposed format for publication, as shown in Exhibit B, does not contemplate the publication of minimum charges based on live mileage and hours, as now published in Section C of petitioner's Colorado Charter Coach Tariff No. A-70, a comparison of the charges which will result from the application of the proposed 'Hourly Charges' shown in Exhibit B, with the minimum charges now published in Section C of Colorado Charter Coach Tariff No. A-70, for a twenty-four (24) hour period, is shown in Exhibit C.

"(f) - Continued

Although these changes reflect increases substantially higher than ten (10%) per cent, on 'Standard Equipment', it should be borne in mind that these 'Hourly Charges' represent, in effect, 'Minimum Charges'. These 'Minimum Charges' are intended to insure adequate compensation to the carriers on movements where the Charter Party retains exclusive use of the assigned vehicle for five (5) hours or more, without requiring adequate utilization of the vehicle, as represented by 'Live Mileage'. Surveys of charter coach movements for typical periods have shown that somewhat less than twenty-five (25%) per cent of all such movements result in assessment of 'Minimum Charges' on the 'Hourly' basis.

"(g) The application of the proposed 'Live Mileage' charges starting at twenty-nine (29) passengers will result in an increase of approximately ten (10%) per cent in the total charges for Colorado intrastate charter coach movements. A comparison of the 'Live Mileage' charges is shown in Exhibit D.

"(h) For the convenience of agents, and to avoid confusion in the use of differing bases for the determination of interstate and intrastate charter coach charges, carriers whom petitioner represents are desirous of establishing the same tariff, Charter Coach Tariff No. A-290, to be applicable to intrastate movements between points in the State of Colorado, in the same manner as that tariff is now applicable interstate and intrastate in other states.

"(i) The affected carriers have given mature consideration to the proposed increases in the charges for charter coach service and believe that they are uniformly reasonable to the chartering public, and more uniformly compensatory to the carriers.

"The granting of this application will be in the public interest, in that it will enable carriers whom petitioner represents, to obtain additional needed revenues from this special type of service, which will contribute materially to their ability to continue to provide adequate, frequent, regular route passenger service at compensatory and reasonable fares."

F I N D I N G S

THE COMMISSION FINDS, That:

Application No. 1606, et al., should be reopened and be assigned for a public hearing whereby all concerned may be given an opportunity to inquire into the justness, reasonableness and sufficiency of the proposed changes and increases resulting therefrom.

O R D E R

THE COMMISSION ORDERS, That:

Application No. 1606, et al., (Applicant's No. 34) be and the same is hereby assigned for a public hearing on November 25, 1958, at 10:00 A.M., in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, for the taking of evidence and testimony pertaining to said application.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C Horton
John P Thompson
Joseph F Rogers
Commissioners

Dated at Denver, Colorado,
this 6th day of November, 1958.

mem

(Decision No. 51216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATIONS OF COLORADO MOTOR CARRIERS' ASSOCIATION, AS AGENT, FOR AND ON BEHALF OF CERTAIN MOTOR VEHICLE COMMON CARRIERS TO INCREASE RATES AND CHARGES AS SPECIFIED BELOW.)

CASE NO. 1585

November 7, 1958

S T A T E M E N T

By the Commission:

On October 7 and 23, 1958, The Colorado Motor Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, filed Applications Nos. 107 and 108 seeking the following adjustments in rates and charges:

Application No. 107 - Amend the first paragraph of Item No. 930 of Tariff No. 12-A, Colorado P.U.C. No. 11 to read as follows:

Unless otherwise provided, the minimum charge for a single shipment from one consignor to one consignee on one bill of lading will be for 100 pounds at the first class rate, but not less than $2.75.

Application No. 108 - For account of Centennial Truck Lines, Inc.:

1. Refer to Section No. 1 of Tariff No. 12-A and increase the class rates by the following percentages in lieu of the presently effective emergency 5% increase:

   Less than truckload - - - - - - - - - - - - 15%
   Minimum weight 2,000 pounds - - - - - - - 12%
   Minimum weight 5,000 pounds - - - - - - - 8%
   Minimum weight 10,000 pounds - - - - - - - 5%

   These proposed increases to apply locally on its own line and jointly with other carriers, except that between the points served jointly with the Rio Grande Motor Way, Inc., the class rates will be subject to the same increase as is granted to the Rio Grande Motor Way, Inc.

2. Amend Item No. 60 of Tariff No. 12-A to provide that the volume rates applicable via Centennial Truck Lines, Inc., other than 1st, 2nd, 3rd and 4th class, will be based on the first class rate subject to a minimum weight of 5,000 pounds, rather than the less-than-truckload first class rate.

3. Restrict the last paragraph of Item No. 740, Page 84 of Tariff No. 12-A, not to apply via Centennial Truck Lines, Inc., and publish the following for its account:

> On single shipments transported by Centennial Truck Lines, Inc., locally on its own line or jointly with other carriers, from one consignor to one consignee on one bill of lading in one day in one vehicle or combination of vehicles (as hereinbefore designated) of the required minimum weight, composed of two or more articles subject to different less-than-truckload or any quantity ratings, carrier shall apply to each article its respective volume rate (based on the total weight of the combined articles) at the actual weight of each article.

Larson Transportation Company, Ringsby Truck Lines, Inc., H. H. Harp, doing business as Harp Transportation Line, and Rio Grande Motor Way, Inc.:

1. Refer to Section No. 1 of Tariff No. 12-A and increase the class rates by adding 10%.

   This increase to apply locally on their own lines and jointly with other carriers.

2. Refer to the following items published in Tariff No. 12-A and increase the rates therein applicable via these lines by adding 10%.

1360	1480	1510	1640	1650	1670	1720
1730	1805	1810	1960	2050	2100	2110
2140	2230	2240	2250	2440	2495	2710
2920	2930	2940	2950	2960	2970	3200

3. Cancel Item No. 1470 and refer to Item No. 1480 for rates to apply.

The petitioners set forth the following in support of the said petitions.

No. 107 - "Your petitioner is informed and believes that the continuing rise in the cost of picking up and delivering small shipments makes necessary an immediate increase in the minimum charge, but your petitioner is not in possession of the facts and figures which are relied upon as justifying the request herein made.

"Your petitioner is further informed, however, that a number of carriers, representing a cross section of the industry, will appear at time of hearing to present evidence and testimony in support of this application."

No. 108 - "Your petitioner represents that the rates and charges prescribed by the Commission in its orders for the transportation of commodities generally for hire between points on the common carrier routes served by the above-mentioned carriers are insufficient and non-compensatory for the reason that, since the effective dates thereof, the operating expenses of said carriers and the cost of all items necessary and required in the conduct of their businesses have increased substantially and materially to the extent that said carriers, although operating efficiently and economically, have now reached a point where they can no longer provide adequate and efficient transportation service as required by law, unless immediate relief, as prayed for herein, is granted to said carriers.

"Your petitioner further represents that carrier representatives will appear at time of hearing to present testimony and evidence in support of the request herein made."

A short synopsis of the items referred to in Paragraph 2 in connection with Larson, et al., is as follows:

Item 1360 - Fibreboard Boxes, between Denver and Alamosa, Delta, Grand Junction, Montrose and Craig.

Items 1470 and 1480 - Canned Goods, from Canon City to Denver and Colorado Springs. Item 1480 is applicable on interstate traffic only.

Item 1510 - Cleaning, Scouring or Washing Compounds, from Denver to Grand Junction.

Items 1640 and 1650 - Explosives from Louviers to Western Slope destinations.

Item 1670 - Animal or Poultry Feed, from Denver to Cortez and Grand Junction.

Item 1720 - Motion Picture Films between Denver and points west of Kremmling.

Item 1730 - Motion Picture Films between Denver and points Leadville to Montrose.

Item 1805 - Foodstuffs or Beverages, as described between Denver and Ft. Carson. Increase not to apply via Centennial.

Item 1810 - Foodstuffs, Cold-packed or Frozen, as described, from Denver to Grand Junction.

Item 1960 - Granite or Rough Building Stone, from Cotopaxi and Salida to Canon City, Colorado Springs, Denver, Florence and Pueblo, et al.

Item 2050 - Iron or Steel Articles, from Minnequa to points in San Luis Valley.

Item 2100 - Lime Rock, from Salida to Pueblo.

Item 2110 - Malt Liquors, from Denver to points on the line of Larson, and from Grand Junction to Yampa and intermediate points.

Item 2140 - Lumber from Antonito, Bayfield, Piedra and Durango to Pueblo Air Base.

Item 2230 - Fresh Meats and Packing House Products, from Denver and Pueblo to San Luis Valley and Western Slope destinations.

Item 2240 - Fresh Meats and Packing House Products between Denver and Ft. Carson and Canon City. No proposed increase between Denver and Ft. Carson via Centennial.

Item 2250 - Condensed or Evaporated Milk, from Johnstown to Alamosa, Craig, Durango, Fruita, Grand Junction, Glenwood Springs, Leadville, Montrose and Salida.

Item 2440 - Plumbers' Goods, etc., from Denver and Pueblo to Grand Junction.

Item 2495 - Roofing or Siding, between Denver and Cortez and Durango.

Item 2710 - Old, Second Hand Pneumatic Rubber Tires from San Luis Valley and Western Slope origins to Denver and Pueblo. No proposed increase from Boulder or Ft. Collins.

Item 2920 - Fresh Milk in Bottles, from Steamboat Springs to Craig, Oak Creek and Yampa.

Item 2930 - Fresh Milk in Cans from Steamboat Springs to Golden and Denver.

Item 2940 - Milk or Cream in Cans from Craig, Hayden and Steamboat Springs to Denver.

Item 2950 - Milk or Cream in Cans from Cortez and Durango to Denver.

Item 2960 - Milk or Cream in Cans from Delta, Grand Junction, Montrose and Rifle to Denver.

Item 2970 - Milk or Cream in Cans from San Juan Basin and San Luis Valley points of origin to Denver.

Item 3200 - Milk or Cream in Cans from Pagosa Springs to Durango.

F I N D I N G S

THE COMMISSION FINDS, That:

1. Case No. 1585 should be reopened for further hearing in connection with the instant applications.

2. The matter should be assigned for public hearing on December 11, 1958, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 A.M.

O R D E R

THE COMMISSION ORDERS, That:

1. Case No. 1585 be and the same is hereby reopened for further hearing in connection with the instant applications.

2. The matters and things involved in this proceeding be and the same are hereby assigned for public hearing on December 11, 1958, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 A.M., for the taking of evidence and testimony by all parties concerned.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1958.

mem

original

(Decision No. 51217)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE R. FRAZIER, LEWIS, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 16681-PP-Transfer
B-5197 TO AMOS FRAZIER, ROUTE 1,)
BOX 125, CORTEZ, COLORADO.)

November 7, 1958

Appearances: Armstrong & Thompson, Esqs., Cortez, Colorado, for Applicants;
Ralph South, Cortez, Colorado, pro se.

S T A T E M E N T

By the Commission:

Jake Frazier, Lewis, Colorado, is the owner and operator of Permit No. B-5197, with authority as follows:

> transportation of houses, buildings, and other structures, from point to point within a radius of 75 miles of Cortez, Colorado, and from and to points within said area to and from other points in the State of Colorado.

By application filed August 27, 1958, said permit-holder seeks authority to transfer said Permit No. B-5197 to Amos Frazier, Cortez, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Jake Frazier, Lewis, Colorado, the Transferor herein, appeared in support of the application and testified that he owns and operates Permit No. B-5197, and desires to transfer it to his son, Amos, so that he can retire, as he is now 69 years of age; that there

is no indebtedness connected with the operation; that his equipment has already been transferred; and that there is no consideration connected with the transfer.

Amos Frazier, Cortez, Colorado, Transferee herein, testified in support of the application, and stated that he has worked with his father for fifteen years, and formerly owned the permit; that his financial statement is on file with the Commission, as well as his customer list; that he has arranged for the insurance to be filed; and that he does not have any other authority from this Commission.

Ralph South, Cortez, Colorado, appeared in protest to the transfer, and testified that he owns and operates PUC No. 2334, which covers the same territory.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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 Jake R. Frazier, Lewis, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-5197 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Amos Frazier, Cortez, 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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1958.

mls

Original

(Decision No. 51218)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MELVIN BREWER AND RAYMOND GOFORTH, CO-PARTNERS, DOING BUSINESS AS "BREWER & GOFORTH," EGNAR, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMITS NOS. B-4098 AND B-4098-I.) APPLICATION NO. 16679-PP-Extension

November 7, 1958

Appearances: Watts & Watts, Durango, Colorado, by William L. Watts, Esq., for applicants; Marion R. Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.; Fellin Brothers; C. J. Schuler; H. L. Willis.

S T A T E M E N T

By the Commission:

Melvin Brewer and Raymond Goforth, co-partners, doing business as "Brewer & Goforth," Egnar, Colorado, are the owners and operators of Permits Nos. B-4098 and B-4098-I, with authority as follows:

> transportation of vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, stockpiles, in the part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, interstate operating rights authorized herein being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

By application filed September 15, 1958, applicants herein seek authority to extend operations under Permits Nos. B-4098 and B-4098-I to include the right to transport the following ores:

Lead, zinc, copper, silver, gold, iron, and ferric oxide, from mines, pot holes, claims, stockpiles, in that part of the State of Colorado lying west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State lines, to ore reduction plants, mills, and smelters in the State of Colorado, Utah and New Mexico, in intrastate and interstate commerce.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the New Court House, Durango, Colorado, October 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Melvin Brewer, one of the co-partners, appeared in support of the application and testified that they operate 5 Dodge Trucks, 3 tandem and 2 bobtails; that his net worth is approximately $40,000; that they now have uranium and vanadium ore authority; that they have work lined up for Bay City Mine & Milling at Ouray; however, the hauls would originate at Durango and at the Diamond Jack Mine near the vicinity of Ouray, and terminate at Ouray; that they have not hauled ore from Rico, but there is a possibility for them to haul iron ore from Rico to Ridgway.

Roland Jahnke, Ouray, Colorado, General Manager of Bay City Mining & Milling Company at Ouray, appeared in support of the application and testified that the Company has a mine under lease near Ouray still in the development stage, and one thirteen miles up the La Plata Canyon from Hesperus, near Durango; that the transportation would be base metals or raw ores; that he contacted Fellin Brothers but they were not interested in the long haul; that the Company needs this hauling; that they have a contract to haul fifty tons of ore a day from the Lady Eleanore Mine near Durango; that he has not used any service to the mine near Ouray, as it was not in production, but presumes Fellin would be satisfactory.

Oliver Fellin, Ouray, Colorado, a partner of Fellin Brothers, appeared in protest to the extension and testified that they are the owners and operators of PUC No. 871, with authority to haul ore statewide; that they have any kind of equipment necessary to haul ore anywhere, their equipment being 12 trucks ranging from 1½-ton to 25-ton trucks; that their trucks are stationed at Ouray, and some are idle most of the time; that they can perform this service for the Bay City Mining & Milling Company, and have been doing some Ouray hauling without complaint; that one of their competitors has quit ore hauling because of lack of business.

H. L. Willis, Silverton, Colorado, appeared in protest to the application, and testified that he is the owner and operator of PUC No. 1081, with authority within a 20-mile radius of Silverton; that this radius does not include the Durango mine, or Rico, but would include the Ouray-described mine; that he has four dump trucks; that he serves only one customer now; and that he would like to get the Ouray hauling business.

Max M. Wood, Grand Junction, Colorado, Traffic Representative for Rio Grande Motor Way, Inc., which owns PUC No. 149, appeared in protest to the application, and testified that his Company has call and demand authority in and out of the territory requested, and have equipment stationed at Montrose, and one at Salida.

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

It appears to the Commission from the evidence that the applicant has shown no need or desire for his service, except out of the La Plata Canyon area. The service in the Ouray area appears from the evidence to be satisfactory and accordingly no authority in that area can be granted. No need or desire for any service in any other area was shown. The authority will be restricted accordingly.

As so restricted, it does not appear that the applicants' proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which they will compete.

F I N D I N G S

THE COMMISSION FINDS:

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

That the proposed extension sought should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Melvin Brewer and Raymond Goforth, co-partners, doing business as "Brewer & Goforth," Egnar, Colorado, should be, and they hereby are, authorized to extend operations under Permits Nos. B-4098 and B-4098-I, to include the right to transport the following ores: lead, zinc, copper, silver, gold, iron, and ferric oxide, from mines owned or operated by the Bay City Mining & Milling Company, and located in the canyon of the La Plata River north of Hesperus, Colorado, to ore reduction plants or mills of Bay City Mining & Milling Company, near Ouray, Colorado, in intrastate and interstate commerce, interstate operating rights herein granted being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

Joseph C. Norton

John P. Thompson

Joseph E. Rigo

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1958.

ea

(Decision No. 51219)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO MILK TRANSPORT, INC., ROUTE 1, BOX 141, BROOMFIELD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 375 AND PUC NO. 375-I.

APPLICATION NO. 16692-Extension

November 6, 1958

Appearances: Barry, Hupp and Dawkins, Esqs., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On September 29, 1958, the above-styled application was filed with the Commission by Colorado Milk Transport, Inc., Broomfield, Colorado, seeking a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 375 and PUC No. 375-I.

Thereafter, and on October 21, 1958, said matter was set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 10, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Barry, Hupp and Dawkins, Attorneys for Applicant herein, stating Applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That hearing of the above-styled application, presently set

for November 10, 1958, should be vacated.

That Application No. 16692 should be dismissed, at request of Attorneys for Applicant herein.

O R D E R

THE COMMISSION ORDERS:

That hearing of the above-styled application, set for November 10, 1958, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, should be, and the same hereby is, vacated.

That Application No. 16692 should be, and the same hereby is, dismissed, at request of Attorneys for Applicant 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 6th day of November, 1958.

mls

(Decision No. 51220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LAKEWOOD KAR-MART, INCORPORATED)
1475 SHERIDAN BOULEVARD)
DENVER 14, COLORADO) PERMIT NO. M-7240
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lakewood Kar-Mart, Inc., 1475 Sheridan Blvd, Denver 14, Colorado. requesting that Permit No. M-7240 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7240, heretofore issued to Lakewood Kar-Mart, Inc. 1475 Sheridan Blvd., Denver 14, Colorado be, and the same is hereby, declared cancelled effective November 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Hoshour
John P. Thompson
Joseph F. Tigro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51221)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
T. WILSON WARREN)
POST OFFICE BOX 1913,)
DENVER 1, COLORADO) PERMIT NO. M-6217
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from T. Wilson Warren, P. O. Box 1913, Denver 1, Colorado requesting that Permit No. M-6217 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6217, heretofore issued to T. Wilson Warren, P. O. Box 1913, Denver 1, Colorado be, and the same is hereby, declared cancelled effective September 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hoyt
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51222)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD R. BUNDREN, DOING BUSINESS AS,)
FLOYD'S USED FURNITURE,)
7406 WEST 57th AVENUE) PERMIT NO. M-11294
ARVADA, COLORADO.)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Floyd R. Bundren, Dba Floyd's Used Furniture, 7406 W. 57th Ave., Arvada, Colorado. requesting that Permit No. M-11294 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11294, heretofore issued to Floyd R. Bundren, Dba Floyd's Used Furniture, 7406 W. 57th Ave., Arvada, Colorado be, and the same is hereby, declared cancelled effective March 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51223)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEO CONARD, DOING BUSINESS AS)
J. E. CONARD AND SON NURSERY)
STIGLER, OKLAHOMA)
)
----------)

PERMIT NO. M-7216

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo Conard, Dba J. E. Conard and Son Nursery, Stigler, Oklahoma. requesting that Permit No. M-7216 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7216, heretofore issued to Leo Conard, Dba J. E. Conard and Son Nursery, Stigler, Oklahoma. be, and the same is hereby, declared cancelled effective October 24, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoehn
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51224)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD J. URIG)
2538 PRAIRIE ROAD)
COLORADO SPRINGS, COLORADO) PERMIT NO. M-6318
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward J. Urig, 2538 Prairie Road, Colorado Springs, Colorado. requesting that Permit No. M-6318 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6318, heretofore issued to Edward J. Urig, 2538 Prairie Road, Colorado Springs, Colorado. be, and the same is hereby, declared cancelled effective September 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert G. Dumm
Jim Thompson
Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51225)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT K. WILLFORD, DOING BUSINESS AS)
WILLFORD GAS COMPANY)
COWDREY, COLORADO) PERMIT NO. M-1093
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert K. Willford, Dba Willford Gas Co., Cowdrey, Colorado. requesting that Permit No. M-1093 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1093, heretofore issued to Robert K. Willford, Dba Willford Gas Co., Cowdrey, Colorado. be, and the same is hereby, declared cancelled effective August 23, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Horton
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51226)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MERCHANTS CHEMICAL COMPANY, INC.)
1211 WEST 44th AVENUE,)
DENVER 21, COLORADO) PERMIT NO. M-4459
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Merchants Chemical Company, Inc., 1211 West 44th Avenue, Denver 21, Colorado. requesting that Permit No. M-4459 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4459, heretofore issued to Merchants Chemical Company, Inc., 1211 West 44th Avenue, Denver 21, Colorado. be, and the same is hereby, declared cancelled effective November 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Horton
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51227)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GORDON L. GILBERTSON)
1489 HAVANA)
AURORA, COLORADO) PERMIT NO. M-7263
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gordon L. Gilbertson, 1489 Havana, Aurora, Colorado requesting that Permit No. M-7263 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7263, heretofore issued to Gordon L. Gilbertson, 1489 Havana, Aurora, Colorado be, and the same is hereby, declared cancelled effective November 4, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Horton
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51228)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ALFORD H. SOWDER)
719 SIMPSON)
FORT MORGAN, COLORADO) PERMIT NO. M-8882
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alford H. Sowder, 719 Simpson, Fort Morgan, Colorado. requesting that Permit No. M-8882 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8882, heretofore issued to Alford H. Sowder, 719 Simpson, Fort Morgan, Colorado. be, and the same is hereby, declared cancelled effective September 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
Lyn J. Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51229)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM J. FINKEN)
4606 SOUTH WASHINGTON)
ENGLEWOOD, COLORADO) PERMIT NO. M-13470
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William J. Finken, 4606 South Washington, Englewood, Colorado. requesting that Permit No. M-13470 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13470, heretofore issued to William J. Finken, 4606 South Washington, Englewood, Colorado. be, and the same is hereby, declared cancelled effective August 19, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoover
John P. Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD RHOADES)
106 BANNOCK)
STERLING, COLORADO) PERMIT NO. M-14884
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leonard Rhoades, 106 Bannock, Sterling, Colorado requesting that Permit No. M-14884 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14884, heretofore issued to Leonard Rhoades, 106 Bannock, Sterling, Colorado be, and the same is hereby, declared cancelled effective October 29, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoover
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958

ds

(Decision No. 51231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SIDEL SCHEAR)
POST OFFICE BOX 41,)
CORTEZ, COLORADO) PERMIT NO. M-11641
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sidel Schear, P. O. Box 41, Cortez, Colorado requesting that Permit No. M-11641 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11641, heretofore issued to Sidel Schear, P. O. Box 41, Cortez, Colorado be, and the same is hereby, declared cancelled effective October 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins
Ben L. Thompson
Joseph T. Higro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS J. HUBIN)
2309 NORTH NEVADA)
COLORADO SPRINGS, COLORADO) PERMIT NO. M-12164
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas J. Hubin, 2309 N. Nevada, Colorado Springs, Colorado requesting that Permit No. M-12164 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12164, heretofore issued to Thomas J. Hubin, 2309 N. Nevada, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective September 6, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hoehne
John P. Thompson
Joseph F. Hearon
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 8.

ds

(Decision No. 51233)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
U. S. TAYLOR)
KARVAL, COLORADO)
) PERMIT NO. M-2314
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from U. S. Taylor, Karval, Colorado requesting that Permit No. M-2314 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2314, heretofore issued to U. S. Taylor, Karval, Colorado be,

and the same is hereby, declared cancelled effective October 25, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hanson
Ann L. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

Ds

(Decision No. 51234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MATT SKOREY PACKARD COMPANY,)
1147 BROADWAY)
DENVER 3, COLORADO) PERMIT NO. M-9241
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Matt Skorey Packard Company, 1147 Broadway, Denver 3, Colorado. requesting that Permit No. M-9241 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9241, heretofore issued to Matt Skorey Packard Company, 1147 Broadway, Denver 3, Colorado. be, and the same is hereby, declared cancelled effective October 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Horton
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51235)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EMANUEL STEIN, DOING BUSINESS AS,)
"PUEBLO FIXTURE EXCHANGE",)
222 NORTH SANTA FE AVENUE,) PERMIT NO. M-7187
PUEBLO, COLORADO)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Emanuel Stein, Dba Pueblo Fixture Exchange, 222 N. Santa Fe Ave., Pueblo, Colorado requesting that Permit No. M-7187 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7187, heretofore issued to Emanuel Stein, Dba Pueblo Fixture Exchange, 222 N. Santa Fe Ave., Pueblo, Colo. be, and the same is hereby, declared cancelled effective January 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Gordon
Ben P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

ds

(Decision No. 51236)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MR. AND MRS. H. S. CUSHENBERY)
1015 NORTH CORONA)
COLORADO SPRINGS, COLORADO) PERMIT NO. M-7676
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mr. & Mrs. H. S. Cushenbery, 1015 N. Corona, Colorado Springs, Colorado requesting that Permit No. M-7676 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7676, heretofore issued to Mr. & Mrs. H. S. Cushenbery, 1015 N. Corona, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective July 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert G. Hogan
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51237)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
C. V. DISTRIBUTING COMPANY)
2913 ELIZABETH)
PUEBLO, COLORADO) PERMIT NO. M-11003
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. V. Distributing Company, 2913 Elizabeth, Pueblo, Colorado requesting that Permit No. M-11003 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11003, heretofore issued to C. V. Distributing Company, 2913 Elizabeth, Pueblo, Colorado be, and the same is hereby, declared cancelled effective November 1, 1957.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hoban
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1958.

(Decision No. 51238)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MARK BALEY)
630 WEST PINION)
FARMINGTON, NEW MEXICO) PERMIT NO. M-15320
)
)

November 10, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mark Baley, 630 W. Pinion, Farmington, New Mexico requesting that Permit No. M-15320 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15320, heretofore issued to Mark Baley, 630 W. Pinion, Farmington, New Mexico be, and the same is hereby, declared cancelled effective October 5, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hendrix
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

ds

(Decision No. 51239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEROY D. MC GUFFIN AND EFFIE L. MC GUFFIN, CO-PARTNERS, DOING BUSINESS AS "A-ONE HOUSE MOVERS," 2420 WEST ILIFF AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 3867.	APPLICATION NO. 16689-Extension

November 12, 1958

Appearances: John H. Lewis, Esq., Denver, Colorado, for Applicants;
Bruce Ownbey, Esq., Denver, Colorado, for A. E. Crandall & Sons.
Edward Welch, Wray, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicants are the present owners of PUC No. 3867 with the following authority:

> To transport over an irregular route, buildings, other than box cars and tramway cars, between points in that part of Colorado lying east of a line drawn parallel with U. S. Highway No. 87, and 35 miles westerly therefrom, and north of the southern boundaries of the Counties of Yuma, Washington, Elbert, Douglas and Jefferson, and excluding from any such service Morgan County, Colorado.

By their present application, they seek to have this authority extended so as to authorize them to perform their present service throughout 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, November 7, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant, Leroy D. McGuffin, testified in support of his application, as did Mr. L. G. Swan, of Castle Rock; Mr. Floyd A. Pool, of Denver; and Mr. Bob L. Hunt, of Pueblo. In substance, the testimony in support of the application is that the applicants acquired their present authority by purchase approximately thirteen months ago, and have actively engaged in the operation of their authority since. They have had many requests for service, none from Morgan County, and would like to extend the scope of their operation. They have equipment and finances suitable to the work, but would still operate only one office and that in Denver, as they are convinced that no branch office system will work.

Mr. Swan had no present plans to have any buildings moved, but might in the future and, if so, might like to use the applicants' service; Mr. Pool is considering possibly moving a building onto his property in Denver and may possibly have a cabin moved from Bond to State Bridge, but has not reduced this general plan to any specific intention as yet. He has not used any other authorized carrier but would like to have the applicants' service available if he ever decides to use it in some place where the applicants are not presently authorized to serve; Mr. Hunt, a Pueblo general contractor, has two houses to move within the City limits of Pueblo, but has not contacted any of the local movers there. He may buy other houses at some future time and, if so, would like to have the applicants' services available.

In protest, both Mr. A. E. Crandall, of Wiggins, and Mr. Edwin Welch, of Wray, testified that they have common carrier authority to move buildings and are engaged in that business in Morgan County; that Morgan County provides the principal volume of work in that area and that they need this business in that County to keep their local operations there in business.

Review of the file indicates that the applicant acquired this authority approximately one year ago by our Decision No. 48721, of which we take official notice. In that proceeding, Mr. Robert E.

Boyce, of Pueblo, sought and was granted authority to split his certificate so as to sell the northern part of it to the present applicants, and retain the southern part himself. Proof was offered that no new operation was contemplated and that the splitting of the certificate was consistent with the public interest for the reason that the operation in the south would continue as before and was adequate to the people of that area. Having bought half the certificate, the applicant now seeks to acquire by application the half he did not buy.

We are not impressed from the evidence that the existing service to the public in places other than the applicants' present authority is inadequate in any respect, or unreasonable in price. On the present evidence, therefore, the application must be denied.

F I N D I N G S

THE COMMISSION FINDS:

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

That the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Norton

John P. Thompson

Joseph F. Negro

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1958.

ea

(Decision No. 51240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLOYD A. HENRIKSON, DOING BUSINESS AS "DENVER-LOVELAND TRANSPORTATION," 255 SOUTH CLEVELAND, LOVELAND, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 205.

APPLICATION NO. 16688-Extension

November 12, 1958

Appearances: Truman A. Stockton, Esq., Denver, Colorado, and John H. Lewis, Esq., Denver, Colorado, for Applicant;
J. R. Arnold, Denver, Colorado, for North Eastern Motor Freight, Inc.;
Paul M. Hupp, Esq., Denver, Colorado, for copy of Order;
R. B. Danks, Esq., Denver, Colorado, for Colorado Transfer & Warehousemen's Assn.;
Howard D. Hicks, Denver, Colorado, for Centennial Truck Lines, Inc.;
Leslie R. Kehl, Esq., Denver, Colorado, for Consolidated Milk Lines; R. B. "Dick" Wilson, Inc.; Melton Transport Company; Ward Transport, Inc.; Bethke Truck Lines; Wright Motor Lines, Inc.; Sorenson Truck Service, Inc.;
Willard L. Peck, Esq., Denver, Colorado, for The Colorado & Southern Railway Company;
Paul R. Santo, Denver, Colorado, for United States Transfer & Storage Company, Inc.;
Marion R. Smyser, Esq., Denver, Colorado, for The Denver & Rio Grande Western Railroad Company; Rio Grande Motor Way, Inc.; Larson Transportation Company;
Earl J. Wahl, Chicago, Illinois, for U. S. Gypsum Company;
Hubert Work, Denver, Colorado, for Weicker Transfer & Storage Company;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation & Storage, Inc.

S T A T E M E N T

By the Commission:

The applicant is the owner of PUC No. 205, which, in general, authorizes motor common carrier line-haul service between Denver and Loveland, and also authorizes call and demand irregular route motor common carrier service for the transportation of general commodities between points in the Counties of Boulder, Weld, and Larimer, and occasionally throughout the State of Colorado; the occasional authority has been extended to authorize unlimited call and demand service between the plants of the Great Western Sugar Company near Loveland, and near Longmont, and points within four miles of Denver.

By the present application, the applicant seeks to have this authority extended so as to authorize unlimited call and demand service between points in the three counties mentioned, on the one hand, and on the other, points and places 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, November 6, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application, as did Mr. Earl J. Wahl, Assistant Traffic Manager in charge of motor transportation for U. S. Gypsum Company, which operates a plant five miles west of Loveland. In substance, the testimony in support of the application was that the applicant has been conducting operations under his present authority, and in connection therewith has occasionally served U. S. Gypsum Company. He has, or can obtain equipment, and finances and is qualified by experience to perform the service required. The U. S. Gypsum Company's plant at Wild's Spur, located five miles west of Loveland, produces gypsum and distributes, in Colorado, retailed gypsum products manufactured elsewhere. All of

the commodities involved, however, are known under the title "gypsum and gypsum products." Until now, sales have been made f. o. b. the plant. Operating efficiencies have caused the gypsum company now to change its sales policy so as to price their goods on a delivered basis. Where formerly the customer provided or hired his own transportation, all the transportation out of the plant will now be paid and under the direction of the gypsum company. Until now, the "occasional" authority of the applicant has been sufficient for any requirements they might have, but the gypsum company feels that its new policy may require transportation over and above "occasional" and will use the applicant if unlimited authority to serve them is granted. It asks that such authority be granted to the extent required by its plant. The volume of intrastate motor traffic is expected to be perhaps 7,000 tons per year, and to be delivered to any point in Colorado where the company can successfully sell its product. Single line delivery is said to be important to the company, not only because of the shorter delivery time it permits, but also to minimize breakage of fragile plaster board. The company has also taken into account the convenient location of the applicant's principal office from a service point of view, and states that no other carrier similarly equipped is located in the vicinity.

There was considerable testimony in protest. Among those who testified were Howard Hicks, General Traffic Manager for Centennial Truck Lines, a regular route carrier, north and south through Colorado, with "occasional" service out of a Greeley office, perhaps 25 miles from the plant; Mr. Edward Rogers, for Wright Motor Lines, with "occasional" authority out of a main terminal at Rocky Ford, perhaps 200 miles from the plant; Mr. Frederic Bethke, with authority into and out of the vicinity of Platteville, perhaps 30 miles from the plant; Mr. Howard Yelverton, for Goldstein Transportation & Storage, Inc., with state-wide authority, and a terminal at Denver, perhaps 50 miles from the plant; Mr. Ralph Knull,

for Rio Grande Motor Way, Inc., and Larson Transportation Company, a regular route operation west and south of Denver, which could serve the plant only by interline; Mr. D. S. Smith, for R. B. "Dick" Wilson, Inc., a state-wide carrier of petroleum and petroleum products in bulk; Mr. R. E. McCarthy, for Colorado and Southern Railway Company; and Mr. Edward Davidson, for Denver and Rio Grande Western Railroad Company. All of these protestants were concerned about the broad scope of the application and the competitive effect it might have on their operation if such an application were granted. None of them convinced the Commission that any measurable injury to them would result from granting the applicant authority to serve the Gypsum Plant, nor that in fact any of them have terminals and facilities close enough to the Gypsum Plant to provide the Gypsum Company with effective local service; indeed, this applicant is the local domiciled common carrier with authority in general to serve that locality on a broad common carrier basis; and it might be said with justification that if business develops in that vicinity that local carrier ought to be given first claim to it.

On the other hand, the broad scope of the application as cast is wholly unsupported by any credible evidence of public need, except insofar as the Gypsum Plant is concerned. The application is filed on a grand scale, and aroused the curiosity both of the industry and the Commission as to whether some disposition might be possible in this proceeding concerning the word "occasional," which has been a worrisome problem to industry and the Commission alike. The proof, to our disappointment, wholly failed to provide any basis upon which any progress might be made at the ultimate solution of this problem. An Order will be entered accordingly.

F I N D I N G S

THE COMMISSION FINDS:

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

That public convenience and necessity require the proposed extended service of the applicant and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier unlimited call and demand service of Floyd A. Henrikson, doing business as "Denver-Loveland Transportation," Loveland, Colorado, under PUC No. 205, for the transportation of gypsum and gypsum products only, between the Plant of the U. S. Gypsum Company at Wild's Spur, Colorado, and all points in the State of 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 G od, 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 in all other respects said Application No. 16688 should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 12th day of November, 1958.

Commissioners.

ea

original

(Decision No. 51241)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM J. ALLSPACH, JR., AND JOSEPH G. ALLSPACH, CO-PARTNERS, DOING BUSINESS AS "ALLSPACH BROTHERS," 4449 CLAY STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 2495 TO D. R. HART, P. O. BOX 317, DERBY, COLORADO.

APPLICATION NO. 16690-Transfer

November 12, 1958

Appearances: Robert McLean, Esq., Denver, Colorado, for Transferors and Transferee.

S T A T E M E N T

By the Commission:

William J Allspach, Jr., and Joseph G. Allspach, co-partners, doing business as "Allspach Brothers," Denver, Colorado, are the ownersof PUC No. 2495, authorizing:

> transportation of ashes and trash in the territory known as 72nd and Meade, Adams County, Colorado, and a radius of four (4) miles, excluding Denver, Colorado, with the following extension: Commencing on Kipling Street at the point where the above four (4) mile radius from 72nd and Meade intersects Kipling Street; thence north on Kipling Street to the Jefferson County Line, which line is the north township line of Township 2 South; thence east on the north line of Township 2 South and along that part of State Highway No. 128 to the west side of the South Platte River; thence southwesterly along the west side of the South Platte River to the south side of Section 1, T. 3 S., R. 68 W.; thence west about one-half (½) mile to an intersection with the original four (4) mile radius from 72nd and Meade; garbage in the above-described territory east of North Washington Street.

By application filed October 6, 1958, William J. Allspach, Jr. and Joseph G. Allspach, co-partners, doing business as "Allspach Brothers," Denver, Colorado, seek authority to transfer said PUC No. 2495 to D. R. Hart, Derby, 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 7, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Joseph G. Allspach, one of the Transferors and co-owner of PUC No. 2495, appeared in support of the application, and testified that the total purchase price of the certificate is $11,000, of which amount $2,000 still remains due, and for which the partners have a note.

D. R. Hart, the Transferee herein, appeared in support of the application and testified that he has had three years experience; that he has been operating this authority under lease; that his net worth is approximately $2,000; that he owns and operates one truck; that he has no other for hire authority from this Commission; that he is familiar with the rules and regulations of this Commission, and will abide by them, if the transfer is approved.

No one appeared in opposition to the granting of the proposed transfer.

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

F I N D I N G S

THE COMMISSION FINDS:

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

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 William J. Allspach, Jr., and Joseph G. Allspach, co-partners, doing business as "Allspach Brothers," Denver, Colorado, should be, and they are hereby, authorized to transfer all their right,

title and interest in and to PUC No. 2495 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to D. R. Hart, Derby, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John L. Thompson

Joseph E. Hearn

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1958.

mls

(Decision No. 51242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
T. W. LOWERY, 1432 WALLACE STREET,)
CLOVIS, NEW MEXICO.)
) PERMIT NO. B-4992-I
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from T. W. Lowery, Clovis, New Mexico, requesting that Permit No. B-4992-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4992-I, heretofore issued to T. W. Lowery, Clovis, New Mexico, be, and the same is hereby, declared cancelled effective October 19, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958

mjm

(Decision No. 51243)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
DALE W. EWING, 847 SOUTH 2ND)
AVENUE, BRIGHTON, COLORADO.) PERMIT NO. M-15636
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dale W. Ewing, Brighton, Colorado, requesting that Permit No. M-15636 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15636, heretofore issued to Dale W. Ewing, Brighton, Colorado, be, and the same is hereby, declared cancelled effective October 24, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958.

(Decision No. 51244)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
OVIE JOHNSON, BELLVUE STAR ROUTE,)
FORT COLLINS, COLORADO.) PERMIT NO. M-5542
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ovie Johnson, Bellvue Star Route, Fort Collins, Colorado, requesting that Permit No. M-5542 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5542, heretofore issued to Ovie Johnson, Fort Collins, be, and the same is hereby, declared cancelled effective October 29, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958

mjm

(Decision No. 51245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
NORMAN L. WILLIAMSON, 1700 W 17TH,)
WICHITA, KANSAS)
) PERMIT NO. M-696
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Norman L. Williamson , Wichita, Kansas requesting that Permit No. M-696 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-696, heretofore issued to Norman L. Williamson, Wichita, Kansas be, and the same is hereby, declared cancelled effective October 8, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Woodward
John P. Thompson
Ingalls F. Rogers
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958

me

(Decision No. 51246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BETTER BILT DOOR COMPANY, WHITE HORSE)
PIKE, EGG HARBOR CITY, NEW JERSEY)
) PERMIT NO. M-6020
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Better Bilt Door Company, Egg Harbor City, New Jersey requesting that Permit No. M-6020 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6020, heretofore issued to Better Bilt Door Company, Egg Harbor City, New Jersey be, and the same is hereby, declared cancelled effective November 5, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Thompson
Ben L. Thompson
Joseph E. Tigro
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958

mc

(Decision No. 51247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD MORGAN AND CLIFFORD MORGAN,)
DOING BUSINESS AS "MORGAN AND SON",)
2134 EAST 11TH, PUEBLO, COLORADO) PERMIT NO. M-14013
)
)

November 13, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. C. Morgan, Pueblo, Colorado requesting that Permit No. M-14013 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14013, heretofore issued to Richard Morgan and Clifford Morgan d/b/a "Morgan and Son", Pueblo, Colorado be, and the same is hereby, declared cancelled effective November 7, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hodges
Ivan V. Thompson
Joseph F. Tigro
Commissioners

Dated at Denver, Colorado,

this 13th day of November, 1958

mc

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51248)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD AND CLIFFORD MORGAN, CO-PARTNERS, DOING BUSIENSS AS "MORGAN & SON", 2134 EAST 11TH, PUEBLO, COLORADO.)

PERMIT NO. B-5480-I

November 13, 1958

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 their Permit No. B-5480-I be suspended for six months from November 7, 1958.

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 Richard and Clifford Morgan, d/b/a "Morgan & Son", Pueblo, Colorado, be, and are hereby, authorized to suspend their operations under Permit No. B-5480-I until May 7, 1959.

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

Commissioners

Dated at Denver, Colorado,
this 13th day of November, 1958

mjm

CANCELLATION--COMMON CARRIER

(Decision No. 51249)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JAMES MAXEY JR., 214 NORTH)
DUFFEE, SYRACUSE, KANSAS.) PUC NO. 4080-I
)
)
)

November 13, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Maxey Jr., Syracuse, Kansas, requesting that Certificate of Public Convenience and Necessity No. 4080-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. 4080-I heretofore issued to James Maxey Jr., Syracuse, Kansas, be, and the same is hereby, declared cancelled effective September 27, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of November, 1958

mjm

(Decision No.51250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF SOUTHERN COLORADO POWER COMPANY A CORPORATION, 115 WEST 2nd ST., PUEBLO, COLORADO, TO ISSUE AND SELL $2,500,000 OF FIRST MORTGAGE BONDS AND 50,000 SHARES OF ___% SERIES PREFERRED STOCK HAVING A PAR VALUE OF $50.00 PER SHARE	APPLICATION NO. 16728 Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed November 10, 1958, by Southern Colorado Power Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing November 21, 1958, at 10:00 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. Invervention petitions should be filed with the Commission on or before November 14, 1958, 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

Ralph C Horton

John P Thompson

Joseph F Nigro
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1958.

(Decision No. 51251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF S. W. THORNHILL, P. O. BOX 662, 1614 23RD, GRAND JUNCTION, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16204

November 13, 1958

Appearances: Frank M. Hockensmith, Esq., Grand Junction, Colorado, for Applicant;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Carll V. Kretsinger, Esq., Kansas City, Missouri, for J. L.Cox & Son, Inc., J. O. (Red) Willett Pipe Line Stringing Corporation;
Leslie R. Kehl, Esq., Denver, Colorado, for Stanton Transportation Company, Arnold Weiss;
Marion R. Smyser, Esq., Denver, Colorado, for Larson Transportation Company, Rio Grande Motor Way, Inc.;
Thomas G. Litton, Grand Junction, Colorado, for Litton Warehouse Company;
Donovan and Hoover, Esqs., Albuquerque, New Mexico, for Box Bar Transportation Company.

S T A T E M E N T

By the Commission:

On February 11, 1958, S. W. Thornhill, Grand Junction, Colorado, applicant herein, filed his application with the Commission, seeking a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development,

production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, or supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipeline including the stringing and picking up thereof, between points in Mesa County, Colorado.

Said matter was regularly set for hearing, and heard, April 2, 1958, at the Auditorium, City Hall, Grand Junction, Colorado, and by Decision No. 50031, of date April 10, 1958, said setting was vacated, said matter to be later re-set for hearing at some future date convenient to the Commission.

The matter was regularly re-set for hearing, and heard, at the Court House, Grand Junction, Colorado, October 23, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant asked to amend his application, so that the authority herein sought would be as follows:

> "Transportation of machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, or supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof, all restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipe lines and restricted against the transportation of liquid commodities in bulk in tank trucks, between points in Mesa County, Colorado."

All parties appearing at the hearing agreed to the amendment, so said amendment was permitted.

At the hearing, S. W Thornhill, applicant herein, testifying in support of the application, stated he had been a resident of Mesa County since 1946, and desired to operate in Mesa County,

using light trucks; that his investigation disclosed there was a need for smaller trucks operating in the county. Witness stated that W. R. Hall, who is located in Grand Junction, has ample large equipment, but does not have trucks in the two and two-and-one-half-ton capacity class for hauling supplies, machinery, and other oil field equipment; that because of the lack of equipment in Mesa County, the customers there located are forced to pay higher prices for larger equipment, where smaller equipment would adequately take care of their needs -- and that at a lower cost to the shipper. Applicant further testified it was his plan to use small trucks, and named Ford, Chevrolet, and Dodge as being the type equipment he would purchase.

It also appears from applicant's testimony that he is well qualified, by experience, and is financially situated to carry on his proposed operation.

In support of the application, three public witnesses appeared and testified, and we will here attempt to briefly summarize their evidence:

Willard Pease, who is associated with a drilling contractor, testified his operation needed smaller trucks in Mesa County. Witness stated that W. R. Hall, a certificated carrier located in Grand Junction, had large equipment, but does not have small equipment to take care of their small loads; that under present tariffs, his operation was penalized, and that he needed applicant's proposed service; that that service is needed by all others similarly situated.

Fog W. Boyd, a representative of El Paso Natural Gas Company, and Harry Nitengale, of Canter Drilling Company, corroborated the testimony of Witness Pease, both stating their companies needed a locally-based common carrier with small trucks to take care of their needs.

Alvin Cook, of Grand Junction, Colorado, who operates an oilfield supply business, also corroborated the testimony of other

public witnesses. He stated that he definitely needed applicant's proposed service, and would use same if authority herein sought was granted.

Testimony was given by two protestants.

Walter Utsinger, of Stanton Transportation Company, operating under PUC No. 1370, testified his company had operated in Colorado since 1934, specializing in hauling oil field equipment. He stated he has terminal facilities in Craig, and operates state-wide; that his company gives a complete oilfield service, and operates under the rates prescribed by this Commission. Witness Utsinger stated his company had idle equipment, and for him to continue offering a complete service, he has to have more business; that he now estimates that one-fourth of his equipment is idle.

Arnold W. Weiss, of Rangely, Colorado, operating under PUC No. 3950, stated he has operated under said certificate, based at Rangely, since 1946, and was present, protesting the granting of any additional authority for oil field equipment. He also estimated he has one-fourth of his equipment idle, and for him to continue, he must have business.

In considering the above application, the Commission has carefully considered the evidence and record before us. It appears from the record that common carriers do not have small oil field equipment based in Grand Junction. If smaller carriage is used, large equipment is furnished, and that at higher prices, in accordance with our prescribed rates. It appears that if smaller equipment is needed, customers have to contact Craig or Rangely -- in excess of 150 miles distant -- from Grand Junction. This requires additional time. The business in Mesa County is not large, and we cannot say that protestants should be required to have equipment stationed in Grand Junction, Colorado. Nevertheless, it does not appear that customers desiring service proposed by applicant should be severely handicapped. The Commission has granted authority to W. R. Hall to take care of this business, but he apparently does not

want the business in Mesa County, as disclosed by the record. We recognize that Stanton and Weiss do not want additional competition, and we feel they are giving excellent service in Craig and Rangely, but due to distance -- in excess of 150 miles -- they cannot adequately take care of the business offered by the public shippers here appearing.

The burden is on applicant to submit the necessary evidence, which, in our opinion, has been done, proving public convenience and necessity. Applicant has not asked for a large territory, or state-wide authority, but has confined his operation to Mesa County.

It therefore appears to the Commission that we have no other alternative than to grant the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed motor vehicle common carrier call and demand transportation service, for the reasons set forth in the Statement preceding, which is made a part hereof, by reference, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of S. W. Thornhill, Grand Junction, Colorado, for the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, or supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipeline, including the stringing and picking up thereof, restricted against the transportation of any

such commodities to be used in, or in connection with, main or trunk pipe lines, and restricted against transportation of liquid commodities in bulk in tank trucks, between points in Mesa County, 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 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

Joseph C. Norton

John P. Thompson

Joseph E. Rugg

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1958.

ea

original

(Decision No. 51252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SPRINGER ELECTRIC COOPERATIVE, INC., SPRINGER, NEW MEXICO, A NEW MEXICO CORPORATION, AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING IT TO ENCUMBER ALL OF ITS PROPERTY IN FAVOR OF THE RURAL ELECTRIFICATION ADMINISTRATION TO SECURE A LOAN FROM SAID ADMINISTRATION IN THE SUM OF $238,000.	APPLICATION NO. 16695-Securities

November 13, 1958

Appearances: Daniel W. Caldwell, Esq., Springer, New Mexico, and H. C. Goldsmith, Manager of Electric Cooperative, Inc., Springer, New Mexico, for applicant;
E. R. Lundborg, Esq., Denver, Colorado, and E. R. Thompson, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By this application, the Springer Electric Cooperative, Inc., a New Mexico corporation, authorized to do business within the State of Colorado, seeks authority from the Commission to issue a mortgage note in an amount not to exceed $238,000 and also for the approval of an amendment to a loan contract between itself and the United States of America.

The matter was set for hearing, after due notice to all interested parties, on Thursday, November 6, 1958, at 9:00 o'clock A. M., at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there heard by the Commission and taken under advisement.

Applicant is a corporation organized and existing under the laws of the State of New Mexico, having its office and principal place of business at Springer, New Mexico, and is authorized to do business within the State of Colorado. It is engaged in the sale and distribution of electric energy to customers located in the States of Colorado and New Mexico, and now owns and operates an electric transmission and distribution system located in the Counties of Colfax, Union, Harding, San Miguel and Mora in the State of New Mexico and is also the owner of an electrical distribution system serving certain customers located in Las Animas County, Colorado, under a certificate of convenience and necessity heretofore issued to it by The Public Utilities Commission of the State of Colorado.

Springer Electric Cooperative, Inc., is now indebted to the Rural Electrification Administration, Washington, D. C., on notes secured by a mortgage on all of its property located in New Mexico and Colorado in the total sum of $3,478,000.

It now proposes to borrow from the Rural Electrification Administration the sum of $238,000, Exhibits A and B, for the purpose of providing electric service to approximately sixty-seven additional customers who are not now receiving central station service, and also for the purpose of extending, improving and rehabilitating a portion of its system in order to insure sufficient and adequate service to all customers receiving service from its system.

Mr. H. C. Goldsmith, Applicant's witness, testified that of the $238,000 borrowing, $97,000 would be required for the replacing of poles and the remainder would be for extension to customers and for the rephasing and heavying up the distribution system. He said also that all of the funds proposed to be borrowed under this application are to be expended within the State of New Mexico.

Applicant's witness further testified that the loan of

$238,000 will be secured by a mortgage on all of the physical assets now owned and to be acquired by Applicant and that all corporate action necessary to enable Applicant to procure such loan and execute such mortgage have been taken and that said Applicant is now authorized to encumber all of its assets to secure such loan; and that such resolutions were passed by the Board of Trustees, October 10, 1958.

As evidence of the Cooperative's financial position, Mr. Goldsmith testified as to Exhibit C, the Cooperative's Monthly Financial and Statistical Report for the nine months ending September 30, 1958. He stated that the Springer Electric Cooperative, Inc., is current on its interest payments and on its repayments of loans and that in his opinion the Cooperative will be financially able to service the proposed additional debt of $238,000.

Upon cross examination, Mr. Goldsmith explained that revenues were down for the nine months from the previous year by approximately $13,500 because of the loss of a sawmill load and the temporary shut down of the Kayser Coal mine for rehabilitation. He further explained that because of unusual maintenance on pole lines for stubbing and inspection, this expense increased greatly over the previous year and that the Rural Electrification Administration recommended that cost of such pole stubbing be charged to maintenance.

In view of the fact that the Cooperative proposes to use all of the $238,000 for facilities in New Mexico and none in Colorado, the fee for the issuance of the certificate to follow herein will be the $50.00 minimum amount.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Springer Electric Cooperative, Inc., as to the subject matter of this application.

That the Commission is fully advised in the premises.

That the issuance by Springer Electric Cooperative, Inc., of

a mortgage note dated September 25, 1958, in the principal amount of $238,000 as set forth in Exhibit A, should be authorized and approved.

That the Amendment, dated as of September 24, 1958, to the Loan Contract, dated as of May 31, 1945, as amended, Exhibit B, should be authorized and approved.

That within one hundred and twenty (120) days of the execution of any of the instruments authorized herein, Applicant should file a facsimile of each executed instrument with the Commission.

O R D E R

THE COMMISSION ORDERS:

That the issuance by Springer Electric Cooperative, Inc., of a mortgage note, dated September 25, 1958, in the principal amount of $238,000, bearing interest at the rate of two per cent per annum, and payable within 35 years from the date thereof, in the form of, and on the terms and conditions set forth in the mortgage note comprising Exhibit A, be and it hereby is, authorized and approved.

That the Amendment, dated as of September 24, 1958, to the Loan Contract, dated as of May 31, 1945, as amended, Exhibit B, be, and it hereby is, authorized and approved.

That within one hundred and twenty (120) days of the execution of any of the instruments authorized herein, Applicant shall file a facsimile of each executed instrument with the Commission.

That the authorization and approvals above given apply only to the portions of the above described Mortgage Note and Amended Loan Contract which have to do with the acquired properties in Colorado.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or obligation with respect to, said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of the proceedings to the end that it may make such further Order, or Orders, in the premises that it may deem to be proper and desirable.

That the authority herein granted shall be authorized from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Norton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1958.

mls

(Decision No. 51253)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL STULLER, 904 SANTA CLARA, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-2983.	APPLICATION NO. 16660-PP-Extension

November 13, 1958

Appearances: C. S. Haynie, Esq., Grand Junction, Colorado, for Applicant;
Robert G. Porter, Esq., Gunnison, Colorado, for Partch Bros.;
Oliver Fellin, Ouray, Colorado, for Fellin Bros.;
C.J. Schuler, Telluride, Colorado, for Telluride Transfer;
Hugo Willis, Silverton, Colorado, pro se;
Orville Dunlap, Montrose, Colorado, for Orville Dunlap & Sons;
R. B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
Peter B. Kooi, Denver, Colorado, for North Park Transportation Co.;
Leslie R. Kehl, Esq., Denver, Colorado, for Fairplay Motor Company, North Park Transportation Company, Arnold Weiss Trucking Co., Stanton Transportation Co., and South Park Motor Lines;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage Company;
Leslie Estes, Rifle, Colorado, for Estes Trucking Company;
Marion R. Smyser, Denver, Colorado, for Rio Grande Motor Way, Inc., and Larson Transportation Company.

S T A T E M E N T

By the Commission:

Earl Stuller, 904 Santa Clara, Grand Junction, Colorado,

is the holder of Private Carrier Permit No. B-2983, which authorizes:

> Transportation of ore between points within a radius of forty (40) miles of Gateway, Colorado.
>
> Transportation of buildings, erected or knocked down, between points within a radius of 75 miles of Grand Junction, Colorado, excluding service in Rio Blanco County, Colorado; logs from points within a radius of 150 miles of Grand Junction, Colorado, to sawmills and pulp mills within the same area; ore from points within a radius of 40 miles of Gateway, Colorado, to points within a radius of 150 miles of Grand Junction, Colorado.

On September 22, 1958, Earl Stuller, the applicant herein, filed his application to extend his operations under said Private Carrier Permit No. B-2983, to include:

> 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; ore, from point to point within a radius of 150 miles of Grand Junction, Colorado; buildings, erected and knocked down, between points within a radius of 150 miles of Grand Junction, Colorado; with back-haul of mine supplies, to mines, only.

The matter was regularly set for hearing, and heard, at the Court House, Grand Junction, Colorado, on October 22, 1958, and at the conclusion thereof, the matter was taken under advisement.

Formal protest was filed by R. B. "Dick" Wilson, Inc., and Partch Bros.

At the hearing, the evidence disclosed that the applicant is an experienced private carrier who has operated many years out of Gateway, Colorado, and is presently the owner of several pieces of motor vehicle equipment. At the present time he is hauling iron oxide ore from mines near Ophir to Ridgeway, Colorado, under emergency letters. Applicant is now asking for a standard sand and gravel

authority, but R. B. "Dick" Wilson, Inc., by formal protest, asks that the authority in this regard be limited to dump trucks.

No protest of any kind was made to the extension regarding movement of houses, erected and knocked down, and it would appear therefore that this extension is in order.

Lloyd Robinson, the operator of the iron oxide ore located in the Ophir Mining District, near Ophir, stated he needed and would use applicant's service for delivery of iron oxide ore from his mine, to Ridgeway.

We find no evidence in support of the application for the transportation of mine supplies, while, on the other hand, this was vigorously protested by the protestants at the hearing. It therefore appears that this application should be granted only in part. It does not seem desirable to allow a situation to arise under our existing private carrier law, where an applicant's right to embark in private carrier transportation depends not on the transportation situation but on the attitude of the common carriers operating in the district where applicant seeks to operate. The question which should be controlling is the probable effect of the operation on the existing common carrier service.

F I N D I N G S

THE COMMISSION FINDS:

Upon the record as made, and after a careful consideration thereof, the Commission is of the opinion and finds that it did not appear from the evidence that the granting of a portion of the extension of said permit, as hereinafter set forth, will impair the efficiency of existing common carrier motor vehicle service now operating in the area sought to be served by applicant, and that limited authority should be granted.

We further find that a portion of the application should be denied for the reasons heretofore set forth in the Statement, which, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That Earl Stuller, 904 Santa Clara, Grand Junction, Colorado, be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. B-2983, to include 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, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; 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; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, the transportation of road-surfacing materials authorized hereunder to be limited to the use of dump trucks, only; iron oxide ore from Ophir Mining District in San Miguel County, Colorado, to rail loading points at Ridgeway, Colorado, for Lloyd Robinson, only; buildings, erected and knocked down, between points within a radius of 150 miles of Grand Junction, Colorado.

In all other respects the application is denied.

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

Joseph C Hohn

John P Thompson

Joseph F. Rogers

Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1958.

ea

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOMER M. MONKS DOING BUSINESS)
AS "24 & 40 TRUCK LINE",) PERMIT NO. A-906
LIMON, COLORADO.)
)
)

November 19, 1958

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. A-906 be suspended for six months from October 16, 1958.

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 Homer M. Monks, d/b/a "24 & 40 Truck Line", Limon, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. A-906 until April 16, 1959.

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

Robert C. Horton
Lyn P. Thompson
Eugene F. Higro
Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1958

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF WILLIE JONES, 3008 GAYLORD STREET, DENVER 5, COLORADO.

PERMIT NO. B-5240

November 19, 1958

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-5240 be suspended for six months from October 21, 1958.

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 Willie Jones, Denver, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. B-5240 until April 21, 1959.

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

Robert G. Hoden
John P. Thompson
Joseph P. Negro
Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1958.

mjm

(Decision No. 51256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN H. WAGNER,)
6840 MAGNOLIA STREET) PERMIT NO. B-5442
DERBY, COLORADO.)
- - - - - - - - - - - - - - - - -)

November 19, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permit holder requesting that his Permit No. B-5442 be suspended for six months from October 26, 1958.

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 John H. Wagner, 6840 Magnolia St., Derby, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5442 until April 26, 1959.

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

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1958.

dx

(Decision No. 51257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PETE UMBRIACO,)
5900 NORTH WASHINGTON STREET,) PERMIT NO. B-5002
DENVER, COLORADO.)
- - - - - - - - - - - - - - - - -)

November 19, 1958

S T A T E M E N T

By the Commission:

On April 21, 1958, the Commission entered its Decision No. 50162 authorizing Pete Umbriaco, Denver, Colorado, owner of Permit No. B-5002, to suspend operations under said permit until October 22, 1958.

The Commission is how in receipt of a request from said permit holder, requesting authority to further suspend operations under said Permit No. B-5002 for an additional six months' period.

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 Pete Umbriaco, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-5002 until April 22, 1959.

That unless said permit holder shall, prior to expiration of said suspension period, make a request, in writing, for 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 order by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Hodges

Eugene H. Thompson

Joseph F. Negro

Dated at Denver, Colorado,
this 19th day of November 1958.
ds

(Decision No. 51258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. D. PHILLIPS,)
4901 CLAY STREET,) PERMIT NO. B-5407
DENVER 11, COLORADO.)
- - - - - - - - - - - - - - - - -)

November 19, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permit holder requesting that his Permit No. B-5407 be suspended for six months from November 2, 1958.

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 G. D. Phillips, 4901 Clay St., Denver 11, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5407 until May 2, 1959.

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

Robert C. Hanson

Wm. P. Thompson

Joseph F. Negro

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1958.

ds

(Decision No. 51259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. WILSON WARREN)
POST OFFICE BOX 1913,) PERMIT NO. B-4991
DENVER 1, COLORADO)
- - - - - - - - - - - - - - - - -)

November 19, 1958

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permit holder requesting that his Permit No. B-4991 be suspended for six months from September 20, 1958.

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 T. Wilson Warren, P. O. Box 1913, Denver 1, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4991 until March 20, 1959.

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

Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1958.

ds

(Decision No. 51260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. WILSON WARREN)
POST OFFICE BOX 1913,) CERTIFICATE NO. PUC-2772-I
DENVER 1, COLORADO)

November 19, 1958

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 Certificate PUC-2772-I be suspended for six months from September 20, 1958.

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 T. Wilson Warren, P. O. Box 1913, Denver 1, Colorado, be, and he is hereby, authorized to suspend his operations under Certificate No. PUC-2772-I until March 20, 1959.

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 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 19th day of November, 1958.

ds

(Decision No. 51261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF WILLIAM B. NELSON, DOING BUSINESS AS, "NELSON TRANSFER", CRAIG, COLORADO	CERTIFICATE NO. PUC-1672&I

November 19, 1958

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-1672&I be suspended for six months from October 24, 1958.

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 William B. Nelson, Dba Nelson Transfer, Craig, Colorado, be, and he is hereby, authorized to suspend his operations under PUC-1672&I until April 24, 1959.

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 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 19th day of November, 1958.

ds

(Decision No. 51262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS COMPANY, INCORPORATED, 301 ZOOK BUILDING, 431 WEST COLFAX AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF DOVE CREEK, COUNTY OF DOLORES, STATE OF COLORADO, FOR THE PURCHASE, DISTRIBUTION, AND SALE OF GAS, EITHER NATURAL, ARTIFICIAL, OR MIXED, IN SAID TOWN OF DOVE CREEK, AND FOR THE PURCHASE, DISTRIBUTION AND SALE OF GAS IN THE AREA IMMEDIATELY ADJACENT TO SAID TOWN.

APPLICATION NO. 16557

November 14, 1958

Appearances: Grant E. McGee, Esq., Denver, Colorado, for Applicant;
Edwin R. Lundborg, Esq., Denver, Colorado, for the staff of the Public Utilities Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with the Commission on August 28, 1958. The matter was set for hearing after due notice to all interested parties on Friday, September 5, 1958, at two o'clock P. M., 312 State Office Building, Denver, Colorado, and at the conclusion thereof the matter was taken under advisement by the Commission.

In Application No. 15785, the applicant applied for a certificate of public convenience and necessity to exercise franchise rights in Dove Creek. On July 29, 1958, by Decision No. 50707, the Commission dismissed the application without prejudice on the basis that applicant had failed to make a showing of financial ability in an order granting the certificate. The instant application is a

de novo proceeding on the same subject matter. All of the exhibits in Application No. 15785 were made a part of the present record by reference.

As stated in our last Order, applicant failed to show financial ability and so the predominance of the testimony in this proceeding had to do with the present financial status of applicant. Testimony revealed that applicant has secured a letter of credit from the First National Bank of Denver, stating, in effect, that the bank will loan the Rocky Mountain Natural Gas Company, Inc., a sum not to exceed $25,000. This money will be available to applicant up to December 31, 1958, upon written request and upon the personal guarantee of the Board of Directors of applicant company. Applicant also introduced exhibits from certain of its suppliers showing the terms and conditions for the purchasing of certain materials and supplies. One supplier was willing to accept common stock in payment of supplies, while others would require a part payment in cash with the balance, secured by a mortgage, with interest at 5½ or 6 per cent on the unpaid balance. A new estimated cost of construction for Dove Creek was also introduced, reducing the original estimate, testified to in Application No. 15785, in the amount of $17,000, to a total figure of about $64,000.

Applicant has been authorized by this Commission to sell common stock and it is now acting as its own agent in making sales. Some progress has been made in the sale of common stock but the sales to date have not been enough to generate sufficient funds for applicant to build Dove Creek out of equity money. If applicant borrows the $25,000 from the First National Bank, it must pledge the money received from the sale of common stock on and after the date that the loan is made, to the retirement of said loan, which will divert this source of capical until said loan is paid. To date, applicant has been unable to obtain long-term financing. Because of this fact, applicant has been constantly hard-pressed for working capital to meet its current obligations and for financing of additions to plant.

In fact, in reviewing this record, we find that applicant is constantly faced with the problem of meeting its current obligations, and a default of any magnitude would place the applicant in a precarious financial position. If applicant could obtain long-term financing, however, it would then be able to improve its financial position by substituting some of its current obligations with long-term debt. We strongly urge that applicant endeavor to obtain long-term financing. Without long-term financing, applicant will not be able to expand after constructing Dove Creek since the sale of the common stock has not been sufficient to enable it to build additions to plant and to make current payments on earlier construction of its other properties. We feel, however, that as far as the instant application is concerned, that applicant should be granted a certificate to build the gas distribution system in Dove Creek as it has commitments for materials and sufficient financing to proceed with this project.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the matter.

That the above Statement be made a part hereof by reference.

That Rocky Mountain Natural Gas Company, Inc., is a public utility, as defined by Colorado Revised Statutes, 115-1-3, and subject to the jurisdiction of this Commission.

That applicant should be granted a certificate of public convenience and necessity to exercise franchise rights in the Town of Dove Creek, for the supplying of natural gas service therein and to render gas service in the area contiguous to said town.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the furnishing of gas, either natural, artificial or mixed, to and among the present and future inhabitants of the Town of Dove

Creek, Dolores County, Colorado, and to customers contiguous to said town by applicant, Rocky Mountain Natural Gas Company, Inc., and the exercise by said applicant of the franchise rights granted by the Board of Trustees of the Town of Dove Creek, in and by Ordinance No. 52, being Exhibit "C" in Application No. 15785, which, by reference, is made a part hereof, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That the figure of $64,000, estimated by applicant to be spent in capital outlay during the life of the franchise, shall be used as a basis of the charge for the issuance of the certificate sought herein, but said figure shall not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

That within ninety (90) days after the completion of the construction of the gas system sought herein, applicant shall file with the Commission, in writing, the actual cost of said construction, together with a map showing the location of the gas distribution mains as constructed.

That applicant shall odorize all of the gas in its distribution mains supplying gas to the customers in the Town of Dove Creek and in the area contiguous thereto.

That at least ten (10) days prior to the rendering of gas service in the Town of Dove Creek or the area contiguous thereto, applicant shall file with this Commission the gas rates, rules and regulations under which it proposes to render gas service.

That applicant shall commence construction of the natural gas system contemplated herein within six (6) months of the date hereof, and shall complete such construction of said facilities within one (1) year from the start of construction or this certificate shall become null and void.

That applicant shall advise the Commission, in writing, of the date of commencement of construction and the date of completion thereof.

That applicatn shall continue to keep its books and accounts in accordance with the Uniform System of Accounts for Gas Utilities prescribed by this Commission, and shall at all times comply with the rules and regulations of this Commission as prescribed for gas utilities.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of November, 1958.

ea

Original

(Decision No. 51263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RUEBEN D. AGGEN, 336 WEST 17TH STREET, CRETE, NEBRASKA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO JOSHUA V. STINGLEY, DOING BUSINESS AS "J.V. STINGLEY," 332 WEST 17TH STREET, CRETE, NEBRASKA.	PERMIT NO. B-1754-I-Transfer

November 14, 1958

S T A T E M E N T

By the Commission:

Heretofore, Rueben D. Aggen, Crete, Nebraska, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-1754-I issued to him.

Said permit-holder now seeks authority to transfer said operating rights to Joshua V. Stingley, Crete, Nebraska.

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Rueben D. Aggen, Crete, Nebraska, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1754-I to Joshua V. Stingley, doing business as "J. V. Stingley," Crete, Nebraska, 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.

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 14th day of November, 1958.

ea

original

(Decision No. 51264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BERNARD F. DEVLIN, 843 FRANKLIN STREET, WRAY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 15633

SUPPLEMENTAL ORDER

November 14, 1958

Appearances: Joseph T. Callahan, Esq., Wray, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On September 3, 1957, the Commission entered its Decision No. 48653, in Application No. 15633, granting to Bernard F. Devlin, Wray, Colorado, a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of:

> trash, junk, and garbage, between points within the corporate limits of the City of Wray, Colorado, and from such points to disposal grounds outside the City Limits; general commodities, between points within the corporate limits of Wray, Colorado, specifically excluding, however, the delivery of any commodity from the railroad station, or from the dock of the Burlington Truck Line in that city.

On June 4, 1958, the Commission entered its Decision No. 50405, revoking operating rights granted to applicant herein by Decision No. 48653, inasmuch as applicant had failed to comply with requirements set forth in said Decision No. 48653.

It now appears that applicant has complied with all requirements set forth in said Decision No. 48653, and requests that said operating rights be reinstated, limited, however, to the right

to transport trash, junk and garbage, only.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and said operating rights restricted, as requested by applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 50405, of date June 4, 1958, should be, and the same hereby is, set aside, vacated, and held for naught, only insofar as it revoked operating rights heretofore granted to Bernard F. Devlin, Wray, Colorado, in Application No. 15633, by Decision No. 48653, of date September 3, 1957.

That operating rights granted to applicant herein by said Decision No. 48653, of date September 3, 1957, should be, and hereby are, limited and restricted, as requested by Bernard F. Devlin, owner thereof, so that in the future he shall be authorized to operate as a common carrier by motor vehicle for hire, for the transportation of:

> trash, junk, and garbage, between points within the corporate limits of the City of Wray, Colorado, and from such points to disposal grounds outside the City Limits.

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 14th day of November, 1958.

mls

original

(Decision No. 51265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DALBY TRANSFER & STORAGE, INC., BOX 1668, COLORADO SPRINGS, COLORADO, PURCHASER OF CORNELIUS VAN & HEAVY HAULING COMPANY, Complainant, vs. MERRITT PACKING & CRATING SERVICE, 4200 MONROE STREET, DENVER 15, COLORADO, Defendant.	)	CASE NO. 5152

November 14, 1958

Appearances: R. George Silvola, Esq., Colorado Springs, Colorado, for Complainant.

S T A T E M E N T

By the Commission:

On November 7, 1958, Complaint was filed with the Commission in the above-styled case.

Order to Satisfy or Answer within 20 days was issued by the Commission in said case on November 7, 1958.

The Commission is now in receipt of a communication from R. George Silvola, Attorney for Complainant herein, as follows:

> "Please withdraw the Complaint recently filed in the above entitled matter."

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 Case No. 5152 should be, and the same hereby is, dismissed, at request of Attorney for Complainant 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 14th day of November, 1958.

mls

(Decision No. 51266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF PAUL B. ADAMS, DOING BUSINESS AS "KELIM ELEVATOR," 307 ELEVENTH AVENUE, GREELEY, COLORADO.	PUC NO. 3044-I CASE NO. 87611-INS.

November 14, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, the Commission entered its Order in Case No. 87611-Ins., revoking PUC No. 3044-I, for failure of the above-named respondent to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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. 3044-I should be, and the same hereby is, reinstated, as of November 6, 1958, revocation order entered by the Commission on said date in Case No. 87611-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton
John P. Thompson
Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 14th day of November, 1958.

ea

(Decision No. 51267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE PACIFIC UNION ASSOCIATION OF SEVENTH-DAY ADVENTISTS, DOING BUSINESS AS "LOMA LINDA FOOD COMPANY," 11503 PIERCE PLACE, ARLINGTON, CALIFORNIA.

PERMIT NO. M-6442
CASE NO. 87512-INS.

November 14, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, the Commission entered its Order in Case No. 87512-Ins., revoking Permit No. M-6442, for failure of the above-named Respondents to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondents, 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 Permit No. M-6442 should be, and the same hereby is, reinstated, as of November 6, 1958, revocation Order entered by the Commission on said date in Case No. 87512-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton
John P. Thompson
Joseph E. Nigro
Commissioners.

Dated at Denver, Colorado,
this 14th day of November, 1958
mls

(Decision No. 51268)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF GILBERT C. HOWELL, JOSEPHINE HOWELL, WILLIAM A. KORBACHER, DOING BUSINESS AS "MONARCH SHOWER DOOR AND GLASS COMPANY," 1301 SOUTH CHEROKEE STREET, DENVER, COLORADO.

PERMIT NO. M-10125
CASE NO. 87517-INS

November 14, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, the Commission entered its Order in Case No. 87517-Ins., revoking Permit No. M-10125, for failure of the above-named Respondents to keep effective insurance on file with the Commission.

Inamuch as proper insurance filing has now been made with the Commission by said Respondents, 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 said Permit No. M-10125 should be, and the same hereby is, reinstated, as of November 6, 1958, revocation Order entered by the Commission on said date in Case No. 87517-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 14th day of November, 1958.

mls

(Decision No. 51269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	PERMIT NO. B-4845-I
JOHN H. RANCH, 1170 SOUTH WINONA)	PERMIT NO. M-2893
COURT, DENVER, COLORADO.)	CASE NO. 87352-INS.

November 14, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, the Commission entered its Order in Case No. 87352-Ins., revoking Permits Nos. B-4845 and M-2893, for failure of the above-named Respondent to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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 Permits Nos. B-4845 and M-2893 should be, and the same hereby are, reinstated, as of November 6, 1958, revocation order entered by the Commission on said date in Case No. 87352-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank E. Hatton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 14th day of November, 1958.

mls

(Decision No. 51270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASES AND REDUCTIONS IN RATES AND VARIOUS CHANGES IN RULES, REGULATIONS AND PROVISIONS, IN THE SO-CALLED HEAVY COMMODITIES TARIFF, THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, MOTOR FREIGHT TARIFF NO. 13, COLORADO P.U.C. NO. 12, ISSUED BY J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.

INVESTIGATION AND SUSPENSION DOCKET NO. 414

November 24, 1958

Appearances: R. B. Danks, Esq., 105 Fillmore Street, Denver, Colorado, for Colorado Motor Carriers' Association;
J. R. Smith, 4060 Elati Street, Denver, Colorado, for Colorado Motor Carriers' Association;
John Norman, 1410 16th Street, Denver, Colorado, for Colorado Transfer and Warehousemen's Association and Goldstein Transportation and Storage Company;
Hubert Work, 1700 15th Street, Denver, Colorado, for Weicker Transfer and Storage Company;
C. A. Grant, 614 Denham Building, Denver, Colorado, for Broderick Wood Products Co.;
Paul Santo, 1940 Blake Street, Denver, Colorado, for United States Transfer and Storage Company;
J. A. Duffy, 1521 20th Street, Denver, Colorado, for Duffy Moving and Storage Company;
Benny Goldstein, 3434 Walnut Street, Denver, Colorado, for Goldstein Transportation and Storage Company;
Ray Pherson, Boulder, Colorado, for Pherson Trucking Company;
Joseph McCabe, 1790 Logan Street, Denver, Colorado, for Local No. 17, Mountain States Employees' Counsel, Inc.;

Philip D. Bolian, Esq., P O. Box 1979, Tulsa, Oklahoma, for Shippers' Oil Field Association;
F. M. MacGruder, P O. Box 591, Tulsa, Oklahoma;
Wm. DeBoer, P. O. Box 1920, Denver, Colorado;
W. H. Behr, Jr., Continental Oil Company, Denver, Colorado;
Lewis H. Echart, P. O. Box 2880, Dallas, Texas;
Dale F. Furnas, Philipps Petroleum Company, Bartlesville, Oklahoma;
M. W. Standridge, National Tank Company, P. O. Drawer 1710, Tulsa, Oklahoma;
John Cash, Loffland Bros. Co., Box 4567, Tulsa, Oklahoma;
A. S. Bonney, Colorado Builders' Supply Company, 1534 Blake Street, Denver, Colorado;
E. M. Wilkerson, 2705 S. Humboldt Street, Denver, Colorado;
T. S. Wood, Denver, Colorado,
S. J. Philippone, Denver, Colorado,
Harry Eastlond, Denver, Colorado, 324 State Office Building, Denver, Colorado, for staff of the Commission.

S T A T E M E N T

By the Commission:

By schedules filed to become effective June 28, 1958, the Motor Truck Common Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, proposed certain changes in its Motor Freight Tariff No. 13, Colorado P.U.C. No. 12, pertaining to the transportation of oil field, oil refining, pipe line and pole line machinery, equipment, material and supplies, heavy machinery, and heavy or cumbersome commodities and parts.

On June 19, 1958, Decision No. 50460, the Commission on its own motion suspended the operation of said rates, rules and regulations until the 26th day of October, 1958, unless otherwise ordered, and assigned the matter for hearing on July 23, 1958, in Denver, Colorado.

The hearing was held as assigned and at the conclusion of the hearing the matter was taken under advisement. On October 23,

1958, (Decision 51152), the matter was further suspended until April 26, 1959, unless otherwise ordered.

The suspension covers the following pages of said Tariff No. 13, viz.:

1st Revised Page No. 2	1st Revised Page No. 22
2nd Revised Page No. 8	1st Revised Page No. 23
2nd Revised Page No. 9	1st Revised Page No. 24
1st Revised Page No. 13	1st Revised Page No. 25
1st Revised Page No. 14	1st Revised Page No. 26
1st Revised Page No. 15	1st Revised Page No. 28
1st Revised Page No. 16	2nd Revised Page No. 29
1st Revised Page No. 17	1st Revised Page No. 30
1st Revised Page No. 19	1st Revised Page No. 31
1st Revised Page No. 20	1st Revised Page No. 33
1st Revised Page No. 21	1st Revised Page No. 34

1st Revised Page 2 covers the Table of Contents of the Tariff. 2nd Revised Pages 8 and 9 covers the index of articles named in Tariff. These pages are of minor importance and need no discussion in disposing of the issues involved herein.

On 1st Revised Page No. 13, Item 30 covers the "Application of Rates." In this item there has been proposed a provision for a demurrage charge in connection with loading and unloading after one hour's free time.

On 1st Revised Page No. 14, Item 45 is a new item covering a minimum basis for charges on articles exceeding eight feet in height or width, or lengthy articles.

On 1st Revised Page No. 15, Item 70 proposes to cancel reference to Rule 30 of the National Motor Freight Classification.

On 1st Revised Page No. 16, Item 75 proposes a new description of Plains and Mountain Territories; Item 80, Detention of Equipment, and Item 90, Diversion and Reconsignment, proposed cancellation.

On 1st Revised Page No. 17, Item 100, Paragraph (B) proposes to make said item subject to Item No. 45; Item No. 120, reduce fractions of an hour to one-half hour instead of a full hour in computing time on an hourly basis.

On 1st Revised Page No. 19, a new Item No. 165, providing

for the shipper to pay the cost of insurance on shipments valued in excess of $20,000.00.

On 1st Revised Page No. 20, Item No. 170, Light and Bulky Articles, proposes to cancel said item.

On 1st Revised Page No. 21, Items Nos. 190 and 200, Item No. 190 covers the proposed minimum charge and Item No. 200 covers the proposed charge for moving empty equipment.

On 1st Revised Page No. 22, Items Nos. 210 and 220, Item No. 210 covers the proposed hourly charge to apply over roads which are not surfaced, oil processed or paved. Item No. 220 covers a rule governing overtime.

On 1st Revised Page No. 23, Item No. 250 proposes to cancel the rule governing refused or unclaimed shipments.

On 1st Revised Page No. 24, Item No. 270 covers the proposed charges on shipments handled on an hourly basis.

On Lst Revised Page No. 25, Item No. 290 proposes to cancel rule governing storage.

On 1st Revised Page No. 26, Item No. 310 proposes to cancel the rule governing tolls

On 1st Revised Page No. 28, Item No. 400 proposes to cancel reference to Item No. 170 on movements of Airplanes and Parts, with wings detached. Item No. 440 proposes to cancel the application of 20,000 pound rates on shipments of Bulldozers and/or Tractors.

On 1st Revised Page No. 29, Item No. 500 proposes to add Machinery, N O.I., and Power Shovels to the list of commodities in said item

On 1st Revised Page No. 30, Items Nos. 550 and 560, Item 550 proposes to add Aluminum or Plastic Pipe to said item, and Item 560 proposes to cancel reference to Item No. 170.

On 1st Revised Page No. 31, Item No. 640 proposes to add Structural Concrete or Structural Wood to said item, and Item No. 650 proposes to cancel reference to Item No. 170.

On 1st Revised Pages Nos. 33 and 34 there is being proposed a new basis of distance rates based on minimum weights of 10,000, 20,000 and 35,000 pounds, also a mountain and differential scale of distance rates. At the present time there are three scales of rates based on minimum weights of 10,000, 15,000 and 20,000 pounds for the entire State. Under the proposals there are three scales in Plains, Mountain and Differential Territories based on minimum weights of 10,000, 20,000 and 35,000 pounds.

Respondents' Testimony

Witness J. R. Smith introduced in evidence one exhibit identified as No. 1. Exhibit No. 1 is a copy of a letter written by Mr. Smith to all carriers participating in Motor Freight Tariff No. 13 (Heavy Commodities) explaining the action taken by the Committee who had been appointed at a meeting of the Irregular Route Common Carriers' Conference on November 22, 1957, to make a study of the rules, regulations, rates and charges applicable to the movement of heavy commodities and to recommend to the conference such changes as it felt should be made to correct existing inequities. The letter sets out the basis of the proposed rates, viz.: Plains Territory - minimum weight 10,000 pounds. The fourth class minimum 10,000 pounds rates for distances between 30 and 190 miles. Beyond 190 miles the rates were established to produce a round-trip revenue of 24 cents per mile. Minimum weight 20,000 pounds. No change from the present scale up to 230 miles, except for less than 100 miles and over 30 miles the scale has been changed to five-mile brackets instead of 10. Rates beyond 230 miles were computed to produce a round-trip revenue of 35 cents per mile. Minimum wiehgt 35,000 pounds. The scale was established at 85% of the proposed 20,000 pounds rate. These rates

produce a minimum revenue of 52 cents per round-trip mile. The scales for Mountain Territory were made 20% higher than those in Plains Territory.

For distances 30 miles and less the hourly charge will apply.

Witness Joseph J. McCabe, Negotiator, Mountain States Employees' Counsel, Inc., introduced in evidence three exhibits identified as Nos. 2, 3, and 4 Exhibit No. 2 is a three-page statement showing a comparison of increases in wages and fringe benefits January 1, 1947 to December 31, 1955, under Teamsters' Local 13 and 17 Agreements. Page One shows the wage increases under Teamsters' Local Union No. 17 Agreement, viz.: January 1, 1947 to December 31, 1955, Local Cartage and Merchandise Warehouse Employees, the increase in wages range from a low of 70 cents for drivers - 2 tons and over, under six months' experience in the industry, warehousemen after one year, and checker, shipping and receiving clerk, full time; to a high of 90 cents for warehousemen for the first six months.

Heavy Moving - Erection and Rigging Employees. 70 cents for all employees, except 90 cents for helpers, heavy duty work, under six months' experience in the industry.

Page 2 shows two tables of wage increases; Table II shows a low of 75 cents for riggers to a high of $1.10 for winch pole or A Frame Truck, and leadman riggers (where actually assigned by the employer as leadman rigger on the job). Table III shows an increase of 76 cents for lead and journeyman mechanics.

Page 3 is a statement showing the changes in fringe benefits covering hours and overtime, guaranteed work week, reporting for work, employee's expenses, holidays, worked holidays, vacations, and health, welfare and insurance programs.

Exhibit No. 3 is a similar statement showing the wage in-

creases under the International Brotherhood of Teamsters, Local No. 17 Agreement for period January 1, 1955 to May 1, 1957; Teamsters No. 13 Agreement for period July 1, 1955 to March 1, 1957; Teamsters No. 775 Agreement for period January 1, 1955 to June 1, 1956; and International Association of Machinists, District Lodge No. 86 Agreement for period January 15, 1955 to July 15, 1956. Also fringe benefit provisions.

Exhibit No. 4 is a similar statement showing the wage increases for the period May 1, 1956 to May 1, 1958

A resume of these three exhibits shows that since January 1, 1947 to June 1, 1958, there have been several increases in wages, from a low of 75 cents per hour for helpers to $2.05 per hour, or approximately 173 per cent, and from a high of $1.40 per hour for lead mechanics to $2.58 per hour, or approximately 84 per cent.

Witness Paul Santo, President, United States Transfer and Storage Company, Denver, Colorado, and a member of the Committee which made the study and recommendations testified in support of the proposed changes in the rules and rates and the Committee's reasons for the proposed adjustments.

Witness Hubert Work, Treasurer, The Weicker Transfer and Storage Company, Denver, Colorado, introduced in evidence six exhibits identified as Nos. 5 to 10, inclusive. Exhibit No. 5 shows a computation of labor cost per hour (hidden costs). Using the base labor as 100 per cent, the so-called hidden costs, such as unemployment insurance, health and welfare, pensions, vacations, paid holidays, etc., represent an increase to 120 per cent. It also shows the non-productive factor based on 1/2, 1, 1-1/2 and 2 hours in 8 hours at $2.45 per hour, resulting in $3.14, $3.36, $3.62 and $3.92, respectively. Exhibit No. 6 is a statement showing equipment costs - 1957 On nine, 2-ton and up stake units the cost per unit is $2,014.53, and the cost per mile is 23.32 cents. On 17, heavy duty

tractors the cost per unit is $5,814.37 and the cost per mile is 19.75 cents. On 15, high bed trailers the cost per unit is $496.58. On 9, low bed trailers the cost per unit is $1,994.84. Exhibit No. 7 is a statement showing working hours and hourly cost. Deducting the Saturdays and Sundays and six holidays, leaves 255 working days at eight hours per day, results in 2,040 hours in a year. The exhibit shows that stake trucks are used 80% of the total hours, or 1,632 hours, at a cost of $1.23 per hour.

The tractors are used 60% of the total hours, or 1,224 hours, at a cost of $4.75 per hour. The high bed trailers are used 40% of the total hours, or 816 hours, at a cost of 61 cents per hour. The low bed trailers are used 20% of the total hours, or 408 hours, at a cost of $4.89 per hour.

Exhibit No. 8 is a statement showing the computation of hourly costs on the equipment, which includes the cost of the equipment, non-productive labor for one and two hours and 30% for overhead. The exhibit shows the following costs on the different types of equipment, viz.: stake truck, 1 and 2 hours non-productive labor, $6 56 and $7.35, respectively; tractor and high bed, $12.45 and $13.25, respectively; tractor and low bed, $18.57 and $19.37, respectively.

Exhibit No. 9 is a statement showing various accessorial charges on the proposed hourly basis in comparison to the cost on different types of equipment, viz.:

	COST	PROPOSED HOURLY CHARGE
2-Ton Truck		
(1 Hour - Non-Productive)	$ 6.56	$8.00
(2 Hours - Non-Productive)	7.35	8.00
Flat Rack and Tractor		
To 40 M (1 Hour - Non-Productive	12.45	$12.50 - $15.00
To 40 M (2 Hours - Non-Productive)	13.25	12.50 - 15.00
Low Bed and Tractor		
(1 Hour - Non-Productive)	18.57	15.00 - 20.00
(2 Hours - Non-Productive)	19.37	15.00 - 20.00
Labor		
Cost (1 Hour - Non-Productive)	3.36	
Overhead - 30%	1.42	
	Cost - $4.80	
Cost (2 Hours - Non-Productive)	3.92	
Overhead	1.69	
	Cost - $5.61	
Revenue		
General Cartage	4.00	
Rigger	5.50	

Exhibit No. 10 is a statement showing the individual job analysis on 16 different shipments which moved during the period January 6, 1958 to June 18, 1958. This exhibit shows, among other things, the charge under the present and proposed rates, the charge based on the hourly cost and the difference between the cost on an hourly basis and the present and proposed charges.

The shipments moved from a short highway distance of 27 miles to Evergreen to a long highway distance of 288 miles to Rangely, Colorado.

Witness James Duffy, General Manager, Duffy Storage and Moving Company, Denver, Colorado, introduced in evidence five exhibits identified as Nos. 11 to 15, inclusive.

Exhibit No. 11 is an operating statement for the year 1957. It shows an operating revenue of $162,178.26, an operating expense of $169,537.42 and an operating ratio of 101%.

Exhibit No. 12 is a similar statement for the first five

months of 1958. The operating revenue is $62,702.57; operating expense, $66,455.21, and an operating ratio of 106%.

Exhibit No. 13 is an hourly labor cost statement which shows the fringe benefits amount to 7.24% over the union scale base, or 107.24% The calculated unproductive hours are shown as being 27.45%, which added to the fringe benefits percentage produces 134.69%. The overhead is shown as being 28.72% of the total cost of doing business. All of these additional expenses result in a percentage of 191.64% of the base scale pay.

The unproductive hours have been calculated as follows:

Total Workable Hours - 40 Hours per Week - 2,080 Hrs. per Year

Vacation - 12 Working days - - - - - - - - - -	96 Hours
Paid Holidays - 6 Working Days - - - - - - - -	48 Hours
Average Hours Unearned Yet Guaranteed- - - -	427 Hours
Total Unproductive - - - - - - - - - - - - - - -	571 Hours or 27.45%
Total Productive - - - - - - - - - - - - - - - -	1,509 Hours or 72.55%

The exhibit shows the following present labor cost per hour, including fringe benefits and unproductive hours, viz.:

Low Bed and Winch Driver - - - - - - - -	$4.68
Heavy Move Foreman - - - - - - - - - - -	5.08
Heavy Move Helper - - - - - - - - - - -	4.12
Stake Truck Driver - - - - - - - - - - -	4.22

Exhibit No. 14 is a statement showing the truck and truck-trailer cost per hour, viz : Stake truck, $3.15; truck-tractor, 2-axle, $6.46, 3 axle, $11.72.

Exhibit No. 15 is a statement showing the average cost of 84.4 cents per mile of maintaining a truck, which includes depreciation, taxes, licenses and insurance.

Witness John P. Norman, representing Goldstein Transportation and Storage, Inc., Denver, Colorado, introduced in evidence ten exhibits identified as Nos. 16 to 25, inclusive.

Exhibit 16 is a statement comparing labor costs to gross revenue for the year 1957. This exhibit shows a total revenue of $769,732.00, which includes interstate contract and local cartage and various miscellaneous revenues and all labor expenses, including fringe benefits, payroll taxes and compensation insurance in a total amount of $468,958 00, or an operating ratio of 60.90%. There is little probative value in this exhibit as it does not begin to portray what is the total cost of conducting the operation. The next exhibit (17) portrays a much better picture.

Exhibit No. 17 is a statement showing the total operating revenues and operating expenses for the year 1957, also non-operating items and provisions for income tax. The operating ratio under this exhibit is 99.58%. The net income, $979.42, or 13/100% of the operating income.

Exhibit No. 18 is a statement of the balance sheet as of December 31, 1957. It shows total assets of $129,371.38 and total liabilities and reserves of $73,986.42, with a total net worth of $55,384.96.

Exhibit No. 19 is a similar statement for the year 1956. Total Assets, $144,559; total liabilities and reserves, $90,153, and total net worth $54,406.

Exhibit No. 20 is an income statement for the year 1956. The operating revenues were $698,208.00 and the operating expenses were $696,615.00, with an operating ratio of 99.77%. The net income amounted to $2,672.00, or 38/100 of one per cent of the operating revenue.

Exhibit No. 21 is a statement showing the projection of wages from 1957 through 1960, not showing retroactive pay from May, 1957. Increases shown as per present proposed contract. The pick-up and delivery drivers are as follows: 1957, $2.55; 1958, $2.73; 1959, $2.90; 1960, $2.95. Line-haul drivers: 1957, $2.83; 1958,

$3.00; 1959, $31.10; 1960, $3.20.

Exhibit No. 22 is a statement showing wages paid line-haul drivers for the year 1956 and 1957, viz.:

	EARNINGS	MILES	COST PER MILE
1956	$46,933.00	503,355	10¢
1957	32,682.00	258,254	13¢

Exhibit No. 23 is a statement showing the actual hours worked and hours for which payment was made for line-haul drivers, in 1956 and 1957. In 1956 payment was made for 600 hours not worked and in 1957, 640 hours.

Exhibit No. 24 is a statement showing the line-haul cost, line-haul miles and cost per mile. The cost per mile is shown as 45 cents.

Exhibit No. 25 is a statement of changes in rates for the transportation of heavy commodities for a distance of 100 miles in Plains Territory since 1936. In 1936 the commodities were on a classified basis, viz.: A, B, C, D, E, and F with minimum weights varying from 10,000 pounds to 50,000 pounds. In 1939 the classification basis was cancelled and minimum weights of 5,000, 10,000, 15,000, 20,000, 30,000 and 40,000 pounds were established. This basis continued in effect until October 31, 1955. Effective November 1, 1955, rates based on 10,000, 15,000 and 20,000 pounds, were established and are the present rates. The adjustment on November 1, 1955, represented an increase of approximately 25, 26 and 33% on the respective minimum weights of 10,000, 15,000 and 20,000 pounds, over the 1939 rates.

Witness Ray L. Pherson, owner of the Pherson Trucking Company, Boulder, Colorado, testified that his equipment consisted of six tractor trucks, six stake trucks and seven trailers; that 75 to 80% of his total business is ore hauling; that his gross revenue for 1957 was around $82,000.00 with a net of around $7,000.00.

The rates covering the ore hauling are not involved in this proceeding.

According to the annual report on file in the office of the Commission the operating ratio of this carrier for the year 1957 was 92.65%.

Protestants' Testimony

Witness F. M. Magruder, Chairman, Rocky Mountain Division, Shippers' Oil Field Traffic Association, introduced in evidence two exhibits identified as "A" and "B".

Exhibit "A" is a proposed rule covering "Off The Highway Service When A Part Of Road Haul," in lieu of the rule proposed by respondent, and the present effective rule.

Exhibit "B" is a statement showing a comparison of the proposed distance scales of rates with the present intrastate rates in Colorado as published in Tariffs Colorado Motor Carriers' Association No. 13 and No. 9 and Midwest Motor Carriers' Bureau No. 12-B, in Wyoming and in Nebraska.

The present rates in Colorado Motor Carriers' Association Tariff No. 9, Colorado P.U.C. No. 10, are basically 10% higher than those in Colorado Motor Carriers' Association Tariff No. 13, Colorado P.U.C. No. 12 and Midwest Motor Carriers' Bureau Tariff No. 12-B, Colorado P.U.C. No. 3. The No. 9 tariff rates are approximately the same as those in Wyoming and Nebraska, except in Nebraska there is a separate scale of distance rates for distance to 450 miles, minimum weight 20,000 pounds, applicable on pipe from established warehouse yards or from rail heads. In the aggregate this scale of rates is approximately 6.5% lower than the scale of rates on other commodities.

Witness Magruder testified that the average load, other than pipe, shipped by his people was around 15,000 pounds, and on pipe it was around 30,000 pounds. The average distance haul on other than pipe was around 50 miles, and around 200 miles on pipe.

Witness Wm. DeBoer, Traffic Manager, Colorado Fuel & Iron Corporation, introduced in evidence one exhibit identified as "C". This exhibit is a statement showing mileages, present rates and proposed rates on iron or steel pipe from Minnequa, Colorado, compared to mileage and present rate from Garden City, Kansas, to various Colorado destinations.

The nearest comparison on a mileage basis is Minnequa to Sterling, 224 miles at a rate of 81 cents per 100 pounds, minimum weight 20,000 pounds; Garden City to Last Chance, 258 miles at a rate of 60 cents per 100 pounds, minimum weight 30,000 pounds. The revenue on the Minnequa rate would produce 72.32 cents per mile and on the Garden City rate approximately 70 cents per mile.

Mile for mile, the Garden City rate is approximately 35% lower than the Minnequa rate.

Our Observations

As we stated in Decision No. 44754, dated October 18, 1955, wherein the present rates, rules and regulations were prescribed:

> "The history of this proceeding is fully set forth in the Commission's Order, dated June 6, 1955, Decision No. 44303."

Also,

> "As pointed out in Decision No. 44303, at the close of the hearing on December 6, 1954, the presiding Commissioner suggested that the carriers and shippers attempt at informal conferences or meetings to iron out the existing differences between them in order that the prevailing situation might be corrected. This suggestion was followed out with the result, according to the record, of a give and take on the part of both the shippers and the carriers and the proposed tariffs were agreed upon as a compromise."

At the present time there are two sets of distance rates in effect in Colorado on the commodities involved in this proceeding, one for the so-called oil field carriers and the other one for the so-called heavy haulers. The rates of the oil field carriers are ten per

cent higher than those of the heavy haulers, the shippers in this specialized field of service having consented to such a differential. However, the rules of the two sets of carriers are practically the same.

There is no doubt the carriers who are not parties to Colorado Motor Carriers' Association Tariff No. 9, Colorado P.U.C. No. 10, and who presented testimony and evidence in this proceeding are in need of additional revenue to offset their increased cost of operation. However, considering the total number of common carrier certificates which have authority to perform this so-called heavy hauling, the record does not sustain the establishment of the proposed changes for all of the certificated heavy haulers.

F I N D I N G S

The Commission finds that the proposed schedules contained in said Tariff No. 13 have not been justified and should be ordered cancelled.

O R D E R

THE COMMISSION ORDERS, That:

1. This Order shall become effective forthwith.

2. The Statement and Findings be, and they are hereby, made a part hereof.

3. That respondent, Colorado Motor Carriers' Association, Agent, nee The Motor Truck Common Carriers' Association, Agent, be, and it is hereby, notified and required to cancel said schedules on or before December 1, 1958, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1958.

mls

(Decision No. 51271)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH LEWTON)
POST OFFICE BOX 702,) APPLICATION NO. 16423-PP
LYONS, COLORADO)
- - - - - - - - - - - - - - - - -)

- - - - - - - - -
November 24, 1958
- - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Lewton, Lyons, Colorado, requesting that his Class "B" permit, granted in Application No. 16423-PP, Decision No. 50648, under date of July 18, 1958, 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 Class "B" permit, granted Ralph Lewton, Lyons, Colorado, in the above-numbered application, Decision No. 50648, under date of July 18, 1958, be, and the same hereby is, declared cancelled, effective October 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of November 1958.

ds

(Decision No. 51272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)
BALL FURNITURE STORE DOING BUSINESS)
AS, "GRANT BALL", 341 MAIN STREET,)
WRAY, COLORADO)
)
----------)

PERMIT NO. M-3280

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ball Furniture d/b/a Grant Ball, 341 Main Street, Wray, Colorado requesting that Permit No. M-3280 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3280, heretofore issued to Ball Furniture d/b/a Grant Ball, 341 Main Street, Wray, Colorado be, and the same is hereby, declared cancelled effective March 22, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson

John P. Thompson

Joseph F. Higro

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51273)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE SANFORD, BOX 587, GALLUP,)
NEW MEXICO)
) PERMIT NO. M-1708
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Sanford, Box 587, Gallup, New Mexico requesting that Permit No. M-1708 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1708, heretofore issued to George Sanford, Box 587, Gallup, New Mexico be, and the same is hereby, declared cancelled effective September 30, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Dodge
John P. Thompson
Joseph F. Hogan
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51274)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
BENNIE BONAVIDES, 940 LOGAN STREET,)
DENVER 3, COLORADO) PERMIT NO. M-10074
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bennie Bonavides, 940 Logan St. Denver 3, Colorado requesting that Permit No. M-10074 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10074, heretofore issued to Bennie Bonavides, 940 Logan Street, Denver 3, Colorado be, and the same is hereby, declared cancelled effective October 28, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
C. A. BARNETT DOING BUSINESS AS)
"BARJEAN POULTRY FARM", 2600 YOUNG-)
FIELD STREET, DENVER 14, COLORADO) PERMIT NO. M-3018
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. A. Barnett d/b/a Barjean Poultry Farm, 2600 Youngfield St., Denver 14, Colorado requesting that Permit No. M-3018 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3018, heretofore issued to C. A. Barnett d/b/a Barjean Poultry Farm, 2600 Youngfield Street, Denver 14, Colorado be, and the same is hereby, declared cancelled effective December 4, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Brown

Jon V. Thompson

Joseph T. Negro

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
MICHAEL S. HORN, ROUTE 2, MONTE VISTA, COLORADO) PERMIT NO. M-11945
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Michael S. Horn, Monte Vista, Colorado requesting that Permit No. M-11945 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11945, heretofore issued to Michael S. Horn, Route 2, Monte Vista, Colorado be, and the same is hereby, declared cancelled effective November 9, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hardin
Glen E. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 21 day of November, 1958

mc

(Decision No. 51277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
VICTOR MERLE DRAKE, BOX 411, CRESTED)
BUTTE, COLORADO) PERMIT NO. M-8932
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Victor Merle Drake, Crested Butte, Colorado requesting that Permit No. M-8932 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8932, heretofore issued to Victor Merle Drake, Box 411, Crested Butte, Colorado be, and the same is hereby, declared cancelled effective November 13, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
EDWARD J. ABRAHAM DOING BUSINESS AS)
"AINSWORTH FRUIT STORE", 227 NO. MAIN,) PERMIT NO. M-4659
AINSWORTH, NEBRASKA)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward J. Abraham d/b/a Ainsworth Fruit Store, Omaha 8, Nebraska requesting that Permit No. M-4659 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4659, heretofore issued to Edward J. Abraham d/b/a Ainsworth Fruit Store, Omaha 8, Nebraska be, and the same is hereby, declared cancelled effective October 5, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins

John V. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM ROSENTHAL DOING BUSINESS AS)
"ACME FURNITURE COMPANY", 1913 LARIMER) PERMIT NO. M-2647
STREET, DENVER 2, COLORADO)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Rosenthal d/b/a Acme Furniture Company, 1913 Larimer Street, Denver 2, Colorado requesting that Permit No. M-2647 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2647, heretofore issued to William Rosenthal d/b/a Acme Furniture Company, 1913 Larimer Street, Denver 2, Colorado be, and the same is hereby, declared cancelled effective November 10, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hardman
Tom P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

cmc

(Decision No. 51280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
RAYMOND D. HALL, 55 MONUMENT AVENUE,)
PETERSBURG, VIRGINIA) PERMIT NO. M-10580
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Raymond D. Hall requesting that Permit No. M-10580 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10580, heretofore issued to Raymond D. Hall be, and the same is hereby, declared cancelled effective November 8, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robt. C. Hoban
Lyn P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
ART HOEFER DOING BUSINESS AS "HOEFER'S)
FRESH EGGS", 512 - 16TH STREET,) PERMIT NO. M-13969
GOLDEN, COLORADO)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Art Hoefer d/b/a Hoefer's Fresh Eggs requesting that Permit No. M-13969 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13969, heretofore issued to Art Hoefer d/b/a Hoefer's Fresh Eggs be, and the same is hereby, declared cancelled effective October 10, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hodam
Ann L. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No. 51282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CECIL M. CARPENTER, 2395 SOUTH MARION)
DENVER 10, COLORADO)
) PERMIT NO. M-14152
)
)

November 21, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cecil M. Carpenter requesting that Permit No. M-14152 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14152, heretofore issued to Cecil M. Carpenter be, and the same is hereby, declared cancelled effective November 10, 1958

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 21st day of November, 1958

mc

(Decision No 51283)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
THERON & THOMAS GRAVES, DOING BUSINESS)
AS "VALLEY BUTANE COMPANY", ROUTE 3,)
BOX 263, FARMINGTON, NEW MEXICO.) PERMIT NO. M-12274
)
)

November 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Theron & Thomas Graves, dba "Valley Butane Company", Farmington, New Mexico, requesting that Permit No. M-12274 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12274, heretofore issued to Theron & Thomas Graves, dba "Valley Butane Company", Farmington, New Mexico, be, and the same is hereby, declared cancelled effective November 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1958

mjm

(Decision No. 51284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
MERYL J. WAMHOFF, 7692 WEST 23RD)
PLACE, DENVER 15, COLORADO.) PERMIT NO. M-13783
)
)

November 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Meryl J. Wamhoff, Denver, Colorado, requesting that Permit No. M-13783 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13783, heretofore issued to Meryl J. Wamhoff, Denver, Colorado, be, and the same is hereby, declared cancelled effective October 29, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoyt

Ken T. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1958.

mjm

(Decision No. 51285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM PLANK, FLEMING, COLORADO.)
) PERMIT NO. M-757
)
)

November 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Plank, Fleming, Colorado, requesting that Permit No. M-757 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-757, heretofore issued to William Plank, Fleming, Colorado, be, and the same is hereby, declared cancelled effective November 3, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Brown
Lyn P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1958.

mjm

(Decision No. 51286)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
RUSSELL HECKARD, 3215 ELIZABETH,)
PUEBLO, COLORADO.) PERMIT NO. M-14486
)
)

November 24th 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Russell Heckard, Pueblo, Colorado, requesting that Permit No. M-14486 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14486, heretofore issued to Russell Heckard, Pueblo, Colorado, be, and the same is hereby, declared cancelled effective November 17, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1958.

mjm

SUSPENSION ORDER--COMMON CARRIER

(Decision No. 51287)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RUSSELL HECKARD, 3215 ELIZABETH,)
PUEBLO, COLORADO.) PUC NO. 3282-I
)
)
)
- - - - - - - - - - - - - - - - - -)

- - - - - - - - -

November 24, 1958

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. 3282-I be suspended for six months from November 17, 1958.

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 Russell Heckard, Pueblo, Colorado,

be, and he is hereby, authorized to suspend operations under PUC No. 3282-I until May 17, 1959.

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 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

Robt. C. Dunlap

Geo. T. Thompson

Joseph F. Higro

Commissioners

Dated at Denver, Colorado,
this 24th day of November 1958

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51288)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLARENCE H. WESSELMAN, ROUTE 1,) PERMIT NO. B-5390
BOX 292, MORRISON, COLORADO.)
)
)

November 24, 1958

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-5390 be suspended for six months from November 18, 1958.

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 Clarence H. Wesselman, Morrison, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. B-5390 until May 18, 1959.

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

Robert E. Thornton
Glenn V. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1958.

mjm

(Decision No. 51289)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
W. H. HEDLEY, 1045 HOOKER STREET,)
DENVER 4, COLORADO.) PERMIT NO. M-7613
)
)

November 24, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. H. Hedley, Denver, Colorado, requesting that Permit No. M-7613 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7613, heretofore issued to W. H. Hedley, Denver, Colorado, be, and the same is hereby, declared cancelled effective November 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Thomson
Lyn P. Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 24th day of November, 1958.

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51290)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. H. HEDLEY, 1045 HOOKER) PERMIT NO. B-5385
STREET, DENVER 4, COLORADO.)
)
)

November 24, 1958

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-5385 be suspended for six months from November 1, 1958.

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. H. Hedley, Denver, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. B-5385 until May 1,1959.

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

Robert C. Hendrie

John P. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,
this 24th day of November , 1958.

mjm

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL J. STONE, BOX 143,)
KREMMLING, COLORADO.) PERMIT NO. B-5043
)
)
)

November 24, 1958

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-5043 be suspended for six months from November 18, 1958.

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 Carl J. Stone, Kremmling, Colorado,

be, and is hereby, authorized to suspend his operations under Permit No. B-5043 until May 18, 1959.

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

Robert E. Thompson

Joseph F. Higro

Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1958.

mjm

Original

(Decision No. 51292)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL SHOWALTER, JR., DOING BUSINESS AS "SHOWALTER CUSTOMER SERVICE," ROUTE 1, LA JUNTA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16676-PP

November 25, 1958

Appearances: Earl Showalter, Jr., La Junta, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application for a private carrier permit for the transportation of grain and ensilage, from point to point within a radius of twenty miles of Swink, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, La Junta, Colorado, October 27, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant is a farmer, who is called upon to work on other farms to assist in the harvest of grain and ensilage, and who is called upon to haul these commodities to drying plants and grain elevators. The service to be rendered would be in connection with and incidental to the other services that he would render as a farmer.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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 Earl Showalter, Jr., doing business as "Showalter Customer Service," La Junta, 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 grain and ensilage, from point to point within a radius of twenty miles of Swink, Colorado.

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 authority sheets.

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

Joseph C Norton
Chas Thompson
Joseph L Rogers
Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958

mls

Original

(Decision No. 51293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN BALLANTYNE, DOING BUSINESS AS "BALLANTYNE TRUCKING COMPANY," 3030 EAST FOURTH STREET, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 2089 AND PUC NO. 2089-I TO BALLANTYNE TRUCKING CO., A COLORADO CORPORATION, 3030 EAST FOURTH STREET, PUEBLO, COLORADO.	APPLICATION NO. 16670-Transfer

November 25, 1958

Appearances: Alfred Z. Craddock, Esq., Pueblo, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

This is an application by John Ballantyne, doing business as "Ballantyne Trucking Company," Pueblo, Colorado, an individual, to transfer PUC No. 2089 and PUC No. 2089-I to Ballantyne Trucking Co., a Colorado corporation.

The authority of John Ballantyne under PUC No. 2089 and PUC No. 2089-I provides:

> transportation of farm produce, including livestock, and wool in grease, between points within an area extending from Pueblo, 20 miles east, 20 miles west, 35 miles south, and 10 miles north, and from and to points in said area to and from points in the State of Colorado, without the right to serve between points served by motor vehicle line-haul common carriers, and to operate in interstate commerce for the transportation of the above-mentioned commodities, between all points in the State of Colorado, and Colorado State boundary lines where all highways cross the same in Interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

John Ballantyne desires to transfer his operating rights to a corporation, and has caused to be organized under and by virtue of the laws of the State of Colorado "Ballantyne Trucking Co.," keeping himself as present General Manager and Alfred Z. Craddock as Secretary and Attorney.

There has been issued to John Ballantyne no par value stock estimated to be the value of $20,000. In exchange therefore, Mr. Ballantyne is to traznsfer to the corporation property including all equipment and the certificates of a value of $31,685.59. The difference of $11,685.59 has been evidenced by a note from the corporation to Mr. Ballantyne.

Under ordinary circumstances we would frown upon the increase in indebtedness of the corporation by execution of the note and the issuance of no par value stock on which an arbitrary value may be fixed. This can have the effect of enabling the corporation to require the shippers to pay off the indebtedness. However, in view of the sound financial position of this company and the obvious lack of any devious intent, this procedure will be tolerated in the instant case.

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 John Ballantyne, doing business as "Ballantyne Truck-

ing Company," Pueblo, Colorado, should be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 2089 and PUC No. 2089-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Ballantyne Trucking Co., a Colorado corporation, Pueblo, 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 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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said certificates up to the time of transfer of said certificates.

That transfer 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 twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

mls

original

(Decision No. 51294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. E. MOODY, DOING BUSINESS AS "SPRINGFIELD DRAY AND CLEANUP," SPRINGFIELD, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3372 TO MAX HICKEY, DOING BUSINESS AS "SPRINGFIELD DRAY AND CLEANUP," SPRINGFIELD, COLORADO.	)	APPLICATION NO. 16675-Transfer

November 25, 1958

Appearances: J. E. Moody, Springfield, Colorado, pro se;
Max Hickey, Springfield, Colorado, pro se.

S T A T E M E N T

By the Commission:

J. E. Moody, doing business as "Springfield Dray and Cleanup," Springfield, Colorado, is the owner and operator of PUC No. 3372, with authority as follows:

> transportation, on call and demand service, of trash, refuse, garbage, and other waste materials between points within a radius of ten (10) miles of Springfield, Colorado.

By the instant application, said certificate-holder seeks authority to transfer PUC No. 3372 to Max Hickey, doing business as "Springfield Dray and Cleanup," Springfield, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, La Junta, Colorado, October 27, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

By contract dated June 13, 1958, between J. E. Moody and Max Hickey, the full consideration of the transfer is $850.00, which includes the sale of a 1947 Ford truck.

The operating experience and financial responsibility of Transferee were 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 J. E. Moody, doing business as "Springfield Dray and Cleanup," Springfield, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3372 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Max Hickey, doing business as "Springfield Dray and Cleanup," Springfield, Colorado.

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, unless such time shall be extended by the Commission, upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Dalton

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

mls

(Decision No. 51295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE T. RICHARDS, DOING BUSINESS AS "RICHARDS ROTO ROOTER SERVICE," 113 MAIN AVENUE, LA JUNTA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16674

November 25, 1958

Appearances: George T. Richards, La Junta, Colorado, pro se;
W. H. Moulton, Burlington, Colorado, for Fog Septic Tank Cleaning Service, Inc.;
Earl Simon, Limon, Colorado, pro se;
Vaughn R. Byrd, Pueblo, Colorado, for Pueblo Sanitary Works.

S T A T E M E N T

By the Commission:

This is an application to engage in the business of sludge hauling from septic tanks and cesspools, within a radius of 100 miles of La Junta, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, La Junta, Colorado, October 27, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the applicant moved to restrict his application to Otero, Baca and Bent Counties, where he has an effective franchise from the Roto-Rooter Service. This amendment being allowed by the Commission, all protestants withdrew their protests.

The evidence established that Mr. Richards is engaged in the business of cleaning sewer lines and septic tanks. He has

adequate equipment and finances to perform these services. We are not ordinarily satisfied that this type of service is of necessity worth an order, but that it is primarily a transportation problem. Due to the fact that such services have been regulated by this Commission, we will continue to reserve jurisdiction.

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 public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant, as set forth in the Order following.

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 George T. Richards, doing business as "Richards Roto Rooter Service," La Junta, Colorado, for the transportation of sludge from cesspools and septic tanks, within the Counties of Otero, Baca and Bent, Colorado, only, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

Dated at Denver, Colorado,
this 25th day of November, 1958.
ea

Commissioners.

(Decision No. 51296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. A. RECTOR, 1923 WEST 20TH, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 2423 TO DALE M. RECTOR, DOING BUSINESS AS "RECTOR'S GENERAL HAULING," 1923 WEST 20TH, PUEBLO, COLORADO.	)	APPLICATION NO. 16673-Transfer

November 25, 1958

Appearances: C. A. Rector, Pueblo, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

C. A. Rector, Pueblo, Colorado, is the owner and operator of PUC No. 2423, with authority as follows:

> call and demand motor vehicle common carrier service for:
>
> A. The calling for, picking up, hauling away, dumping, general disposition of trash, ashes, dirt, rubbish, refuse, and other waste materials, and general transportation of same from Post Office at Pueblo, Colorado, and a radius of 15 miles therefrom as point of pick-up or origin, and to all points within the County of Pueblo as destination or points of disposal;
>
> B. For the general transportation, movement, hauling and carrying of sand, gravel, aggregate, and fertilizer from any points or origin of Pueblo County to any other points of disposition or destination in Pueblo County;
>
> the area and intended operation of applicant being the roads, highways, streets, private and public, within the County of Pueblo and over no fixed route other than those legally established for the operation of applicant's business to and from such points as may legally be designated as dump grounds and for any other points within the radius heretofore set forth that may hereafter be designated as public dumping grounds.

By the instant application, said certificate owner seeks authority to transfer PUC No. 2423 to Dale M. Rector, doing business as "Rector's General Hauling," Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

C. A. Rector is the owner and operator of PUC No. 2423, which he has been operating for some years. At his advanced age, he desires to retire and turn over the entire business, certificate and equipment, to his son, Dale M. Rector, who has been actively assisting him in the business for many years.

The operating experience and financial responsibility of Transferee were 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 C. A. Rector, Pueblo, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2423 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Dale M. Rector, doing business as "Rector's General Hauling," Pueblo, 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 beenformally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written

acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

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 operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoban
John P. Thompson
Joseph E. Nigro
Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

ea

original

(Decision No. 51297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND E. MOORE, ROUTE 1, BOX 45-A,)
BEULAH, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-) APPLICATION NO. 16672-PP
RIER BY MOTOR VEHICLE FOR HIRE.)
-)

- - - - - - - - - -
November 25, 1958
- - - - - - - - - -

Appearances: Raymond E. Moore, Beulah, Colorado, pro se;
Stanley Blunt, Canon City, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of clay, from mines and pits within a five-mile radius of Beulah and Good Pasture, Colorado, to the Harbison-Walker Refractories Company, at Canon City, Colorado, over the following route: from mines and pits, over County road to Siloam; Highway 96 to Wetmore; Highway 67 to Florence; Highway 115 to Canon Road, and return over the same route.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Moore, a Beulah rancher, has been hauling fine clay for several years under his own commercial carrier permit. He has adequate equipment and financial responsibility to perform the service sought. He is supported by a representative of the Harbison-Walker Refractories Company, who testified that the specialized nature of the custom service to be performed by Mr. Moore was

essential to his operation. It was brought out that Mr. Moore had an interest in the clay operation.

No one appeared in opposition to the granting of authority sought.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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 Raymond E. Moore, Beulah, 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 clay, from mines and pits within a five-mile radius of Beulah and Good Pasture, Colorado, to the Harbison-Walker Refractories Company, at Canon City, Colorado, over the following route: from mines and pits, over County road to Siloam; Highway 96 to Wetmore; Highway 67 to Florence; Highway 115 to Canon Road, and return over the same route.

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 authority sheets.

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 25th day of November, 1958.

ea

(Decision No. 51298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JAMES W. CLAUSEN, DOING BUSINESS AS)
"JIM'S GAS COMPANY", JULES BURG,)
COLORADO.) PERMIT NO. M-12399
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James W. Clausen, dba "Jim's Gas Company", Julesburg, Colorado, requesting that Permit No. M-12399 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12399, heretofore issued to James W. Clausen, dba "Jim's Gas Company", Julesburg, Colorado, be, and the same is hereby, declared cancelled effective November 19, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins
Jon P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958

mjm

(Decision No. 51299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE MORRONE JR., DOING BUSINESS AS)
" MORRONE'S COLORFUL FIREWORKS",)
1021 EAST FOURTH, PUEBLO, COLORADO.) PERMIT NO. M-15597
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Morrone Jr., dba "Morrone's Colorful Fireworks", Pueblo, Colorado, requesting that Permit No. M-15597 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15597, heretofore issued to George Morrone Jr., dba "Morrone's Colorful Fireworks", Pueblo, Colorado, be, and the same is hereby, declared cancelled effective November 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John V. Thompson
Joseph T. Negro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958.

mjm

(Decision No. 51300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
BARRINGER GAS & EQUIPMENT CO.,)
GLENWOOD SPRINGS, COLORADO.) PERMIT NO. M-7351
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Barringer Gas & Equipment Co., Glenwood Springs, Colorado, requesting that Permit No. M-7351 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7351, heretofore issued to Barringer Gas & Equipment Co., Glenwood Springs, Colorado, be, and the same is hereby, declared cancelled effective November 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958.

(Decision No. 51301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
THE ANACONDA COMPANY, P. O. BOX 638,)
GRANTS, NEW MEXICO.) PERMIT NO. M-6462
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from The Anaconda Company, Grants, New Mexico, requesting that Permit No. M-6462 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6462, heretofore issued to The Anaconda Company, Grants, New Mexico, be, and the same is hereby, declared cancelled effective November 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hardman
Lyn P. Thompson
Joseph F. Tigro
Commissioners

Dated at Denver, Colorado,

this 26th day of Novmeber, 195 8.

mjm

(Decision No. 51302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BUTANE INC., DOING BUSINESS AS)
"DAVIS OIL SALES", P. O. BOX 1215,)
ABILENE, TEXAS.) PERMIT NO. M-13564
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Butane Inc., dba "Davis Oil Sales," Abilene, Texas, requesting that Permit No. M-13564 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13564, heretofore issued to Butane Inc., dba "Davis Oil Sales," Abilene, Texas, be, and the same is hereby, declared cancelled effective November 22, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958.

mjm

(Decision No. 51303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
O. W. BARBER, MODEL, COLORADO.)
) PERMIT NO. M-12173
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from O. W. Barber, Model, Colorado, requesting that Permit No. M-12173 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12173, heretofore issued to O. W. Barber, Model, Colorado, be, and the same is hereby, declared cancelled effective October 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hoban
Lyn P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958.

mjm

(Decision No. 51304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
TOMMY FOUST, 503 BIRMINGHAM,)
AMARILLO, TEXAS.) PERMIT NO. M-12133
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tommy Foust, Amarillo, Texas, requesting that Permit No. M-12133 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12133, heretofore issued to Tommy Foust, Amarillo, Texas, be, and the same is hereby, declared cancelled effective May 2, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958.

mjm

(Decision No. 51305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
)
NOBLE G. HERRON, 4200 KENDALL)
STREET, WHEAT RIDGE, COLORADO.) PERMIT NO. M-10014
)
)

November 26, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Noble G. Herron, Wheat Ridge, Colorado, requesting that Permit No. M-10014 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10014, heretofore issued to Noble G. Herron, Wheat Ridge, Colorado, be, and the same is hereby, declared cancelled effective January 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Hoyt
Ann V. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 26th day of November, 1958

mjm

(Decision No. 51306)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HENRY G. GILMORE, DOING BUSINESS AS "HENRY G. GILMORE TRUCKING COMPANY," BOX 2062, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16671-PP

November 25, 1958

Appearances: Warren W. Lattimer, Esq., Pueblo, Colorado, for Applicant;
Jack Coleman, Gunnison, Colorado, for Gunnison Truck Line;
Stanley Blunt, Canon City, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ore, from approximately ten miles from Sargents, Colorado, to C anon City, Colorado, via Highway No. U. S. 50.

Said application was regularly set for hearing at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, due notice of the time and place being forwarded to all parties in interest.

Due to the absence of a Reporter, Protestants moved for a continuance, to be re-set for hearing at a future date convenient to the Commission. The motion was granted, and the matter will be re-set at some future date convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be re-set at some future date convenient to the Commission, with notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and the same hereby is, re-set for hearing at some future date convenient to the Commission, with notice to all interested parties.

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 25th day of November, 1958.

ea

(Decision No. 51307)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF COLORADO, 4201 EAST ARKANSAS AVENUE, DENVER, COLORADO, FOR AUTHORITY TO RELOCATE HIGHWAY-RAILWAY GRADE CROSSING ON STATE HIGHWAY NO. 266, NEAR HAYS, COLORADO, ON THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S TRACK, AT MILEPOST 88 PLUS 3873 FEET IN THE NW¼ SECTION 6, TOWNSHIP 23-SOUTH, RANGE 55-WEST, SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF OTERO, STATE OF COLORADO.	APPLICATION NO. 16516

November 25, 1958

Appearances: George L. Zoellner, Esq., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application for authority to reconstruct and effect realignment of a 5.7 mile portion of State Highway No. 266 between a point near Holbrook Reservoir and a junction with State Highway No. 109 near Lake Cheraw in Otero County, Colorado; This project includes a grade crossing of The Atchison, Topeka and Santa Fe Railway Company, near Hays, Colorado. The crossing is specifically situated in the Northwest Quarter of Section 6, Township 23-South, Range 55-West.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

Evidence adduced at the hearing established formal Agreement executed by the Department of Highways and the Railroad Company.

Construction of the crossing will be in accordance with Geometric Standards governing this type of construction, and in accordance with the Federal Aid Act of 1950, which have been approved by the Otero County Board of Commissioners.

The crossing will be protected by two reflectorized crossbucks and two reflectorized advance warning signs in conformity with the Commission's specifications. There is a low traffic volume anticipated not to exceed 190 vehicles per day.

All expenses incidental to the crossing and protection will be borne by the Highway Department with no cost to the Railway Company.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the relocation of highway-railway grade crossing on State Highway No. 266, near Hays, Colorado, on The Atchison, Topeka and Santa Fe Railway Company's track, at Milepost 88 plus 3873 feet, in the NW¼ Section 6, Township 23-South, Range 55-West, Sixth Principal Meridian, in the County of Otero, State of Colorado.

That the protective devices at the new crossing shall consist of two reflectorized crossbuck signs and two reflectorized advance warning signs.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the relocation of highway-railway grade crossing on State Highway No. 266, near Hays, Colorado, on The Atchison, Topeka and Santa Fe Railway Company's track, at Milepost 88 plus 3873 feet, in the NW¼ Section 6, Township 23-South, Range 55-West, Sixth Principal Meridian in the County of Otero, State of Colorado.

That two standard reflectorized crossbucks and two reflectorized advance warning signs shall be installed at the crossing and be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That continuing maintenance of the rail crossing, crossbuck signs and warning signs shall be borne by the Department of Highways.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, C olorado,
this 25th day of November, 1958.

ea

(Decision No. 51308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF COLORADO, 4201 EAST ARKANSAS AVENUE, DENVER, COLORADO, FOR AUTHORITY TO CONSTRUCT HIGHWAY-RAILROAD GRADE SEPARATION STRUCTURES OF THE PUEBLO FREEWAY ACROSS THE TRACKS AND RIGHTS-OF-WAY OF MISSOURI PACIFIC RAILROAD COMPANY; THE DENVER AND RIO GRANDE WESTERN RAILROAD; THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; AND THE COLORADO AND SOUTHERN RAILWAY COMPANY, AS THEIR INTERESTS MAY APPEAR; ALL SITUATED IN THE WEST HALF OF SECTION 31, TOWNSHIP 20-SOUTH, RANGE 64-WEST, SIXTH PRINCIPAL MERIDIAN, PUEBLO COUNTY, STATE OF COLORADO.	APPLICATION NO. 16517

November 25, 1958

Appearances: George L. Zoellner, Esq., Denver, Colorado, for Applicant;
J. W. Preston, Esq., Pueblo, Colorado, for Missouri Pacific Railroad Company.

S T A T E M E N T

By the Commission:

This is an application for authority for construction of projects providing for four-lane bridges overpassing The Denver and Rio Grande Western Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, The Colorado and Southern Railway Company, and Missouri Pacific Railroad Company.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Commissioners' Room, Pueblo, Colorado, October 24, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

This proposed construction will, upon completion, provide an access-controlled freeway through the City of Pueblo and become a

segment of the National System of Interstate and Defense Highways authorized under the Federal Aid Highway Act of 1956. Appropriate Agreements have been entered into between the Highway Department and all of the railroads to be overpassed, and all necessary right-of-ways and all other legal conditions precedent have been accomplished.

These overpasses are required by reason of the Federal Rules and Regulations pertaining to the Interstate Highway System, which requires that all highway railroad grades must be separated. Overpasses of this type provide the utmost in safety for highway traffic. All plans and specifications are in conformity with the rules and regulations of this Commission, and all costs will be borne by the Department of Highways.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the construction of highway-railroad grade separation structures of the Pueblo Freeway across the tracks and rights-of-way of the Missouri Pacific Railroad Company, The Denver and Rio Grande Western Railroad; The Atchison, Topeka and Santa Fe Railway Company; and The Colorado and Southern Railway Company, as their interests may appear, all situated in the West half of Section 31, Township 20-South, Range 64-West, Sixth Principal Meridian, Pueblo County, State of Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the construction of highway-railroad grade separation structures of the Pueblo Freeway across the tracks and rights-of-way of the Missouri

Pacific Railroad Company, The Denver and Rio Grande Western Railroad, The Atchison, Topeka and Santa Fe Railway Company, and The Colorado and Southern Railway Company, as their interests may appears; all situated in the West Half of Section 31, Township 20-South, Range 64-West, Sixth Principal Meridian, Pueblo County, State of Colorado; and that all costs of said construction shall be borne by the Department of Highways.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

ea

(Decision No. 51309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MERLE FRED WIECHMAN, GOULD,) PERMIT NO. B-3941
COLORADO.) CASE NO. 87477-INS.

November 25, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, in Case No. 87477-Ins., the Commission entered its Order, revoking Permit No. B-3941 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission 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 Permit No. B-3941 should be, and the same hereby is, reinstated, as of N vember 6, 1958, revocation Order entered by the Commission on said date in Case No. 87477-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 25th day of November, 1958.

mls

(Decision No. 51310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLARD HARRISON, DOING BUSINESS)
AS "NAPTHA PRODUCTS," 1301 EAST)
17TH AVENUE, DENVER, COLORADO.)

PERMIT NO. M-82
CASE NO. 87469-INS.

November 25, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, in Case No. 87469-Ins., the Commission entered its Order, revoking Permit No. M-82 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission 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 Permit No. M-82 should be, and the same hereby is, reinstated, as of November 6, 1958, revocation Order entered by the Commission on said date in Case No. 87469-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 25th day of November, 1958.
mls

(Decision No. 51311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. M. THOMPSON AND JACK DILLON,)
DOING BUSINESS AS "GREAT WEST-) PERMIT NO. M-4730
ERN SUPPLY COMPANY," 900 MILLS)
AVENUE, LAS VEGAS, NEW MEXICO.)

November 25, 1958

S T A T E M E N T

By the Commission:

On October 22, 1958, the Commission entered its Decision No. 51117, revoking Permit No. M-4730, at request of the owners and operators thereof.

It now appears that said permit-holders did not desire cancellation of said operating rights, and they have requested that said permit be restored to active status.

F I N D I N G S

THE COMMISSION FINDS:

That said permit should be reinstated, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-4730 should be, and the same hereby is, reinstated, as of October 16, 1958, Decision No. 51117, of date October 22, 1958, being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

mls

(Decision No. 51312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES AND REGULATIONS IN THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, LOCAL AND JOINT FREIGHT TARIFF NO. 12-A, COLORADO P.U.C. NO. 11, ISSUED BY J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.

CASE NO. 1585

November 24, 1958

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 November 24, 1958, 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.

The Rate Department's investigations of the proposed changes and letters submitted by the various carriers involved developed the following information for matter set forth in Appendix "A" attached.

Item No. 1545, 1st Revised Page No. 201, is a new commodity item specifically for use in the transportation of pay telephone coin containers or receptacles with or without coins and records.

The Railway Express Agency heretofore have been transporting these commodities; however, due to change in train schedules, the shipper finds it is no longer convenient and desirable to use this form of transportation, according to information submitted by H. H. Hicks, General Traffic Manager, Centennial Truck Lines, Inc. The K & K Transfer and Storage Company, Springfield, Colorado, concur in the rates and charges as filed.

Item No. 1575, 1st Revised Page No. 201, and Item No. 2115, 1st Revised Page No. 219, are new commodity items covering containers, sheet iron or steel, and liquors, respectively, as specifically named in each item. The items were instituted by Centennial Truck Lines, Inc., and will be a reduction in rates to the shippers via motor carriage.

In Mr. Hicks' letter, it is stated the present mode of transportation being utilized is that of rails; that the rates shown in the attached appendix will return on a round-trip basis a revenue per mile above the average revenue factor for motor carriers in this area. Item No. 1575 will return 57 cents and Item No. 2115 will return 80 cents per mile. By the reduction in rates, it is contemplated some traffic will be assigned to his trucking company.

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, appear to represent just, fair and reasonable rates and charges and should be authorized and an order 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 November 24, 1958, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after November 24, 1958, the carriers affected by the transportation of the aforesaid commodities shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

5. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

6. 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.

7. On and after November 24, 1958, all affected motor vehicle common carriers shall cease and desist from demanding, charging, and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

8. On and after November 24, 1958, 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, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

9. 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.

10. 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.

11. 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 24th day of November, 1958.

ea

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Local and Joint Freight Tariff No. 12-A, Colorado
P. U. C. No. 11.

1st Revised Page No. 201:

RATES ARE IN CENTS PER 100 POUNDS

ITEM NO.	COMMODITY	BETWEEN	AND	RATE	ROUTE
1545	Coin containers, telephone, with records and keys, in composition cases and/or coin receptacles, telephone, with or without coins, in composition cases, released to a value not exceeding 50 cents per pound.	Pueblo, Colo. Springfield, Colorado	Denver, Colorado	355 549	47 81
1575	Containers, sheet iron or steel, S.U., viz.: cans, N.O.I., liquid capacity exceeding one gill but not exceeding one gallon, not nested, in barrels, boxes or crates. Minimum weight 17,000 pounds.	Denver, Colo.	Pueblo, Colorado	77	47

1st Revised Page No. 219:

2115	Liquors, malt; ale, beer, beer tonic porter, stout or non-intoxicating cereal beverages; in glass or metal cans, in barrels or boxes, or in bulk in barrels. Wine, N.O.I., in containers in barrels or boxes, or in bulk in barrels. In straight or mixed shipments, minimum weight 30,000 pounds. Subject to loading by shipper.	Denver, Colo.	Colo. Spgs., Colorado	39	47

Route No. - 47 - Centennial Truck Lines, Inc., direct.

81 - Centennial Truck Lines, Inc., Lamar or Walsh, Colorado, K & K Transfer.

(Decision No. 51313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CENTENNIAL TRUCK LINES, INC., 1601 DECATUR STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 8 AND PUC NO. 8-I.	APPLICATION NO. 16693-Extension
GOTTULA TRUCKING & TRANSPORTATION CO., INC., 409 West Third Street, Pueblo, Colorado, Complainant, vs. CENTENNIAL TRUCK LINES, INC., 1601 DECATUR STREET, DENVER, COLORADO, Defendant.	CASE NO. 5153

November 24, 1958

Appearances: Raymond B. Danks, Esq., Denver, Colorado, for Centennial Truck Lines, Inc.;
John R. Barry, Esq., Denver, Colorado, for Gottula Trucking & Transportation Co., Inc.

S T A T E M E N T

By the Commission:

On October 24, 1958, Application No. 16693 was filed with the Commission by Centennial Truck Lines, Inc., Denver, Colorado.

Thereafter, and on October 28, 1958, the Commission set said application for hearing before the Commission, at 10:30 o'clock A. M., December 4, 1958, and December 5, 1958, at the Court House, Pueblo, Colorado.

On November 20, 1958, Complaint was filed with the Commission, being Case No. 5153.

On November 24, 1958, the Commission entered Order to Satisfy or Answer in said Case No. 5153, and said matter was set for hearing before the Commission at 10:30 o'clock A. M., December 4, 1958, at the Court House, Pueblo, Colorado.

On November 21, 1958, "Motion to Vacate Hearing" was filed with the Commission by Gottula Trucking and Transportation Company, by Barry, Hupp, and Dawkins, Attorneys.

On November 24, 1958, "Answer to Motion to Vacate Hearing" was filed with the Commission by Centennial Truck Lines, Inc., by Raymond B. Danks, Attorney.

The Commission has carefully considered said Motions, and is of the opinion that "Motion to Vacate Hearing," filed by Gottula Trucking and Transportation Company, Inc., should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That "Motion to Vacate Hearing," filed by Gottula Trucking and Transportation Company, Inc., should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Motion to Vacate Hearing," filed with the Commission by Barry, Hupp and Dawkins, Esqs., on behalf of Gottula Trucking and Transportation Company, on November 21, 1958, should be, and the same hereby is, denied, hearings on the above-entitled matters to be held as presently set, viz., commencing at 10:30 o'clock A. M., December 4, 1958, at the Court House, Pueblo, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1958.

mls

(Decision No. 51314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF A. STRICKER, A. STRICKER, JR., AND J. P. GERRINGER, CO-PARTNERS, DOING BUSINESS AS "A. STRICKER & SONS," FOR PERMISSION TO CONSOLIDATE AND DISTRIBUTE DRUGS AND DRUG SUNDRIES FOR MC KESSON AND ROBBINS, INC., AND BE RELIEVED FROM CHARGING THE PRESCRIBED RATES FOR SERVICE.	CASE NO. 1585

November 25, 1958

S T A T E M E N T

By the Commission:

On November 6, 1958, the above-named applicant, owner of Private Carrier Permit No. B-4834, filed an application with the Commission, requesting the following:

> That it be permitted to consolidate and distribute drugs and drug sundries (those items usually sold by wholesale and retail drugstores), for McKesson and Robbins, Inc., only; within a seventy-five-mile radius of Denver, Colorado, and that it also be relieved from charging the prescribed rates of the Commission subject to the 20% penalty, and in lieu thereof, transport said merchandise on an hourly and mileage basis.

In support of the request the application sets forth the following reasons:

1. That carrier is operating this authority on the basis of serving several towns which it has designated for its purpose as being routes.

2. That shipments moving from McKesson and Robbins, Inc., have little weight ranging from four to seventy-five pounds on the average.

3. That by requiring carrier to charge the prescribed rate, plus 20%, it is therefore costing McKesson and Robbins, Inc. an excessive amount for performing a service that is strictly competitive insofar as the drug field is concerned.

4. By compelling this carrier to charge the prescribed rates plus 20%, McKesson and Robbins, Inc. will cease to use this service and put their own trucks into operation for the reason that same can be operated for less than a number of minimum charge shipments. As an example, use the number 10, going to Boulder, Colorado, which would amount to $24.00. The shipper can therefore either use his own equipment or lease equipment from some leasing concern for a lesser amount.

The applicant prays that the Commission grant its request without a hearing.

On June 4, 1958, Decision No. 50389, in Application No. 16339-PP-Extension, the Commission authorized an extension of Permit No. B-4834, to cover distances within seventy-five miles of Denver, Colorado, for McKesson and Robbins, Inc., only.

In this opinion, the Commission made the following statement:

> "It thus appears that the granting of this application will not result in impairment of any existing common carrier service, for the alternative will be commercial carriage, which will just as effectively deny scheduled carriers this business. The testimony of the protestants concerned the adequacy of existing scheduled service and the possible authority of scheduled carriers to render non-scheduled emergency service does not answer the situation, according to the shipper."

> "As we have noted above, it appears that the scheduled carriers are not going to continue to receive this business in any event. The reason assigned by the public witness and upon which they are now acting is the inadequacy of existing service. Taking the evidence in its entirety, we conclude that the McKesson and Robbins Company should be permitted to have the service it desires from the applicant."

The foregoing Order was entered, as is this one, in the belief that the service would not be and could not become competitive

with that of common carriers. It must remain that way or fail.

Considering what was said in the above quoted Order, it is the opinion of the Commission that the request should be granted, provided, however, that if at any subsequent time the applicant or any potential owner of said permit desires or attempts to enlarge on its one customer, viz.: McKesson and Robbins, Inc., the order to be entered herein will automatically become null and void and be of no force and effect; and provided further the applicant should be required to file and keep on file in the office of the Commission its Tariff, showing the basis of the charges to be assessed and collected on shipments to be transported under the authority herein granted.

F I N D I N G S

THE COMMISSION FINDS:

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

2. That the authority requested should be granted, subject to the conditions set forth in the Statement.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and they are hereby, made a part of this Order by reference.

2. This Order shall become effective forthwith.

3. The rates, rules and regulations prescribed in Case No. 1585 shall not apply to the operation of A. Stricker, A. Stricker, Jr., and J. P. Gerringer, co-partners, doing business as "A. Stricker and Sons," Denver, Colorado, for the transportation of the commodities described in Decision No. 50389, dated June 4, 1958, for McKesson and Robbins, Inc., only; between Denver, Colorado, on the one hand, and retail drug stores located within seventy-five miles of Denver, Colorado, on the other hand, including point to point service within the City and County of Denver, Colorado.

4. Except as provided herein, the order entered under Decision No. 50389, dated June 4, 1958, shall remain in full force and effect.

5. The applicant shall file and keep on file with the Commission its Tariff showing the basis of the charges to be assessed and collected on shipments transported under the authority of this Order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1958.

ea

(Decision No. 51315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. A. MATHEWS, ROUTE 1, BOX 140, LONGMONT, COLORADO, FOR AUTHORITY TO LEASE PERMIT NO. A-588 TO ROBERT FAULKNER, ROUTE 2, BOX 122, PLATTEVILLE, COLORADO.	APPLICATION NO. 16238-PP-Lease SUPPLEMENTAL ORDER

November 26, 1958

Appearances: F. A. Mathews, Longmont, Colorado, pro se;
Robert Faulkner, Platteville, Colorado, pro se.

S T A T E M E N T

By the Commission:

On April 29, 1958, the Commission entered its Decision No. 50177 in the above-styled application, authorizing F. A. Mathews, Longmont, Colorado, to lease Permit No. A-588 to Robert Faulkner, Platteville, Colorado.

The Commission is now in receipt of a communication from said F. A. Mathews, requesting that said operating rights be restored to him, inasmuch as Robert Faulkner has taken bankruptcy, and is therefore not operating under said permit.

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. 50177, of date April 29, 1958, should be, and the same hereby is, set aside, vacated, and held for naught, Permit No. A-588 being hereby restored to F. A. Mathews, Longmont, 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 26th day of November, 1958.

ea

Original

(Decision No. 51316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JESS EDWARDS, INC., A CORPORATION, P. O. BOX 2287, CORPUS CHRISTI, TEXAS.	PERMIT NO. B-4563 PERMIT NO. B-4563-I

November 26, 1958

S T A T E M E N T

By the Commission:

Jess Edwards, Inc., a corporation, Corpus Christi, Texas, owner and operator of Permits Nos. B-4563 and B-4563-I, herein seeks authority to mortgage said operating rights, together with other collateral, to Mercantile National Bank at Dallas, Dallas, Texas, in accordance with terms and conditions set forth in Chattel Mortgage, of date November 20, 1958, executed by R. P. Hill, Treasurer of said Jess Edwards, Inc., payable to said Mercantile National Bank at Dallas, Dallas, Texas, in the amount of $250,000, said Mortgage, by reference, being made a part hereof.

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 Jess Edwards, Inc., a corporation, Corpps Christi, Texas, should be, and hereby is, authorized to mortgage all right, title, and interest in and to Permits Nos. B-4563 and B-4563-I, to Mercantile National Bank at Dallas, Dallas, Texas, to secure payment of the sum of $250,000, as set forth in the Statement preceding.

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, 1958.

ea

original

(Decision No. 51317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO CENTRAL POWER COMPANY, 3470 SOUTH BROADWAY, ENGLEWOOD, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES WITHIN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1-NORTH, RANGE 66 WEST.	)	APPLICATION NO. 16730-Extension

November 26, 1958

S T A T E M E N T

By the Commission:

On November 10, 1958, Colorado Central Power Company, Englewood, Colorado, filed with this Commission an application to extend its electric facilities to serve an irrigation pump and a dairy barn in the Northwest Quarter of Section 9, Township 1-North, Range 66-West.

This application was filed pursuant to the Commission's Order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

On November 17, 1958, the Public Service Company of Colorado, advised this Commission by letter that it did not wish to protest the granting of the instant application to Colorado Central Power Company. On November 24, 1958, Union Rural Electric Association, Inc., filed a protest to the above entitled application. The protest was based not so much on the service by Colorado Central Power Company to the electric pump which it presently serves and which will be moved to a new

location, but rather to the part of the application that had to do with service to the barn. According to the protest of Union, it has been serving the residence and barn on this farm since March of 1939. Union Rural Electric Association, Inc., has a single-phase line at present at this location, while Colorado Central Power Company is rendering three-phase service at the pump locations. While Union has protested the granting of the application as requested to Colorado Central, it does not request a hearing on the matter since it believes the Commission can issue the Order on the information contained in the application and the protest thereto.

It would appear from the record before the Commission in this matter that Colorado Central Power Company should be authorized to serve the pump at the new location, since this requires three-phase service, but that it should not be granted authority to render electric service to the barn, which has been served in the past by Union Rural Electric Association, Inc. Our Order on the above basis will hold the status quo.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the above Statement be made a part hereby of reference.

That public convenience and necessity require the rendering of three-phase electric service to a pump to be relocated on the Tiny Hill Farm in the Northwest Quarter of Section 9, Township 1-South, Range 66-West and that Colorado Central Power Company should be authorized to render said service.

That the portion of the application of Colorado Central Power Company to render electric service to the barn on said Tiny Hill Farm should be denied.

O R D E R

THE COMMISSION ORDERS:

That Colorado Central Power Company, Englewood, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities approximately 550 feet to serve a pump at a new location on the Tiny Hill Farm located in the Northwest Quarter of Section 9, Township 1-North, Range 66-West.

That the portion of the application of the Colorado Central Power Company to render electric service to the barn on said farm be, and it hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hoban

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1958.

mls

original

(Decision No. 51318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SOUTHERN COLORADO POWER COMPANY, A CORPORATION, 115 WEST SECOND STREET, PUEBLO, COLORADO, FOR AUTHORITY TO ISSUE AND SELL $2,500,000 OF FIRST MORTGAGE BONDS AND 50,000 SHARES OF PREFERRED STOCK HAVING A PAR VALUE OF $50.00 PER SHARE.

APPLICATION NO. 16728
SECURITIES

November 28, 1958

Appearances: J. W. Preston, Esq., Pueblo, Colorado, and Helmer Hansen, Esq., Chicago, Illinois, for Applicant; J. M. McNulty, Denver, Colorado, and E. R. Thompson, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Southern Colorado Power Company, a Colorado corporation, hereinafter called "Company," filed its application before this Commission on November 10, 1958, requesting the authority of the Commission to issue and sell $2,500,000 of First Mortgage Bonds, Series Due November 1, 1983, 5-1/4%, and 50,000 shares of Preferred Stock.

Said application was set for hearing with notice to all interested parties, in compliance with the statutes of Colorado and the rules and regulations of this Commission, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on November 21, 1958.

On November 14, 1958, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission to conduct the hearing, and at the conclusion thereof to transmit to the

Commission the record and exhibits of said proceedings, together with a written statement of his findings of fact and conclusions.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing; he thereafter submitted a report of said proceedings to the Commission.

Mr. Lundborg, as Examiner, states that, at the hearing, the Applicant's witness testified to the facts set forth below. His recommendations appear at the end of this Statement.

The Company proposes to issue and sell $2,500,000 principal amount of First Mortgage Bonds to be dated as of November 1, 1958, to mature November 1, 1983, and to bear interest at the rateof 5-1/4% per annum. Such bonds are to be secured by Applicant's Trust Indenture to The International Trust Company, as Trustee (The First National Bank of Denver, Successor Trustee), dated November 1, 1943, as supplemented by supplemental trust indentures dated, respectively, November 1, 1945, November 1, 1948, May 1, 1950, May 1, 1952, November 1, 1957, October 1, 1958 and the proposed Supplemental Indenture in the present case bearing date of November 1, 1958. The bonds may not be redeemed at the option of the Company prior to November 2, 1963, from moneys which have been acquired by the Company, directly or indirectly, through borrowing, or from funds of the Company applied to the redemption of bonds in anticipation of the borrowing of moneys to replace all or a part of such funds, if, in either case, the effective interest cost to the Company of such borrowing is less than 5-1/4% per annum. Subject to such provision, Applicant may, at its option, redeem the bonds at any time. The redemption premium for the period to November 1, 1964, is 5-1/4% after which it diminishes from year to year. The supplemental indenture provides for a sinking fund payment of $25,000 annually in cash commencing September 1, 1959. The Company proposes to issue and sell such bonds to The Equitable Life Assurance

Society of the United States, The Travelers Insurance Company and Massachusetts Mutual Life Insurance Company at the principal amount thereof plus accrued interest thereon from November 1, 1958, to the date of delivery.

Applicant also proposes to issue and sell 50,000 shares of Preferred Stock, par value $50.00 per share. The dividend rate for the preferred stock has not, as yet, been determined but it is contemplated will not exceed 5-3/4% on the par value thereof per annum. Dividends on this series of preferred stock will be cumulative and will be payable from November 1, 1958, quarterly. The terms and provisions of this Preferred Stock are substantially the same as those of the 30,000 shares of 4.72% Series Preferred Stock now outstanding, issuance of which was authorized by this Commission by Order dated August 5, 1954, Application No. 12987-Securities (Decision No. 43117) and the 20,000 shares of 4.72% Second Series Preferred Stock now outstanding, issuance of which was authorized by this Commission by Order dated July 15, 1955, Application No. 13513-Securities (Decision No. 44435). Such terms and provisions provide, among other things, that no merger or consolidation of Company, nor sale of its property as an entirety, shall be effected if the holders of more than one-third of all preferred stock outstanding shall dissent, and that the preferred stock of the Company outstanding may, under certain conditions as to dividends being in default, elect a majority of the Board of Directors of the Company. The terms and provisions of the Preferred Stock will also provide that, except under certain conditions, the Company will not issue any additional preferred stock, or any additional funded debt unless the net earnings of the Company for any twelve consecutive calendar months within the fifteen calendar months immediately preceding the month within which it is proposed that such additional shares of preferred stock or such additional funded debt, as the case may be, shall be issued, shall have been at least one and one-half times the

aggregate of (1) the dividend requirements for a twelve months' period upon all shares of the Preferred Stock and the preferred stock to be outstanding after the issuance of the shares proposed to be issued, and (2) the interest requirements for a twelve months' period upon all indebtedness of the Company to be outstanding after the issuance of the shares proposed to be issued, and shall have been at least two and one-half times the divident requirements for a twelve months' period upon all shares of the 4.72% Series Preferred Stock, and the preferred stock to be outstanding after the issuance of the shares proposed to be issued.

The terms and provisions of the Preferred Stock will also provide for payment to the holders thereof in the event of the liquidation of the Company, and that it shall be redeemable in accordance with its terms.

The provisions of the Preferred Stock include a non-cumulative purchase fund under which the Company will purchase on November 30 of each year, beginning with 1959, such number of shares not exceeding 1,000 as are tendered to it on or before that date at not more than the initial public offering price of the preferred stock plus accrued dividends. Shares of stock so purchased shall be retired and not reissued.

The Company proposes to sell such 50,000 shares of Preferred Stock to a group of underwriters at the par value thereof and accrued dividends from November 1, 1958, and to pay the underwriters compensation at the rate of not to exceed $2.50 per share. Applicant will also pay the expenses of the underwriters in an amount not to exceed $5,000.00.

Company is a Colorado corporation and is engaged in the business of generating, transmitting, distributing and selling of electrical energy in the Counties of Pueblo, Fremont, Teller, Custer, Otero, Crowley and El Paso, Colorado, as a public utility, its prin-

cipal office and headquarters being located at Pueblo, Colorado.

The Company's authorized capital stock consists of 150,000 shares of preferred stock, par value $50.00 per share, of which 50,000 shares have been issued and are outstanding, and 1,200,000 shares of common stock, par value $7.50 per share, of which 717,301 shares were outstanding as of August 31, 1958. Since that date additional shares of common stock have been issued upon the conversion of 5-1/2% Convertible Depentures. Company also has outstanding certain bonds and bank loans which, at August 31, 1958, were as follows:

LONG TERM DEBT:

First Mortgage Bonds, Series Due November 1, 1970, 3% *	$ 4,750,000
First Mortgage Bonds, Series Due November 1, 1973, 3-1/4% *	950,000
First Mortgage Bonds, Series Due May 1, 1975, 3% *	1,900,000
First Mortgage Bonds, Series Due May 1, 1977, 3-3/4% *	950,000
First Mortgage Bonds, Series Due November 1, 1982, 5-3/8% *	1,485,000

BANK LOANS:

Notes payable to banks	$ 2,824,500

(*) The amount authorized under the Indenture is unlimited in expressed amount.

There were also outstanding at August 31, 1958, $1,709,600 of 5-1/2% Convertible Debentures due December 1, 1972.

The Company, for the 12-month period ended August 31, 1958, reported operating revenues of $7,229,726.09 and a net income after adjustments for interest, expenses, depreciation, etc., that is, the amount available for dividends and surplus, of $1,170,501.26.

As of August 31, 1958, the Company reports its assets and liabilities on an actual and pro forma basis, before and after financing; the Company's balance sheet as of this date, Exhibit No. 1, in-

troduced into evidence, is hereby included in this Statement by reference.

The pro forma ratio of long-term debt to total capitalization as of August 31, 1958, after the proposed issue of the First Mortgage Bonds and Preferred Stock is, bonds and other debt 50.2%; total equity comprises 49.8%.

The gross proceeds of the sale of the $2,500,000 of 5-1/4% bonds will be $2,500,000 and after deducting estimated expenses the net proceeds to the Company would be $2,486,500. The gross proceeds of the sale of the 50,000 shares of Preferred Stock, if sold at the par value thereof, would be $2,500,000 and after deducting all estimated expenses the net proceeds to the Company would be approximately $2,343,000. The proceeds of the sale of both the bonds and the preferred stock are to be applied to the retirement of the bank loans aggregating $2,824,500, at August 31, 1958, or to reimburse the Company for or to provide funds for expenditures for materials, labor and services incident to and connected with the construction of additions to the Company's property, plants, lines, equipment and facilities.

The report of Examiner Lundborg recommends that the Commission enter its Order (a) authorizing and approving the issuance and sale by Applicant of $2,500,000 principal amount of its First Mortgage Bonds, Series due November 1, 1983, to bear interest at a rate of 5-1/4% per annum, as hereinbefore described, which bonds will be secured by a lien on certain of the property of Applicant situated in the State of Colorado, to a group of institutional investors at the principal amount thereof, together with accrued interest on said bonds for the purposes set forth above; and (b) authorizing and approving the issuance and sale by Applicant of 50,000 shares of its Preferred Stock, par value of $50.000 per share, for the purposes hereinbefore set forth.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the Applicant, Southern Colorado Power Company, is a public utility as defined in 115-1-3 Colorado Revised Statutes, 1953.

That the Commission has jurisdiction of said Applicant, and the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the issuance by the Company of the proposed $2,500,000 principal amount of First Mortgage Bonds, Series due November 1, 1983, 5-1/4%, as herein set forth, is reasonably required and necessary for its proper corporate financing in the construction program aforesaid.

That the issuance by the Company of the proposed 50,000 shares of Preferred Stock, as herein set forth, is reasonably required and necessary for its proper corporate financing in the construction program aforesaid.

That the proposed bond and preferred stock issues are not inconsistent with the public interest and that the purpose or purposes thereof are permitted by and are consistent with the provisions of 115-1-4 Colorado Revised Statutes, 1953.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Southern Colorado Power Company, a Colorado corporation, be, and it is hereby, authorized and empowered:

(a) to issue and sell $2,500,000 principal amount of its First Mortgage Bonds, Series due November 1, 1983, 5-1/4%, to be dated November 1, 1958, to The Equitable Life Assurance Society of the United States, The Travelers Insurance Company and Massachusetts Mutual Life Insurance Company, at the principal amount thereof plus accured interest; and

(b) to issue and sell 50,000 shares of Preferred Stock with a dividend rate of not to exceed 5-3/4% per annum upon the par value thereof, and to sell such shares of preferred stock to a group of underwriters at not less than the par value thereof, with such adjustment for accrued dividends as may be required, if any, and to pay such underwriters as compensation for their services not to exceed 5% of the entire issue of such preferred stock.

That Company shall make a certified report to the Commission not later than ninety (90) days after the sale of said bonds and preferred stock herein authorized to be sold, stating the moneys received therefrom and, in detail, expenses incident to such sale, accompanying the same with copies of entries recorded on books of the Company as a result of the consummation of such financing as hereinabove provided.

That Company shall, for proper and easy identification of the bonds and preferred stock issued, place a serial number upon the face thereof and report to this Commission the beginning and ending serial numbers of the series of numbers used.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities to be issued by applicant hereunder on the part of the State of Colorado.

That the Commission retains jurisdiction of this proceeding to the end that it may make further Orders in the premises as to it may seem proper and desirable.

That the authority herein granted shall be effective from

and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 28th day of November, 1958.

mls

original

(Decision No. 51319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 1-SOUTH, RANGE 67-WEST.	APPLICATION NO. 16734-Extension

November 28, 1958

S T A T E M E N T

By the Commission:

On November 19, 1958, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct approximately 1300 feet of primary and 150 feet of secondary single-phase line, to serve a house that has been moved into the Southeast Quarter of Section 22, Township 1-South, Range 67-West, by Floyd Knox. The estimated cost of construction is $862.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said order, which provides for the Commission to issue the authority without a hearing, if it so decides, and if there are no protests.

The Commission has examined the record and the files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated November 24, 1958, and a letter from Colorado Central Power Company,

dated November 19, 1958, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's order in Decision No. 47074 previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Floyd Knox at a location in the Southeast Quarter of Section 22, Township 1-South, Range 67-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to serve Floyd Knox, at a location in the Southeast Quarter of Section 22, Township 1-South, Range 67-West; all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Thompson

Joseph F. Rizzo

Commissioners.

Dated at Denver, Colorado,
this 28th day of November, 1958.

ea

(Decision No. 51320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
AMARILLO AUTO AUCTION, INC.)
3202 EAST TENTH AVENUE,)
AMARILLO, TEXAS.) PERMIT NO. M-8475
)
)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Amarillo Auto Auction, Inc., 3202 E. 10th Ave., Amarillo, Texas. requesting that Permit No. M-8475 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8475, heretofore issued to Amarillo Auto Auction, Inc., 3202 E. 10th Ave., Amarillo, Texas. be, and the same is hereby, declared cancelled effective November 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hardman
John P. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

(Decision No. 51321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
POWER, INC.)
882 SOUTH PEARL STREET,)
DENVER 9, COLORADO.) PERMIT NO. M-14626
)
)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Power, Inc., 882 South Pearl St., Denver 9, Colorado. requesting that Permit No. M-14626 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14626, heretofore issued to Power, Inc., 882 South Pearl St., Denver 9, Colorado. be, and the same is hereby, declared cancelled effective October 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John V. Thompson
Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

(Decision No. 51322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRANK W. VOSSLER)
ROUTE 2, POST OFFICE BOX 678,)
CHEYENNE, WYOMING.) PERMIT NO. M-14890
)
)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank W. Vossler, Route 2, Box 678, Cheyenne, Wyoming requesting that Permit No. M-14890 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14890, heretofore issued to Frank W. Vossler, Route 2, Box 678, Cheyenne, Wyoming. be, and the same is hereby, declared cancelled effective November 5, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hanlon
John P. Thompson
Joseph T. Tigro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

(Decision No. 51323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RANDALL W. REINHOLDT)
414 DUNHAM)
MONTE VISTA, COLORADO.) PERMIT NO. M-14629
)
)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Randall W. Reinholdt, 414 Dunham, Monte Vista, Colorado. requesting that Permit No. M-14629 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14629, heretofore issued to Randall W. ReinHoldt, 414 Dunham, Monte Vista, Colorado. be, and the same is hereby, declared cancelled effective November 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hodges
John P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds

(Decision No. 51324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SAN LUIS VALLEY EQUIPMENT COMPANY,)
(A CORPORATION),)
1201 GUNBARREL ROAD,) PERMIT NO. M-9303
MONTE VISTA, COLORADO.)
)

December 3, 1958

STATEMENT

By the Commission:

The Commission is in receipt of a communication from San Luis Valley Equipment Co. (A Corp.) 1201 Gunbarrel Rd., Monte Vista, Colorado. requesting that Permit No. M-9303 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9303, heretofore issued to San Luis Valley Equipment Co. (A Corp.) 1201 Gunbarrel Rd., Monte Vista, Colo. be, and the same is hereby, declared cancelled effective November 7, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robin C. Hoover

John P. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1958.

ds