(Decision No. 51575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALLACE H. HOLLBERG, 4500 EAST JEWEL, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3742 TO JAMES D. WILSON, DOING BUSINESS AS "BUD'S HAULING SERVICE," 536 STUART STREET, DENVER, COLORADO.	APPLICATION NO. 16748-Transfer

January 16, 1959

Appearances: James D. Wilson, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Wallace H. Hollberg, Denver, Colorado, owner and operator of PUC No. 3742, seeks authority to transfer said operating rights to James D. Wilson, doing business as "Bud's Hauling Service," Denver, Colorado, said PUC No. 3742 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

> ashes, from point to point within the City Limits of Denver, Colorado, and from points in said area, to dumps in Adams, Arapahoe, and Jefferson Counties, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, James D. Wilson, transferee herein, testified that Wallace H. Hollberg, transferor herein, was unable to appear at the hearing; that he is the owner of sufficient motor vehicle equipment to carry on his proposed operation; that he is financially able to continue said business, as shown by his financial statement on file with the 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 authority herein sought to transfer PUC No. 3742 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, 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 Wallace H. Hollberg, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3742 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to James D. Wilson, doing business as "Bud's Hauling Service," 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 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.

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 16th day of January, 1959.

ea

original

(Decision No. 51576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALFREDO F. MARTINEZ AND BETTY M. MARTINEZ, CO-PARTNERS, DOING BUSINESS AS "EL PASO SANITARY COMPANY," 516 WINNEPEG, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER PUB NO. 2452 TO CHARLES W. REINKE AND JEAN INNES REINKE, CO-PARTNERS, DOING BUSINESS AS "EL PASO SANITARY COMPANY," 132 NORTH CORONA, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 16758-Transfer
IN THE MATTER OF THE APPLICATION OF CHARLES W. REINKE AND JEAN INNES REINKE, CO-PARTNERS, DOING BUSINESS AS "EL PASO SANITARY COMPANY," 132 NORTH CORONA, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO LEASE PUC NO. 2452 TO KENNETH E. BYRD, DOING BUSINESS AS "EL PASO SANITARY COMPANY," 722 SOUTH NEVADA, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 16759-Lease

January 16, 1959

Appearances: Weldon W. Tarter, Esq., Colorado Springs, Colorado, for Applicants;
Jack Kimbrough, Colorado Springs, Colorado, for Pikes Peak Sanitary Company.

S T A T E M E N T

By the Commission:

By the above-styled applications, Alfredo F. Martinez and Betty M. Martinez, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, seek authority to transfer PUC No. 2452 to Charles W. Reinke and Jean Innes Reinke, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, and said Charles W. Reinke and Jean Innes Reinke, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colo-

rado, seek authority to lease said PUC No. 2452 to Kenneth E. Byrd, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, PUC No. 2452 being the right to operate as a common carrier by motor vehicle for hire, for the conduct of:

> "a pick-up and delivery service of sewage and other waste materials upon the public highways, in the Counties of El Paso, Elbert, Douglas, Teller, and Fremont, State of Colorado."

Said applications were regularly set for hearing before the Commission at the City Auditorium, Colorado Springs, Colorado, December 16, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said applications.

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

Report of the Examiner states that at the time and place designated for hearing said applications, upon motion of Weldon M. Tarter, Attorney for Applicants herein, said matters were heared on a consolidated basis.

At the hearing, Alfredo F. Martinez testified that he and his wife, Betty M. Martinez, are owners of PUC No. 2452; that they purchased said operating rights from Charles W. Reinke and Jean Innes Reinke, together with other properties; that he and his wife now desire to transfer said certificate back to the Reinkes; that said transfer will adjust money differences between the parties; that there is no outstanding unpaid operating indebtedness against said operation.

Charles W. Reinke testified that he and his wife are transferees herein, and operations under PUC No. 2452 are continuing; that

when transfer herein sought from Martinezs' to the Reinkes is approved and consummated, Reinkes desire to lease said operations to Kenneth E. Byrd.

Kenneth E. Byrd testified he is in the Roto Rooter business, which constitutes the cleaning of stopped sewers; that he desires to acquire PUC No. 2452 through lease; that he has a net worth of $20,000, and owns two trucks.

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

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

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 herein should be approved.

That the proposed transfer and lease are in 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 Alfredo F. Martinez and Betty M. Martinez, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2452 -- with authority as set forth in the Statement preceding, which is made a part

hereof, by reference -- to Charles W. Reinke and Jean Innes Reinke, co-partners, doing business as "El Paso Sanitary Company," 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 transferors and transferees, in writing have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, 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 transferees until changed according to law and the rules and regulations of this Commission.

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

That said Charles W. Reinke and Jean Innes Reinke, co-partners, doing business as "El Paso Sanitary Company," Colorado Springs, Colorado, upon completion of transfer authorized in Application No. 16758, should be, and they hereby are, authorized to lease said PUC No. 2452 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Kenneth E. Byrd, doing business as "El Paso Sanitary Company," Colorado Springs, Colo-

rado, upon the terms and conditions set forth in Lease, of date November 1, 1958, entered into by said parties, said lease, by reference, being made a part hereof.

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

The right of lessee to operate under this Order shall depend upon the prior filing by lessors of delinquent reports, if any, covering operations under said certificate up to the time of lease 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 P. Thompson

Joseph E. Nigro

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1958.

mls

(Decision No. 51577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN CADY, 5023 ZUNI STREET, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 3389 TO JOHN CADY AND CHARLES)
R. ALCORN, CO-PARTNERS, DOING BUSI-)APPLICATION NO. 16744-Transfer
NESS AS "A & C DELIVERY SERVICE,")
1781 EAST 95TH, THORNTON, COLORADO.)
-)

- - - - - - - -
January 16, 1959
- - - - - - - -

Appearances: John Cady, Denver, Colorado, pro se;
Charles R. Alcorn, Thornton, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, John Cady, Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

> printed and printing materials, including envelopes, stationery, circulars, and trunks, luggage, baggage, filling station equipment (except large tanks), from point to point within the City and County of Denver, State of Colorado,

said operating rights being known as "PUC No. 3389."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 3389 to John Cady and Charles R. Alcorn, co-partners, doing business as "A & C Delivery Service," Thornton, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 Cady, transferor herein, testified he needs help in his operations under PUC No. 3389 because his health is poor; that he has known Charles R. Alcorn since 1929, and has formed a partnership with him; that equipment to be used will belong to the partnership; that there are no outstanding unpaid operating obligations against PUC No. 3389.

Report of the Examiner further states that at the hearing, Charles R. Alcorn testified he is one of transferees herein; that he has a net worth of $6,000; that he purchased a new 1959 Ford; that he is familiar with, and will obey, the rules and regulations of this Commission, in the event authority herein sought is granted.

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.

The Report of the Examiner recommends that authority herein sought to transfer PUC No. 3389 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 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 John Cady, Denver, Colorado, should be, and he hereby is, authorized to transfer all hig right, title, and interest in and to PUC No. 3389 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to John Cady and Charles R. Alcorn, co-partners, doing business as "A & C Delivery Service," Thornton, 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 tp 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 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. Kotlan

John P. Thompson

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1959.

ea

Original

(Decision No. 51578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. A. SALTHOUSE AND D. E. SALTHOUSE, CO-PARTNERS, DOING BUSINESS AS "BRIGHTON CAB," 51 SOUTH FIRST AVENUE, BRIGHTON, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO.1791 TO MAC BICKLING AND DOROTHY M. BICKLING, CO-PAETNERS, DOING BUSINESS AS "BRIGHTON CAB," 50 SOUTH FIRST STREET, BRIGHTON, COLORADO.	APPLICATION NO. 16747-Transfer

January 16, 1959

Appearances: J. A. Salthouse, Brighton, Colorado, pro se;
Mac Bickling, Brighton, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, J. A. Salthouse and D. E. Salthouse, co-partners, doing business as "Brighton Cab," Brighton, Colorado, were authorized to operate as a common carrier by motor vehicle for hire, for the transportation of:

> passengers and their hand baggage, in cabs of not to exceed five-passenger capacity, between points in the area within a radius of ten miles of, and including, the City of Brighton, Colorado, and from points in said radius, to Denver, Stapleton Airport, Lafayette, and Boulder, Colorado, and return -- that is, transportation of passengers and their hand baggage from Denver, Stapleton Airport, Lafayette and Boulder, to points in said ten-mile area, including Brighton, is limited to (and in connection with) round-trip service, only, where passenger is taken from said area to Denver, Stapleton Airport, Lafayette, or Boulder, and returned in the same vehicle, with waiting time of not to exceed one hour at Denver, Stapleton Airport, Lafayette, or Boulder, Colorado,

said operating rights being designated "PUC No. 1791."

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 1791 to Mac Bickling, and

Dorothy M. Bickling, co-partners, doing business as "Brighton Cab," Brighton, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 17, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 15, 1958, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, J. A. Salthouse testified he is one of transferors herein; that there are no outstanding unpaid operating obligations against PUC No. 1791; that two cabs were to be transferred with said PUC No. 1791.

Report of the Examiner further states that at the hearing, Mac Bickling, one of transferees herein, testified that transferees have entered into an agreement to purchase PUC No. 1791; that he had been a farmer and rancher, and had been in the real estate business; that he had a net worth of $7,700.00.

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 authority herein sought to transfer PUC No. 1791 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 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 J. A. Salthouse and D. E. Salthouse, co-partners, doing business as "Brighton Cab," Brighton, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1791 -- with authroity as set forth in the Statement preceding, which is made a part hereof, by reference -- to Mac Bickling and Dorothy M. Bickling, co-partners, doing business as "Brighton Cab," Brighton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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 transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering 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.

Dated at Denver, Colorado,
this 16th day of January, 1959.

ea

(Decision No. 51579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GALLAGHER FREIGHT LINES, INC., TO TRANSFER PERMITS NOS. A-464 AND A-464-I, AS EXTENDED, TO CONSOLIDATED FREIGHTWAYS, INC.	APPLICATION NO. 16769-PP-Transfer
IN THE MATTER OF THE APPLICATION OF GALLAGHER TRANSPORTATION COMPANY TO TRANSFER CERTIFICATE NO. PUC-725, AS EXTENDED, TO CONSOLIDATED FREIGHTWAY, INC.	APPLICATION NO. 16768-Transfer
IN THE MATTER OF THE APPLICATION OF THE EXHIBITORS FILM DELIVERY AND SERVICE COMPANY TO TRANSFER CERTIFICATE NOS. PUC-302 AND PUC-302-I, AS EXTENDED, TO CONSOLIDATED FREIGHTWAYS, INC.	APPLICATION NO. 16770-Transfer

January 19, 1959

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, for
Transferor and Transferee.

S T A T E M E N T

By the Commission:

Applicant, Gallagher Freight Lines, Inc., is the owner of PUC Permit No. A-464 and No. A-464-I. Gallagher Transportation Company (correctly described as Gallagher Transportation, Inc.) and The Exhibitors Film Delivery and Service Company are wholly owned subsidiary companies of Gallagher Freight Lines, Inc. Said Gallagher Transportation Company is the present owner and holder of Colorado PUC Certificate No. 725, and The Exhibitors Film Delivery and Service Company is the owner and holder of Certificate No. PUC-302 and PUC 302-I.

The above applications were, by mutual agreement, consolidated for hearing.

By the instant application, said Gallagher Freight Lines, Inc., and its two subsidiary companies seek authority to transfer all of said permits and certificates to Consolidated Freightways, Inc.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on December 29, 1958, at ten o'clock A. M., and, at the conclusion of the evidence, the matters were taken under advisement.

William Alff identified Exhibit No. 1, which is an Agreement between Gallagher Freight Lines, Inc. and Consolidated Freightways, Inc., providing for the exchange of stock between the two corporations and for the merger of the three transferor companies into Consolidated Freightways, Inc.

Mr. Alff also identified Exhibit No. 2, which is a Financial Statement of Consolidated Freightways, Inc., showing its assets and liabilities.

No one testified in opposition to the proposed transfer.

Mr. Alff further stated that the transferee was a large, well-equipped and experienced carrier and would be well able to carry on the operations of the transferor companies. He requested that the approval of the Colorado Public Utilities Commission be effective upon the issuance of a final order by the Interstate Commerce Commission for the transfer of interstate operating rights by the transferors to the transferee.

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, and subject to final approval of transfer of interstate operating rights by the Interstate Commerce Commission.

O R D E R

THE COMMISSION ORDERS:

That Gallagher Freight Lines, Inc., should be, and it is hereby, authorized to transfer all of its right, title and interest

in and to Colorado PUC Permit No. A-464 and A-464-I, as extended, to Consolidated Freightways, Inc.

That Gallagher Transportation Company (correctly described as Gallagher Transportation, Inc.) should be, and it is hereby, authorized to transfer all of its right, title and interest in and to Colorado PUC No. 725, as extended, to Consolidated Freightways, Inc.

That The Exhibitors Film Delivery and Service Company should be, and it is hereby, authorized to transfer all of its right, title, and interest, in and to PUC Certificate No. 302 and No. 302-I, as extended, to Consolidated Freightways, Inc., all subject to outstanding indebtedness of any of the above three transferor companies, if any.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates and permits have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the 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, and further subject to approval by the Interstate Commerce Commission of the transfer of interstate rights by transferors to transferee.

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 and permits up to the time of transfer of said certificates and permits.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hostert

Joseph F. Nigro

Commissioners.

COMMISSIONER THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

(Decision No. 51580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RALPH L. WOLFF, DOING BUSINESS AS "AA TOURS," 1634 BROADWAY, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 191 TO EARL B. WICKERSHAM, AND MARIE (NMI) WICKERSHAM, CO-PARTNERS, DOING BUSINESS AS "AA TOURS," 1634 BROADWAY, DENVER, COLORADO, OR DRESDEN, KANSAS.	APPLICATION NO. 16765-Transfer

January 19, 1959

Appearances: Richard B. Harvey, Esq., Denver, Colorado, for Applicants;
I. B. James, Denver, Colorado, for Rocky Mountain Motor Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Ralph L. Wolff, doing business as "AA Tours," Denver, Colorado, owner and operator of PUC No. 191, seeks authority to transfer said operating rights to Earl B. Wickersham and Marie (NMI) Wickersham, co-partners, doing business as "AA Tours," Denver, Colorado, or Dresden, Kansas, said PUC No. 191 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

> passengers in sightseeing round-trip one-day operations, only, to Pikes Peak by way of U.S. Highway No. 85, and from Denver, via Denver Mountain Parks System, to Silver Plume, Echo Lake, and Mt. Evans, making use of Highways Nos. 2, 8, 68, 73, 74, 91, and 103, without the right to serve intermediate points, in performing service, to be limited to the use of two cars;
>
> right to use one car in round-trip one-day sightseeing service over the following routes:

(1) Denver to Silver Plume;

(2) Denver to Pikes Peak;

(3) Denver to Mountain Parks;

(4) Denver to Echo Lake;

(5) Denver to Mt. Evans;

(6) Denver to Estes Park;

without the right to serve intermediate points;

right to use three cars in one-day, round-trip sightseeing operations, from Denver as follows:

(1) Gold Patch Trip, reaching Nederland, Central City and Idaho Springs;

(2) Jarre Canon Trip;

(3) Denver to Mt. Evans, Leadville, and Fairplay, through Denver Mountain Parks;

(4) Peak to Peak Trip;

(5) Mesa Verde Trip;

(6) Denver to Colorado Springs Trip, via Sedalia Cascade, Pikes Peak and return through Colorado Springs and Region to Denver;

passengers and their personal baggage, to and from the City and County of Denver, from and to any and all points within the State of Colorado, in the nature of special motor car and bus service, provided said service be limited to motor cars and buses of a capacity not to exceed eight passengers, of the type of motor vehicle used by Joseph Freilinger in his operations, limited to the number of cars allowed applicant in sightseeing service;

passengers in sightseeing over the following routes:

Denver to Pikes Peak; Denver to Silver Plume; Denver to Denver Mountain Parks; Denver to Echo Lake; Denver to Mt. Evans,

with the provisos that he should not transport passengers to any intermediate points on the routes designated; that all service should be limited to sightseeing round-trip one-day operations, and that in performing the service authorized he should be limited to the use of two automobiles;

operations from point to point within the corporate limits of the City and County of Denver, subject, however, to the same limitations as to type and quantity of motor vehicle equipment heretofore imposed as to service outside the City Limits of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that transferees, pecuniarily and otherwise, are qualified to carry on the operation; that there are no outstanding unpaid operating obligations against said certificate.

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 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 Ralph L. Wolff, doing business as "AA Tours," Denver, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 191 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Earl B. Wickersham and Marie (NMI) Wickersham, co-partners, doing business as "AA Tours," Denver, Colorado, or Dresden, Kansas, 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

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

(Decision No. 51581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
S. J. WAGLER, DOING BUSINESS AS,)
"NORWOOD HARDWARE")
POST OFFICE BOX 157) PERMIT NO. M-7091
NORWOOD, COLORADO.)
)

January 19, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. J. Wagler, Dba Norwood Hardware, Norwood, Colorado requesting that Permit No. M-7091 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7091, heretofore issued to S. J. Wagler, Dba Norwood Hardware, Norwood, Colorado be, and the same is hereby, declared cancelled effective January 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson

John P. Thompson

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1959.

ds

(Decision No. 51582)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROSS O. CARHART)
)
DOVE CREEK, COLORADO.) PERMIT NO. M-3983
)
)

January 19, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ross O. Carhart, Dove Creek, Colorado requesting that Permit No. M-3983 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3983, heretofore issued to Ross O. Carhart, Dove Creek, Colorado be, and the same is hereby, declared cancelled effective January 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hurlbert
Wm. L. Thompson
Joseph T. Tiers
Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1959.

ds

(Decision No. 51583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DANIEL S. VOELZ, DOING BUSINESS AS,)
"A A A TRUCK LINE")
ROUTE 1 A,) PERMIT NO. M-12972
ELIZABETH, COLORADO.)
)

January 19½ 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Daniel S. Voelz, Dba A A A Truck Line, Elizabeth, Colorado requesting that Permit No. M-12972 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12972, heretofore issued to Daniel S. Voelz, Dba A A A Truck Line, Elizabeth, Colorado be, and the same is hereby, declared cancelled effective January 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Horton
Lyn P. Thompson
Joseph F. Higro
Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1959.

ds

(Decision No. 51584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CURTIS R. WAGNER, DOING BUSINESS AS,)
"WAGNER MACHINE SHOP")
4444 YORK STREET,) PERMIT NO. M-14699
DENVER 16, COLORADO.)
)

January 19, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Curtis R. Wagner, Dba Wagner Machine Shop, Denver, Colorado requesting that Permit No. M-14699 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14699, heretofore issued to Curtis R. Wagner, Dba Wagner Machine Shop, Denver, Colorado be, and the same is hereby, declared cancelled effective December 27, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hudson

John P. Thompson

Joseph F. Hearn

Commissioners

Dated at Denver, Colorado,

this 19th day of January, 195 9.

ds

(Decision No. 51585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
J. A. BAKER)
)
FRASER, COLORADO.) PERMIT NO. B-4972
)
)

January 19, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. A. Baker, Fraser, Colorado requesting that Permit No. B-4972 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4972, heretofore issued to J. A. Baker, Fraser, Colorado be, and the same is hereby, declared cancelled effective January 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 19th day of January, 1959

ds

(Decision No. 51586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RALPH L. WOLFF AND DARLENE E. WOLFF, CO-PARTNERS, DOING BUSINESS AS "AA SIGHTSEEING TOURS," 1634 BROADWAY, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 193 TO EARL B. WICKERSHAM AND MARIE (NMI) WICKERSHAM, CO-PARTNERS, DOING BUSINESS AS "AA SIGHTSEEING TOURS," 1634 BROADWAY, DENVER, COLORADO, OR DRESDEN, KANSAS.	APPLICATION NO. 16766-Transfer

January 19, 1959

Appearances: Richard B. Harvey, Esq., Denver, Colorado, for Applicants; I. B. James, Denver, Colorado, for Rocky Mountain Motor Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Ralph L. Wolff and Darlene E. Wolff, co-partners, doing business as "AA Sightseeing Tours," Denver, Colorado, owners and operators of PUC No. 193, seek authority to transfer said operating rights to Earl B. Wickersham and Marie (NMI) Wickersham, co-partners, doing business as "AA Sightseeing Tours," Denver, Colorado, or Dresden, Kansas, said PUC No. 193 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

passengers over the following routes:

(1) Denver to Pikes Peak and return;

(2) Denver to Silver Plume and return;

(3) Denver to Echo Lake and Return;

(4) Denver to Denver Mountain Parks and return;

(5) Denver to Lookout Mountain and return;

subject to the following terms and conditions:

(a) That no transportation of passengers to any intermediate points on the routes designated shall be permitted;

(b) All operations by applicant shall be limited to sightseeing, round-trip, one-day operations;

(c) That the quantity of equipment to be used in this operation shall be limited to two cars;

The right to transport passengers over the following routes:

(a) Denver to Pikes Peak;

(b) Denver to Silver Plume;

(c) Denver to Denver Mountain Parks;

(d) Denver to Echo Lake and Mt. Evans;

(e) Denver to Estes Park,

subject to the following terms and conditions:

(a) No transportation of passengers to any intermediate points on the routes designated shall be permitted;

(b) All operations by applicant shall be limited to sightseeing, round-trip one-day operations;

(c) That the quantity of equipment to be used in this operation shall be limited to two cars;

use of one car with same authority (transferred from Schram Scenic Tours);

passengers on sightseeing round trips from Denver to the various scenic attractions in the State of Colorado;

Trip No. 1: "Gold Patch Trip," reaching Nederland, Central City, and Idaho Springs, approximately 112 miles, charge $8.00 per person, minimum number of persons on a trip being two;

Trip No. 2: "Jarre Canon Trip," covering a section of South Platte and Jarre Canon, approximately 162 miles, charge $8.00 per passenger, minimum of three passengers on the trip;

Trip No. 3: Part of the Denver Mountain Parks, including Mt. Evans and Leadville, Fairplay Section, covering approximately 318 miles, charge $16.00 per person, with a minimum of three passengers;

Trip No. 4: "Peak to Peak Trip," extending from Long's Peak to Pikes Peak, approximately 411 miles, charge of $20.00 per passenger, with a minimum of four passengers;

Trip No. 5: "Mesa Verde Trip," reaching most of the major scenic attractions in the Colorado Mining Areas, mountainous districts of the State, and points of interest on the Western Slope, approximately 1,000 miles, charge $60.00 per passenger, minimum of four passengers to the car;

Trip No. 6: Denver to Colorado Springs, approximately 223 miles, charge $10.00 per passenger, with a minimum of three passengers per car;

Limited to three cars for all of said trips;

Operations from point to point within the Corporate Limits of the City and County of Denver, subject, however, to the same limitations as to type and quantity of motor vehicle equipment heretofore imposed as to service outside the City Limits of Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 29, 1958, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that transferees, financially and otherwise, are qualified to carry on the operation; that there are no outstanding unpaid operating obligations against said certificate.

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 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 Ralph L. Wolff and Darlene E. Wolff, co-partners, doing business as "AA Sightseeing Tours," Denver, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 193 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Earl B. Wickersham and Marie (NMI) Wickersham, co-partners, doing business as "AA Sightseeing Tours," Denver, Colorado, or Dresden, Kansas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mls

(Decision No. 51587)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARTHUR CROSTHWAIT, 17 WEST 56TH AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16811-PP

January 19, 1959

Appearances: Arthur Crosthwait, Denver, 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.

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,

January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified he has a net worth of $75,000; 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 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.

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 Arthur Crosthwait, 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, 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

Joseph C. Norton

Joseph F. Negri

Commissioners.

COMMISSIONER JOHN P. THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mls

original

(Decision No. 51588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ELAINE TAYLOR AND GEORGE TAYLOR, CO-PARTNERS, DOING BUSINESS AS "TAYLOR & SONS," BOX 25, HUDSON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16816-PP

January 19, 1959

Appearances: George Taylor, Hudson, Colorado, for Applicants;
Leslie Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

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; fertilizer, from point to point within a radius of fifty miles of Hudson, Colorado.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, George Taylor, one of applicants herein, testified applicants' net worth was $14,000; that they will operate three trucks in the conduct of their proposed operations; 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 applicant's testimony.

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 Elaine Taylor and George Taylor, co-partners, doing business as "Taylor & Sons," Hudson, Colorado, should be, and 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; fertilizer, from point to point within a radius of fifty miles of Hudson, 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 has 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 this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Hodges

Joseph F. Nigro

Commissioners.

COMMISSIONER JOHN P. THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mls

Original

(Decision No. 51589)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ANTHONY P. SCHEPP, HORSE CREEK, WYOMING, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 16815-PP

January 19, 1959

Appearances: Anthony P. Schepp, Horse Creek, Wyoming, 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.

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, January 14, 1959, and at the conclusion of the evidence, the

matter was taken under advisement.

At the hearing, applicant stated he would have 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 proposed 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 Anthony P. Schepp, Horse Creek, Wyoming, 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

Ralph C. Thompson

Joseph F. Nigro

Commissioners.

COMMISSIONER THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

original

(Decision No. 51590)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HANSON-WEIL CONSTRUCTION COMPANY TRUST, 739 SOUTH OGDEN STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4390.

APPLICATION NO. 16813-PP-Extension

January 19, 1959.

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

S T A T E M E N T

By the Commission:

Heretofore, applicant herein 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, from pits and supply points located in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, but including the right to haul in Boulder County for the Boulder Toll Road, only,

said operating rights being designated "Permit No. B-4390."

By the instant application, said permit-holder seeks authority to extend operations under said Permit No. B-4390, 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 and 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 within a radius of fifty miles of Denver, to Robinson Brick & Tile Company, 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, January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Everett Weil, appearing in behalf of applicant, stated it would be 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 witness' 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 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 applicant herein should be authorized to extend operations under Permit No. B-4390, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Hanson-Weil Construction Company Trust, Denver, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-4390, 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; clay, from pits within a radius of fifty miles of Denver, to Robinson Brick & Tile Company, Denver, Colorado, transportation of road-surfacing materials herein authorized in Boulder, Clear Creek and Gilpin Counties, to be restricted 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. Horton

Joseph F. Nigro

Commissioners.

COMMISSIONER THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

Original

(Decision No. 51591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. L. HOUCHINS, 4715 SOUTH PENNSYLVANIA STREET, ENGLEWOOD, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-1561.) APPLICATION NO. 16814-PP-Extension

- - - - - - - -
January 19, 1959
- - - - - - - -

Appearances: E. L. Houchins, Englewood, 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:

Heretofore, applicant herein 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 within a radius of fifty miles of said pits and supply points, and for transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties,

said operating rights being designated "Permit No. B-1561."

By the instant application, said permit-holder seeks authority to extend operations under said Permit No. B-1561, 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 jobsp 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 points within a radius of fifty miles of Denver, to points within a radius of ten miles of Denver; peat moss, from points within a radius of one hundred miles of Denver, to points within a radius of ten miles of Denver; washed rock and sand, and rip-rap, from pits and supply points in the State of Colorado, to 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 Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Protestants appearing at the hearing indicated they had no objection to the granting of authority herein sought, in the event 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 applicant's extended 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 applicant herein should be authorized to extend operations under Permit No. B-1561, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That E. L. Houchin, Englewood, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-1561, 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; clay, from points within a radius of fifty miles of Denver, to points within a radius of ten miles of Denver; peat moss, from points within a radius of one hundred miles of Denver, to points within a radius of ten miles of Denver; washed rock and sand, and rip-rap, from pits and supply points in the State of Colorado, to jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials herein authorized in Boulder, Clear Creek, and Gilpin Counties, to be restricted 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

Commissioners.

COMMISSIONER THROMPSON
NOT PARTICIPATING.
Dated at Denver, Colorado,
this 19th day of January, 1959.
ea

(Decision No. 51592)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FINKBEINER BROS. TRUCKING CO. INC., 3667 BLAKE STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-2054.

APPLICATION NO. 16812-PP-Extension

January 19, 1959

Appearances: Fred Finkbeiner, Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-2054, to include the right to transport coal, only, from the northern Colorado coal fields, to that part of the State of Colorado lying north of a line drawn east and west parallel to U. S. Highway No. 40, at Denver, Colorado, and east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado, said Permit No. B-2054 presently authorizing transportation of:

> coal, from the northern Colorado coal fields to Denver; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; sand, gravel, and other road-surfacing materials, and coal, from point to point within the City and County of Denver, State of Colorado; 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 mines in Fremont, Huerfano and Las Animas Counties, to Denver, Colorado; coal from mines in Axel Basin, to railroad loading points at Craig, Colorado, and to coal dealers and suppliers in Grand Junction, Colorado, and all intermediate points, limited to the use of dump trucks, only.

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Fred Finkbeiner appeared in behalf of applicant, stating applicant's net worth is $150,000.

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 extended motor vehicle operations 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 authority herein sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Finkbeiner Bros. Trucking Co., Inc., Denver, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-2054, to include the right to transport coal, only, from the northern Colorado coal fields, to that part of the State of Colorado lying north of a line drawn east and west parallel to U. S. Highway No. 40, at Denver, Colorado, and east of a line drawn north and south parallel to the Continental Divide, at Leadville, 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

Joseph C. Thompson

Joseph L. Nigro

Commissioners.

COMMISSIONER THOMPSON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

original

(Decision No. 51593)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN B. ABLE, DOING BUSINESS AS "MONTEZUMA TRUCK LINE," DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER TO W. F. CHRISTENSEN, 305 EAST BROADWAY, FARMINGTON, NEW MEXICO, A PORTION OF PUB NO. 360.	APPLICATION NO. 16786-Transfer
IN THE MATTER OF THE APPLICATION OF JOHN B. ABLE, DOING BUSINESS AS "MONTEZUMA TRUCK LINE," DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 848 TO W. F. CHRISTENSEN, 305 EAST BROADWAY, FARMINGTON, NEW MEXICO.	APPLICATION NO. 16787-Transfer

SUPPLEMENTAL ORDER

January 19, 1959

Appearances: Marion F. Jones, Esq., Denver, Colorado, for Applicants;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc., as his interest may appear.

S T A T E M E N T

By the Commission:

On January 9, 1959, the Commission entered its Decision No. 51520 in the above-styled applications, authorizing transfer of a portion of PUC No. 360, and PUC No. 848, from John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado, to W. F. Christensen, Farmington, New Mexico.

It now appears that transferred operating rights under PUC No. 360, and operating rights to be retained by transferor under said PUC No. 360, are ambiguous in said Decision No. 51520.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 51520, of date January 9, 1959, should be amended, nunc pro tunc, as of said 9th day of January, 1959, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 51520, of date January 9, 1959, entered by the Commission in Applications Nos. 16786 and 16787, should be, and hereby is, amended, nunc pro tunc, as of said 9th day of January, 1959, by adding the following paragraphs to the Order contained in said Decision No. 51520, appearing on Page 4 thereof:

> "That operating rights herein authorized to be transferred in Application No. 16786 (being formerly a portion of PUC No. 360, said operating rights to be assigned a new number), shall read as follows:
>
> "'Transportation of household goods, from point to point in an area extending fifty miles north and thirty miles east of Dolores, Colorado, and the Colorado State Line on the south and west, and from and to points in said area, to and from points in the State of Colorado.'
>
> "That authority retained by transferor under said PUC No. 360 and PUC No. 360-I shall read as follows:
>
> "'Transportation of freight, between points in the territory bounded on the west by the Colorado-Utah State Line, on the south by the Colorado-New Mexico State Line, and on the north and east by a line running through Dolores and Mancos; provided, however, that certificate-holder shall not engage in transportation of freight between the Towns of Cortez, Mancos, and Dolores, or any of them.
>
> "'Transportation of all commodities into, out of, and between points within a fifty-mile radius of Cortez, Colorado, and from said area to and from other points in the State of Colorado, save and except that no authority is granted applicant to transport commodities between points now served by scheduled motor truck common carriers, with the exception of

livestock and farm products, and provided further that the carrier shall have no authority to transport freight within the City of Cortez, Colorado.

"'Freight, between all points in the State of Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.'"

That, except as herein amended, said Decision No. 51520 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton
John L. Thompson
Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mls

original

(Decision No. 51594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VERNON L. BOLTON AND HELEN MARGARET BOLTON, 211 WOLFE AVENUE, COLORADO SPRINGS, COLORADO, AND NORTON BAIN, 1346 HERMOSA WAY, COLORADO SPRINGS, COLORADO, FOR AN ORDER AUTHORIZING WATER SERVICE BY SOUTH SUBURBAN WATER COMPANY, P. O. BOX 178, 121 EAST PIKES PEAK AVENUE, COLORADO SPRINGS, COLORADO.	APPLICATION NO. 16713

January 19, 1959

Appearances: Morton McGinley, Esq., Colorado Springs, Colorado, for Norton Bain, Colorado Springs, Colorado;
Robert H. LaGrande, Esq., Colorado Springs, Colorado, for Vernon L. Bolton and Helen Margaret Bolton, Colorado Springs, Colorado;
Karl R. Ross, Esq., Colorado Springs, Colorado, for South Suburban Water Company;
Ben S. Wendelken, Esq., Colorado Springs, Colorado, for Tri-Community Civic Corporation;
J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Vernon L. Bolton, Helen Margaret Bolton, and Norman Bain, Applicants herein, seek an order from this Commission directing the South Suburban Water Company to include within the boundary of said Company for water service, a certain property now owned by the Boltons and to be sold to Norman Bain. This property consists of approximately four acres, and is not now included within the area certificated for water service provided by the South Suburban Water Company.

The South Suburban Water Company is a Colorado corporation, engaged in the business of supplying water service as a public utility in a portion of El Paso County lying south of the City of Colorado Springs. This Company holds a certificate of public convenience and necessity from the Commission to render water service issued by the Commission in Application No. 11887, Decision No. 40247, of April 10, 1953.

Under the above-mentioned certificate, a certain territory was defined after a hearing in which all interested parties were notified. This territory was delineated after a long and careful study by the staff of the Commission, assisted by various parties in the area, and the territory as defined was based upon the amount of water available to render service within the territory as defined. Certain separate contracts permitting service outside the defined territory were also authorized by the Commission, and the Company is presently rendering service within its defined territory and to those customers whose contracts had been approved by this Commission.

Testimony at the hearing disclosed that Dr. Vernon Bolton had attended a preliminary meeting regarding the proposed area of service of the South Suburban Water Company, either in the late fall of 1952 or the early spring of 1953, which meeting was held prior to the hearing before this Commission, setting the boundary for the certificate. He had planned to attend the hearing granting the certificate, in order to petition to have his land included within the certificated area set at that time. He was prevented from attending the hearing by sickness. This sickness lasted over a period of several months and he was unable to follow through on his original intentions.

Introduced at the hearing as Exhibit No. 1 was a copy of an Agreement entered into the 8th of February, 1955, by and between the South Suburban Water Company and Vernon L. Bolton, which agreement provides, in effect, that a certain parcel of land owned by

Dr. Bolton would be provided with domestic water service by the South Suburban Water Company and setting forth the manner of connecting said property to the utility. This agreement was signed by the late Carl Chamberlain, the then-president of South Suburban Water Company and Dr. Bolton. Since Mr. Chamberlain is deceased, we are unable to determine the circumstances which Mr. Chamberlain considered at the time the agreement was signed.

Mr. Norton Bain also testified as an applicant herein, that he intends to purchase the propoerty now owned by Dr. Bolton and to erect thereon four garden-type apartment units with twelve apartments in each unit. This would make a total of 48 housing units with two bedrooms each. He estimated that about two and one-half million gallons a year would be needed to supply this development with water service. He based his estimate on other apartments located near this area.

Mr. Karl Ross, President of the South Suburban Water Company, testified that if it were not for the agreement signed by the former president of the Company, the company would oppose extending water service to anyone outside of its present boundaries. In view of the fact that this is the only known agreement outstanding with the Water Company and any customers not now receiving service, the Company if ordered by this Commission will furnish service to the land owned by Dr. Bolton. The Company would prefer to render service under the Agreement and not have its territorial boundaries changed. The Company at the present time, by order of the Commission, is rendering service under special contracts to certain customers, and if it is ordered by the Commission to render service to the property owned by Dr. Bolton, it would be in the same status as under these presently existing contracts.

Mr. Ross stated that in the original hearing for the certificate a Commission witness estimated that there was probably sufficient water to supply approximately three thousand water taps

and, as of this date, the Company was supplying about 2300 customers. He felt that in normal years the Company could probably supply this additional area without any difficulty. It would also appear that at least until the area reaches ultimate development there should be sufficient water.

The Tri-Community Civic Corporation appeared in opposition to the granting of water service to Dr. Bolton's property on the basis that this matter was covered very thoroughly at the time the Commission set the boundary and said Corporation opposed any enlargement of the territorial boundary or additional service to new customers. The Corporation was authorized by its Board of Directors to appear in opposition since the Tri-Community Civic Corporation represented a majority of the customers living in the Broadmoor-Ivy Wild and South Cheyenne Canon areas which are an integral part of South Suburban territory.

The Commission is very reluctant to enlarge the boundary for service of the South Suburban Water Company unless there is a showing that additional water is available. As stated in our order in Application No. 11887, we have a duty to the existing customers of the utility to protect their interest, both now and in the future, while at the same time we cannot permit discrimination by letting the utility refuse service if it is within the ability to furnish said service. We feel in the instant matter, however, that extenuating circumstances exist that prevail upon us in our consideration of this matter at this time. The sickness of Dr. Bolton prevented him from attending the original hearing and the existence of a signed contract with the former president of the Company are not without merit. We agree, however, that the boundary as set in our order previously referred to should not be disturbed. However, due to the extenuating circumstances hereinbefore referred to, we reluctantly will approve the Agreement and thereby permit South Suburban Water Company to render water service to the area owned by

Dr. Bolton. In so doing, we are not thereby setting a precedent for other areas to petition for service. If additional water is acquired, it is then within the province of the utility to seek additional territory, otherwise we feel that the territorial boundary should remain as it presently exists.

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 hereof, by reference.

That the application of Vernon L. Bolton, Helen Margaret Bolton and Norton Bain, for an order authorizing water service by South Suburban Water Company should be granted under the terms of an Agreement introduced at the hearing as Exhibit No. 1.

O R D E R

THE COMMISSION ORDERS:

That the South Suburban Water Company be, and it hereby is, authorized to render water service to certain apartment units to be constructed, not exceeding forty-eight (48) units in the area set out below:

> That portion of the Southeast quarter of the Northwest quarter of Section 25 in Township 14 South, Range 67 West of the 6th Principal Meridian, described as follows: Beginning on the North line of said Southeast quarter of the Northwest quarter at a point 94 feet Westerly thereon from its intersection with the Westerly line of Mesita Street, formerly known as Manitou Road; thence Southerly parallel with the Westerly line of said Mesita Street 381.77 feet; thence Westerly 422.21 feet to a point on the Easterly line of Wolfe Avenue extended Northerly; thence Northerly on the Easterly line of the extension of Wolfe Avenue 379.13 feet to a point on the North line of said Southeast quarter of the Northwest quarter 448 feet Westerly thereon from the point of beginning; thence Easterly on said North line to the point of beginning.

That said water service shall be in accordance with the

Agreement introduced as Exhibit No. 1 herein which is made a part hereof, by reference.

That water service shall be rendered under said Agreement in accordance with the rates, rules and regulations on file with this Commission for service by the South Suburban Water Company, or as the same may be changed in accordance with the law and rules and regulations of the Commission.

That 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 19th day of January, 1959.

ea

(Decision No. 51595)

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 FOR AUTHORITY TO EXTEND AND MODIFY EXISTING HIGHWAY-RAILROAD GRADE SEPARATION STRUCTURE AT MILEPOST 9.76 OF THE BOULDER BRANCH OF UNION PACIFIC RAILROAD COMPANY, AT INTERSECTION WITH STATE HIGHWAY NO. 185 (U. S. 87) SITUATED PARTLY IN SECTION 14 AND PARTLY IN SECTION 15, TOWNSHIP 1 NORTH, RANGE 68 WEST, SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO.	APPLICATION NO. 16708

January 19, 1959

Appearances: George L. Zoellner, Esq., Denver, Colorado, for Applicant, Department of Highways;
E. R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all interested parties, to the owners of adjacent property, and to the Board of County Commissioners of Weld County, was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 5, 1959, where the matter was heard by the Commission and taken under advisement.

The purpose of the application is to secure Commission approval for the construction of a proposed railroad overpass structure for the single track crossing of the Union Pacific Railroad Company's Boulder Branch line over and above a re-located portion of State Highway No. 185, as noted above. The proposed new work will actually be an extension to an existing

highway underpass structure which is now inadequate to safely handle present traffic volumes. At the hearing, the following exhibits were offered and explained by Mr. E. L. King, who is Assistant to the Plans & Surveys Engineer of the Department of Highways, at Denver, Colorado:

Exhibit A: Sheet No. 1 and Title Page of department plans to show crossing location and general project area.

Exhibit B: Plan Sheets Nos. 24 and 26 to show layout of crossing, elevation and plan views of proposed separation structure, structure details to show clearance dimensions at the rail line and at the vehicle opening.

Exhibit C: Plan Sheet No. 29a, to show temporary rail line relocation and grade crossing during construction interval.

Exhibit D: Prepared Statement of Mr. King to describe details of: Location, agreements, approval, necessity and proposed safety improvements, construction, maintenance and costs.

Exhibit E: Agreement dated June 12, 1958, between Union Pacific and Department of Highways for construction of the proposed grade separation structure near National, Weld County, Colorado.

Exhibit F: Document of 48 pages - being the Department of Highways Special Provisions relating to all details of the instant project and containing the insurance requirements for railroad protection.

In his explanatory statement, Mr. King related that the instant highway project involves approximately 6.3 miles of four-lane divided-highway with appropriate frontage roads on State Highway No. 185 (U. S. 87), between State Highways Nos. 7 and 52, north of Denver in Adams and Weld Counties. Work in this area will provide a multi-lane full access-controlled Freeway-type road. The road is to become a part of the north-south route through Colorado of the National System of Interstate and Defense Highways, as authorized by the Federal Aid Highway Act of 1956. Traffic on the present two-lane highway is separated from the Union Pacific rail line by means of a highway underpass that is covered by Railroad

Agreement C D No. 22516, dated August 7, 1937. With the construction of the new Freeway road, it is proposed that the existing highway and underpass will remain as a Frontage road, serving local traffic and the abutting properties at the east side of the Freeway.

Under current design criteria as required to meet the standards for the Interstate Road System, the four-lane median divided Freeway must be separated from the rail-line crossing by means of a separation structure. It is therefore proposed that the westerly approach of the present rail bridge will be shortened and a series of two new girder spans and three beam spans will be built to prowide adequate highway openings. The railroad will be carried on 18-inch-wide flange cross-beams supported by means of two through-girders 7 feet deep and 18 feet 2 inches apart, extending in two spans of 59 feet each over the respective roadways. Each roadway will consist of a 10-foot wide shoulder and two 12-foot traffic lanes with an additional shoulder of 16½ feet. On the bridge at each side of the rail line, there will be a clear opening of 8'6" wide which will offer adequate walking area for rail employees inside of the through-girders which will extend some four feet above the track ballast.

Following is a summary of the controlling dimensions at the structure:

CLEARANCES

Item	Minimum Vertical	Commission Specification	Minimum Horizontal	Commission Specification
Main Roadway	16'0"	16'0"	50'6"	30'0"
Frontage Road	15'6"	16'0"	50'4"	30'0"
Rail Line	--	--	8'4"	8'0"

It is to be noted that the above minimum clearances either equal or exceed the Commission Specifications, with the exception of the vertical clearance of 15'6" at the Frontage Road. Since this structure was built prior to the issuance of the Commission Clearance

Order of 1952, and because only local traffic will be handled on the Frontage Road, the sub-standard dimension will be acceptable.

Also involved in the construction of the new railroad bridge is the necessity to detour the rail-line traffic during the construction interval. Space and alignment limitation in the area will require a temporary grade crossing of the railroad over the present highway. In this regard, Mr. King explained that the temporary grade crossing would be protected with standard automatic flashing signal lights, fully wired, and so installed to give advance warning of the approach of trains; that customary slow speed signing and advance warning signs for vehicular control would be installed on the highway and that train speeds would necessarily be reduced over the 2600 feet of temporary track detour. Upon completion of the new structure and placement of the permanent track, the highway traffic would then be routed through the new underpass and the temporary detour installations be removed.

Approvals of the proposed project and structure have been given by the Chief Engineer, Department of Highways; by the U. S. Bureau of Public Roads and appropriate officials of Union Pacific Railroad Company.

It appears that the proposed structure is necessary to meet increased traffic volumes and will offer an effective continuation of the previous grade separation advantages with the added improvements of greater size and direct alignment. Upon completion of the railway bridge across the highway, maintenance of the structure will be by the Railroad at Department expense. Maintenance of the roadbed, track, and other rail appurtenances will be at Railroad expense.

Under the terms of the Agreement with Union Pacific the Department pays all costs of the underpass extension. The Railway shall be fully reimbursed for all actual expenses incidental to work performed by Railway's forces for the Department's convenience

in building the project. The Department's estimated cost of the Railway structure is $130,840.00, including Engineering expense. Estimated cost of work by Union Pacific for Shoo-fly construction and temporary signal protection is the additional sum of $28,000.

No protests were offered at the hearing and none appears in the files of the Commission.

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 and operation of the enlarged grade separation structure as proposed herein for vehicular travel under the Boulder Branch line of Union Pacific Railroad Company.

That horizontal and vertical clearances for the proposed structure either equal or exceed the clearance requirements established by the Commission and are therefore acceptable.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the State Highway Commission of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the following:

(a) Establishment, construction and maintenance of a railroad overpass structure for the crossing of relocated State Highway No. 185 by trackage of Union Pacific Railroad Company, at its Boulder Branch Bridge 9.76 as situated in Sections 14 and 15, Township 1-North, Range 68-West, 6th Principal Meridian, Weld County, Colorado.

(b) Establishment, operation and final removal of temporary grade crossing and flashing light protective devices at the construction detour required for installation of the above-mentioned railroad overpass structure.

That work to be done, costs, installation and other maintenance shall be as indicated in the preceding Statement, and Exhibits A, B, C, D, E, and F; all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

original

(Decision No. 51596)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOULDER STAGE LINES, INC., 1402)
WALNUT STREET, BOULDER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 16710
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE. - - - - - - - - - - - - - - -

- - - - - - - - - -
January 19, 1959
- - - - - - - - - -

Appearances: Charles E. Williams, Esq., Boulder, Colorado, for Applicant;
Donald G. Brotzman, Esq., Boulder, Colorado, for Overland Motor Express, Inc., Pherson Trucking Company;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Warehousemen's Association, Package Delivery Service Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the conduct of a package delivery business, from points and places in Boulder, Colorado, on the one hand, and, on the other hand, to points and places in Boulder, Colorado, and an area defined by a fifteen-mile radius of the City Limits of Boulder, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, November 19, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 14, 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 moved to amend the instant application to show that authority herein sought would be as follows:

> "Transportation of packages, parcels, documents, messages, and letters, limiting the maximum weight of any one item to 100 pounds, to and from points and places in Boulder, Colorado, to and from points and places in an area defined by a ten-mile radius from the outer limits of the City of Boulder, Colorado, in motor vehicles primarily designed for the transportation of not in excess of seven passengers per vehicle, specifically excluding therefrom all territory within the Corporate Limits of Louisville, Lafayette, and Broomfield Heights, Colorado."

There being no objection thereto, said amendment was allowed.

Thereupon, protestants withdrew objections to the granting of authority sought by said amended application.

Carl C. Zier, a stockholder and officer of applicant herein, appeared and testified in support of said application, stating there is a very definite need for applicant's proposed service; that applicant has received numerous requests for the service proposed. Mr. Zier identified and introduced into evidence, on behalf of applicant, Exhibit No. 1, being a Description of Equipment, and Exhibit No. 2, being a financial statement.

In support of said application, two public witnesses appeared, testifying that their respective businesses definitely need applicant's proposed service, and that they would use said service, in the event authority herein sought is granted.

The operating experience and financial responsibility of appli-

cant were established to the satisfaction of the Commission.

Report of the Examiner recommends that certificate of public convenience and necessity 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 public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, 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 motor vehicle common carrier call and demand transportation service of Boulder Stage Lines, Inc., Boulder, Colorado, for the transportation of packages, parcels, documents, messages, and letters, limiting the maximum weight of any one item to one hundred pounds, to and from points in Boulder, Colorado, to and from points within an area defined by a ten-mile radius from the outer limits of the City of Boulder, Colorado, in motor vehicles primarily designed for the transportation of seven passengers per vehicle, specifically excluding therefrom all territory within the Corporate Limits of Louisville, Lafayette, and Broomfield Heights, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission

within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mls

original

(Decision No. 51597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEONARD PEVLER, 714 JACKSON STREET, STERLING, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16763
IN THE MATTER OF THE APPLICATION OF LEONARD PEVLER, 714 JACKSON STREET, STERLING, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16763-PP-Amended

January 19, 1959

Appearances: Charles W. Kreager, Esq., Sterling, Colorado, for Applicant;
Baxter W. Arnold, Esq., Sterling, Colorado, for Pete A. Boxler, Anton J. Boxler, Roy A. North.

S T A T E M E N T

By the Commission:

On November 5, 1958, Leonard Pevler, Sterling, Colorado, filed his application with the Commission, being Application No. 16763, seeking a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of trash, ashes, garbage, paper, and rubbish, within the limits of the City of Sterling, County of Logan and State of Colorado, and a radius of two miles of the City Limits thereof.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, December 23, 1958, due notice thereof being forwarded to all parties in interest.

On December 22, 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 time and place designated for hearing, applicant moved to amend his application to seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> "Garbage, leaves, and incidental cardboard boxes, from, only, (1) Safeway Store No. 1, located at Second and Chestnut Street, Sterling, Colorado; (2) Safeway Store No. 2, Division and Main Street, Sterling, Colorado; (3) Busley's Super Market, 705 South Davison Avenue, Sterling, Colorado; to, only, 714 Jackson Street, Sterling, Colorado, and with the right to dispose of incidental cardboard boxes at any recognized city dump at Sterling, Colorado, in a truck not to exceed a capacity of one-half ton."

There being no objection thereto, said amendment was allowed.

Thereupon, protestants withdrew objections to the granting of authority sought by said amended application.

At the hearing, applicant herein testified there is a definite need for his proposed service; that he has received numerous requests for his proposed service; that he has had experience in transporting the commodities involved; that he has a net worth of $5,000; that he has a 1950 one-half-ton Chevrolet Truck; that he will abide by the rules and regulations of the Commission, in the event authority herein sought is granted.

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 authorized, will impair the efficiency of any common car-

rier 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 Leonard Pevler, Sterling, 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 garbage, leaves, and incidental cardboard boxes, from, only, (1) Safeway Store No. 1, located at Second and Chestnut Street, Sterling, Colorado; (2) Safeway Store No. 2, located at Divison and Main Street, Sterling, Colorado; and (3) Busley's Super Market, located at 705 South Davison Avenue, Sterling, Colorado; to, only, 714 Jackson Street, Sterling, Colorado, with the right to dispose of incidental cardboard boxes at any recognized city dump of Sterling, Colorado, in a truck not to exceed a capacity of one-half ton.

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 19th day of January, 1959.

mls

(Decision No. 51598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: OPERATIONS OF COLORADO INTERSTATE GAS COMPANY, A CORPORATION, COLORADO SPRINGS, COLORADO.

CASE NO. 5075

January 19, 1959

Appearances: James L. White, Esq., New York City, New York, and John Fleming Kelly, Esq., Denver, Colorado, for Colorado Interstate Gas Company;
Robert Welborn, Esq., Denver, Colorado, for Colorado Fuel and Iron Corporation;
William T. Secor, Esq., Colorado Springs, Colorado, for Air Force Academy Construction Agency;
John R. Stewart, Esq., LaJunta, Colorado, for Citizens Utilities Company;
Henry E. Zarlengo, Esq., Denver, Colorado, and Anthony L. Mueller, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

This matter came on for hearing on the 8th day of November, 1956, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on a Show Cause Order of the Commission, dated May 12, 1954, as to why the Colorado Interstate Gas Company should not procure a certificate of public convenience and necessity from The Public Utilities Commission of the State of Colorado for its direct sales operations.

The Colorado Fuel and Iron Corporation, the Air Force Academy Construction Agency of Colorado Springs, and the Citizens Utilities Company, which operates in the Arkansas Valley in the general area of La Junta, all intervened as parties in interest.

For convenience, the respondent Colorado Interstate Gas Company will hereafter be referred to as "Interstate" or "Interstate Gas"; the Colorado Fuel and Iron Corporation as "C.F. & I"; the Air Force Academy Construction Agency as the "Academy"; and the Citizens Utilities Company as "Citizens."

Interstate Gas is a natural gas pipeline corporation, which, in addition to its transportation facilities, also owns producing properties of natural gas. Its transmission lines run from the gas fields of Texas, Oklahoma and Kansas through eastern Colorado, to Denver. As a result of this operation, most of the major cities on the eastern slope of Colorado, and especially Denver and the Tri-County area, are served with natural gas. The major portion of this service is rendered subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of 1938, as amended, as sales of gas in interstate commerce for resale. Interstate Gas also engages in sales directly to consumers within Colorado which have been held not subject to the jurisdiction of the Federal Power Commission.

In the absence of Federal regulation on these "direct sales," if there is to be any regulation thereon, it must be by the State of Colorado. This regulation by the State is the subject of this inquiry and hearing.

The evidence adduced at the hearing disclosed that Interstate Gas serves a number of customers on direct sales, including the Veterans Hospital at Fort Lyon; the Atchison, Topeka and Santa Fe Railroad Company at La Junta; the Holly Sugar Company at Swink; the American Crystal Sugar plant at Rocky Ford; the Colorado Fuel and Iron Corporation at Pueblo; the Ideal Cement Company at Portland;

the Pabco plant in the vicinity of Florence; and the Fountain Valley School south of Colorado Springs; Interstate likewise sells gas directly, for the boilers in the electric generating plants of Public Service Company of Colorado, the City of Colorado Springs, and the City of Trinidad, all three of whom are also purchasers of gas for resale from Interstate under the jurisdiction of the Federal Power Commission.

A substantial portion of the evidence was devoted to the history and nature of sales made to the C. F & I plant at Pueblo. It appears that most of these sales, with few minor exceptions, were made or contracted at a time when the Interstate Gas lines were being installed in Colorado. It is admitted frankly by the respondent that the initial contract for C. F. & I, was essential to firm the feasibility of the construction of its initial gas line in 1928. While no exact figures were available, it was estimated that all the direct sales within the State of Colorado constitute 25% to 35% of the sales made by Interstate Gas within Colorado, and said sales constitute 17.3% of the sales of the entire system, including operations beyond the State of Colorado. There is no doubt that the sales of this gas are a vital and important factor in improving the load factor of the Interstate Gas lines, lend stability to its operation by reducing the peaks and valleys on the demands made upon it for gas, and provide Interstate with a substantial amount of income.

The gas transported by Interstate for these direct sales is carried in the same lines and is commingled inseparably with other gas sold by Interstate to local distributors who, in turn, sell to the retail customers. There is some allocation of cost for these direct sales which the F. P. C. requires Interstate Gas to deduct from its costs on jurisdictional gas. Other than to comply with routine regulation of the F. P. C. for the construction and extension of facilities, these direct sales are wholly beyond

the pale of any regulation at the present time, unless this Commission should assert that these sales are subject to its jurisdiction.

An analysis of the mass of detail adduced at the hearing discloses that the Public Service Company of Colorado at its boiler plants, and the C. F. & I. are two of the principal users of "direct sale gas."

The C. F. & I. uses gas in its steel mills in Pueblo, Colorado, for various purposes, viz., to heat the steel in the several types of furnaces, in the soaking pits for rolling in the various mills, for heat treating purposes to produce steam in the power house which is used for the manufacture of electric power and blowing winds for the blast furnaces, to provide space heating throughout the entire plant and offices of the company, and for numerous other purposes throughout the plant in the production of steel products. This contract with the C. F. & I., originally commencing in 1928 was extended from time to time by letter agreement. In June, 1953, the contract expired and Interstate notified C. F. & I. that a new schedule of prices would go into effect and that failure on the part of C. F. & I. to accept said prices would result in the termination of service to the C. F. & I., but, in order to maintain service on a day to day basis until agreement was reached, Interstate did agree to extend the service on the new schedule of prices.

Prior to 1953, the price of gas to C. F. & I. was 12½¢ per mcf for gas with heating value of 994 BTU. The new contract that was entered into between Interstate and C. F. & I. provided a price of 25¢ per mcf for 10,000 mcf of firm gas, and 18¢ per mcf of interruptible gas, all with a BTU heating value of 963. These prices were substantially those demanded by Interstate in the first instance. C. F. & I. initially objected to the rate increase and requested only 5,000 mcf of firm gas. This latter request was

acceded to several years later. The insistence, however, of Interstate on the 10,000 mcf requirements of the more expensive gas on a take or pay basis represented an additional cost to C. F. & I of $125,000 per annum. The overall increase under the contract amounted to an increase of 67%, or, expressed in terms of dollars, the increase amounted to $786,000 annually.

Conversion of C. F. & I from gas to other types of fuel would require an expenditure of $2,000,000, and cessation of delivery of the gas by Interstate would result in an immediate 40% loss of production, reducing steel tonnage from 100,000 tons per month to 60,000 tons.

There are other types of fuel available to C. F. & I. if natural gas were not available. Oil, at a cost of 41¢ for the equivalent BTU of natural gas, and coal at 35.1¢, could be purchased if a sufficient source of coal was available. The cost of coal was vigorously disputed by Interstate, it being contended that that cost was substantially lower. However, some of the testimony offered by Interstate on this question cannot be accorded the dignity of evidence having probative value, and in view of the background, experience and duties of the expert testifying for the C. F. & I as to the cost of coal, we are compelled to accept his testimony of 35.1¢ as being the more accurate.

The C. F. & I. employs over 10,000 people in its plant at Pueblo and in the mines near Trinidad and Salida.

All other industries, commercial enterprises, and residential consumers in the area of Pueblo, which, according to best estimates is a metropolitan area of some 100,000 people, are served by the Pueblo Fuel and Gas Company which purchases its gas from the Interstate Gas Company and distributes this gas as a public utility subject to the jurisdiction of this Commission.

There was no evidence that Pueblo Fuel and Gas Company was in active competition with Interstate Gas for this sale to C. F. & I. It was asserted, however, by Interstate Gas that the

price it could charge to direct sale consumers was limited by the price charged by the local gas distributor whose rates were fixed by this Commission, it being the contention of Interstate that if its prices exceeded those of the local distributor the direct sale purchaser need only obtain service from the local utility at a lower cost. The advocacy of this theory, however, does not take into consideration the problems that would normally arise to make physical connection between the system of the local distributor and the direct sale purchaser. In the case of C.F. & I, it was disclosed that such a sale by the local utility would require the installation of a new pipeline a distance that was considered sufficiently short, that, in view of the load of C. F. & I. would present no concern over the additional cost.

The Veterans Hospital, the Atchison, Topeka and Santa Fe Railway Company, Holly Sugar Company, and the American Crystal Sugar plants served by Interstate as direct sale customers are all within the service area of Citizens Utilities. These contracts, except Holly Sugar Company, as with C. F. & I., were originally instituted in the early days of the Interstate pipeline. The predecessors of Citizens had an option with Interstate Gas to acquire the facilities of customers served by Interstate on direct sales. These options were never exercised but in the early 1950's Citizens Utilities requested the sale of the facilities and customers to it. Interstate declined on the grounds that Citizens had failed to acquire the company in the 1930's when it had the opportunity to do so, and thus after having served these customers for such a long period of time, they were an integral part of Interstate's business.

In the area of Plateau Natural Gas Company, likewise a utility subject to the jursidiction of this Commission, Interstate serves two direct customers, Pabco and Ideal Cement plant at Portland. The cement plant was under one of the early contracts in the development stage of the company, whereas, the Pabco service was initiated in

early 1955. It is the contention of Interstate that the predecessor of Plateau Natural Gas Company first entered into negotiations with Pabco but that the price for gas was too high, and that Pabco would not locate in the area with the cost of gas at that high level. Thereafter, Interstate Gas entered into a direct contract with Pabco. In the meantime, however, Plateau succeeded the utility operating in the area and aggressively endeavored to acquire the Pabco account. Plateau disputes that the cost of gas was the sole determining factor and indicated that Pabco had already acquired land and had commenced construction before it had concluded negotiations on the purchase of gas. A Pabco official indicated that the cost of gas was only one of the many factors determining the location of their plant. Plateau Natural Gas offered Pabco gas at 1¢ over the cost of purchase to it under the interruptible rates filed with the F. P. C., but Interstate had already concluded its contract with Pabco.

The prices charged by Interstate Gas for these direct sales is 21¢ to all consumers except to the Public Service Company of Colorado and the City of Trinidad, Colorado, whose prices are 18¢ mcf, the justification for the lower prices to Public Service Company and Trinidad being the volume used by Public Service and the fact that the City of Trinidad carries the gas used in its boilers some 34 miles in its own pipeline, and the 3¢ allowance is credited as a wheeling charge.

There is ample evidence to establish that Colorado Interstate Gas Company, insofar as its sales for resale are concerned, is a public utility within the meaning of the Natural Gas Act, and it has exercised its monopolistic privileges incidental to its utility status in resisting the attempted encroachments of other pipeline carriers in the region.[1]

1/ Colorado-Western Pipeline Company, Application No. 12786, Decision No. 42906, dated July 7, 1954.

Interstate's contention is that it never initiated negotiations for direct sales; that most of them were the result of the development process of the company in its initial stages; that it has never held itself out to be a public utility; and that it is not a monoply by virtue of competitive fuels and the ability of the purchaser of gas on direct sales to secure gas from the local distributor.

In view of the boiler sales made by Interstate Gas to Public Service Company, Colorado Springs and Trinidad -- all of whom are engaged as local utilities in the distribution of natural gas which they purchase from Interstate -- it is difficult to understand why these local utilities would have to initiate the request for boiler fuel when they could have provided it to themselves from their own gas system and in truth and in fact they were so doing until a decision by the Federal courts holding this type of gas to be non-jurisdictional under the Natural Gas Act.

It is patently obvious that this Commission was not provided with the detailed history and full facts of at least the boiler fuel contracts. Rather than the Public Service Company of Colorado, Colorado Springs and Trinidad, being the anxious and needy supplicants for boiler fuel service, it would appear from their position to serve themselves, previous service to themselves and common sense, that these direct sale customers were the unwilling purchasers of unregulated fuel, terminable at the will of the supplier, at a cost controlled only by the much higher cost of other fuels, which can hardly be classed as competitive.

It is well settled law and conceded by the respective parties in the hearing that since the Federal Government has seen fit to exclude "direct sales," such as those involved in this hearing, from the jurisdiction of the Federal Power Commission, the several States are at liberty to impose regulation thereon, and that such regulation did not constitute an undue burden on interstate commerce, Panhandle Eastern Pipeline Co. vs. Public Service Commission of

Indiana, et al, 332 U. S. 507; 98 L. Ed. 128; 68 Sup. Ct. 190 (1947). Interstate at no time raised this question, conceding thereby, that the Indiana case was controlling.

The essential question to be determined, then, is whether or not, Colorado Interstate Gas Company is a public utility, subject to the jurisdiction of this Commission, under the applicable statutes of Colorado.

A public utility, as defined by the statutes of Colorado, includes every pipeline corporation and gas corporation "supplying the public for domestic, mechanical or public uses, and every corporation or person now or hereafter declared by law to be affected with a public interest, and each thereof . . ." Such utilities are subject to the jurisdiction of this Commission. Colorado Revised Statutes, 1953, Chapter 115-1-3. (Emphasis supplied)

The powers granted to this Commission by the legislature are quite broad, and include the power, ". . . to generally supervise and regulate every public utility in this state and to do all things, whether specifically designated in Articles 1 to 7 (of Chapter 115), or, in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same by the penalties provided in said articles through proper courts having jurisdiction." C. R. S. 1953, 115-3-2 (Emphasis supplied).

This same section of the statute likewise vests authority in this Commission to regulate rates of utilities and imposes the duty upon the Commission to do so.

Whether or not the authority of this Commission is restricted to the powers derived from the statute, or whether this Commission likewise has authority derived from the common law, is a question that we cannot, and will not, decide.

This Commission shall not endeavor to analyze and make a judicial determination of the statutes cited above since the power to do so is reserved exclusively to the judicial branch of our Government, and we have no intention of encroaching upon this

jurisdiction of the courts in Colorado. The meaning and intent of these statutes judicially must be determined by the courts.

Suffice it to say that this Commission has jurisdiction over all public utilities, including motor carriers, in Colorado. The issue presented to us by this hearing is whether or not the respondent in the instant case is a public utility subject to our jurisdiction.

This presents the problem -- what is a public utility? Can it be defined? And if so, do the activities of the respondent fit the definition with sufficient clarity to warrant its determination as a public utility?

The most logical procedure is to seek the definition of the statute. This, however, is of little help since the statute merely reiterates the classical phrases used to describe a public utility, viz., "supplying the public" . . . "for public uses," or a corporation declared by law to be "affected with a public interest." When one seeks to accord meaning to the terms employed in the statute, viz., "supplying the public," "public uses," or "business affected with a public interest," we are immediately faced with the uncertainty and confusion that has existed from time immemorial in determining what businesses are for a "public use" or are "affected with a public interest."

We concur with the indictment of one of these terms -- "affected with a public interest" -- that was so strongly stated by Justice Stone in Tyson v. Banton, 273 U. S. 418, 47 Sup. Ct. 426 (1925), wherein he stated that,

> "the phrase 'business affected with a public interest,' seems to me to be too vague and illusory to carry us very far on the way to a solution. It tends, in use, to become only a convenient expression for describing those businesses, regulation of which has been permitted in the past. To say that only those businesses affected with a public interest may be regulated is but another way of stating that all those businesses which may be regulated are affected with a public interest. It is difficult to use the phrase free of its connotation of

> legal consequences, and, hence, when used as a basis of judicial decision, to avoid begging the question to be decided . . . ."

Nowhere do we find consistency of opinion with regard to the meaning of these terms, nor unanimity within the Courts themselves who have ventured upon the fearful and troublesome task of defining these terms with precision. Apparently, as Justice Stone has pointed out, the use of these terms tends to become only a convenient expression for describing those businesses, regulation of which has been permitted in the past. It is the explanation for regulation rather than its reason.

Concepts in regard to what is a "public use" or what is "affected with a public interest" are constantly changing. Various tests have from time to time been employed to determine what constitutes a public use, and at different phases in the development of Anglo-American jurisprudence different tests and standards have been adopted. In early England, before the days of the industrial revolution, innkeepers, shopkeepers, tailors and wharfingers were considered to have dedicated their property for a public use or were affected with a public interest. With the growth of the industrial revolution came the philosophies of Adam Smith and the doctrine of laissez-faire. This philosophy was bottomed on a cornerstone of individual initiative, free enterprise and competition. As a result, government regulation of all businesses was reduced to a minimu. The abeyance of the exercise of governmental power to regulate was due to the domination of laissez-faire economics rather than constitutional inhibitions. From this extreme position there has been a slow and steady retreat, resulting in the extension of regulatory powers founded on a philosophy perhaps that true liberty not only means the right to do as one pleases with his own, but it means likewise protection from those who would do with him as they please. It established the paradox that liberty cannot be had without restraint.

Thus, it is apparent to us in seeking guidance from the statutes of Colorado that we merely are thrown back into the historical concepts of what constitutes a public utility, and these historical concepts fail to chart a clear, precise and firm course to be followed. Authorities almost unanimously agree that the historical tests are of little vale. The difficulties of determining what constitutes a public utility are well treated in 41 Harvard Law Review 277, in an illuminating article, "The Public Utility Concept in American Law." Attention is likewise focused upon this uncertainty and lack of objective norms in which the existence of the utility may be determined in an article by Joseph P. O'Connell, in 34 Public Utilities Fortnightly 217. He propounds the question: "Will every major business inevitably be considered not only by legislatures but by the Courts, as a business charged with a public interest and thus subject to regulation?" The answer to this question is not so easy -- no one, not even the Supreme Court itself, would hazard an opinion on that subject. It all depends, to filch an arrow from social philosophers, upon the 'climate of opinion'."

Some of the tests that are commonly employed include profession and willingness on the part of the alleged utility to serve the public. Historically, and by employing common sense, this cannot be the true test or a sole test, for readiness to serve the public includes all small shops as well as great and extensive industries. This test of offering to do business with the public has been challenged as a true test. See Adler, Business Jurisprudence, 28 Harvard Law Review 135.

Dedication of facilities has likewise been used as a test. Justice Waite, in Munn v. Illinois, supra, said property does become clothed with a public interest when used in a manner to make it of public consequence, and Justice Sutherland, in Tyson v. Banton, supra, stated to the same effect that "the significant requirement is that the property shall be devoted to a use in which the public

has an interest, which simply means . . . that it shall be devoted to a public use." In effect, property by its use may be dedicated to the public. Thus, we have disagreement among eminent authorities as to what actually constitutes dedication or devotion of property to public service and indiscriminate holding out to serve the public.

Other tests that have been applied deal with eminent domain and the right of a public utility to employ this power. While it has been held that the right to use the power of eminent domain is not of itself indicative of the nature of any business, nevertheless we cannot overcome the all-pervading thought that the right of eminent domain cannot be granted to any business corporation unless it is a company devoting its services to the public, otherwise, it is taking private property for private use.

The only conclusion that can be reached when one seeks to find meaning in the language in the statutes of Colorado by examining historical precedent is that there have emerged no clear-cut distinctions or identifying characteristics which infallibly divide public utilities from ordinary types of business enterprises. The most that can be said is that there clearly has been a firm, steady and progressive evolution in the climate of opinion in the regulatory field from the days of Lord Chief Justice Hale in De Portibus Maris, 1 Hargrove Law Tracts 78, in the 17th century through Munn v. Illinois, 94 U. S. 113, 24 L. Ed. 77 (1877) down through the series of decisions that have been enunciated in the 20th century.

What was once considered beyond the pale of regulatory restraint is now considered commonplace in the field of regulation and controls. We have many notable examples in the field of insurance, price controls in the sale of all commodities, rent regulations, and restrictions upon labor. The uncontrovertible fact remains, however, that the people have imposed regulation when the property, money, health or convenience of the public demands it. Recognizing, in effect, a broader application of the ancient equitable maxim "sic utere tuo, ut alienum non laedas." This theory of evolution in

"the climate of opinion," is well supported by the authorities.[2]

The conclusion is inescapable when one studies the historical meaning of the words of our statute that the term "public utility" and the description employed by the statute simply means that it is our duty to study the conditions surrounding the industry to determine the use of the property in question and the relationship of the public to it which would include a determination of the existence of a natural or virtual monopoly, and if there be a virtual monopoly, if it is a permanent condition of affairs.

The question of a natural monopoly is non-existent in the instant case. We do feel, however, that the possibility of a virtual monopoly must be dealt with. It is our conclusion that if a business is a virtual monopoly, it, in effect, renders the business public or for a public use. There is a question of the situation of the public with respect to the business. Competition from a legal point of view may be possible, but from an economic point of view, improbable. Virtual monopoly may exist because of cost of plant and the large scale on which services are performed, the inadequacies of available substitutes and the dependence of the service rendered upon other activities. It is not the nature of the undertaking itself but the circumstances in which it is carried on. If conditions of virtual monopoly exist, we believe there is but little question that the state has authority to require a utility in substance, to be so in form. This was recognized by Mr. Justice Holmes in the Pipeline cases. 234 U. S. 548.

2/ See Budd vs. New York, 143 U. S. 517, 36 L. Ed. 247 (1892); Wolf Packing Company vs. Court of Industrial Relations, 262 U.S.522 (1923); Tyson and Bro. vs. Banton, 273 U.S.418, 71 L. Ed. 718 (1927); Ridnick vs. McBride, 277 U. S. 350, 72 L. Ed. 913 (1928);New State Ice Company vs. Leibmann, 285 U. S. 262; Nebbia vs. New York, 291 U. S. 502; 54 Sup. Ct.505 (1934); Olson vs. Nebraska, 313 U. S. 236, 85 L. Ed. 1305 Panhandle Eastern Pipeline Company vs. Public Service Commission of Indiana, 68 Sup. Ct. 190 (1947).

Thus, it is our conclusion, when we take into consideration the language of the Colorado statutes, the historical significance of the words employed in the light of decisions of other Courts and the common meaning according to these words by both the ordinary and legal lexicographers, that the activities of a company, and the company itself, must be adjudged to be or not to be a utility on the basis of the totality of the consequences of its activities vis-a-vis the public. That is to say, we must judge the nature of the service rendered -- whether a natural or virtual monopoly, the exorbitance or reasonableness of the charges, the arbitrary control to which its customers may be subjected, whether or not the impact of its service, or the lack thereof, to a class of customers affects the state or community, and whether the services rendered are needful and cannot be surrendered without obvious general loss and inconvenience.

In the able brief of respondent, it is urged strongly that Colorado Interstate Gas is not serving the public for public use since it does not hold itself out to serve the public indiscriminately, it has not dedicated its facilities to a public use, and that, consequently, there is no right on the part of the public to demand service. This latter assertion we feel is begging the question. That is the issue to be decided here. The other conditions, however, are based upon Colorado decisions[3] Although these decisions clearly set forth tests that are applicable to the situations before the Court, they do not seek to interpret the statutes of Colorado. They do not limit the tests for determining

3/ Colorado Utilities Corporation vs. Public Utilities Commission et al, 99 Colo. 18, 61 P. (2d) 849 (1935); City of Englewood vs. City and County of Denver et al, 123 Colo. 290; 229 P.(2d) 667 (1951); Parrish vs. Public Utilities Commission, ____Colo._____, 301 P. (2d) 343 (1956).

a utility to the test applied therein; nor do these decisions exclude the approach which this Commission adopts herein.

Because of the grave importance of this matter to a substantial number of citizens of Colorado, we believe that it is incumbent upon us to carefully analyze the activities of the respondent in the light of what we have considered to be the true test of a public utility.

In review, it is noted that the respondent serves by direct sale some of the principal industries of Colorado. The Colorado Fuel & Iron plant is possibly the largest single employer in the State of Colorado. This Commission, in its determinations and deliberations, cannot be unmindful of the true economic impact that a particular industry may have upon the economy of this state. The City of Pueblo, now the second largest city in the State, is directly dependent upon the mills of the Colorado Fuel & Iron Corporation. The City of Trinidad, which is also a major city in the State of Colorado, located ninety miles to the south, is dependent upon two coal mines, which are commonly known as captive mines of the Colorado Fuel & Iron Corporation, and supply the mills of Pueblo. These mines, therefore, are directly dependent upon the steel mill at Pueblo, and contribute greatly to the economy of the City of Trinidad.

When we view the facts adduced at the hearing, the cost of conversion of the plant of the Colorado Fuel & Iron Corporation to another type of fuel, the availability of other sources of fuel, and when we consider other types of fuel are not competitive but in reality are considerably more costly, and when we give consideration to the arbitrary control to which the customer of the Colorado Fuel & Iron may be subjected by the respondent, Colorado Interstate Gas Company, certainly the tests of a virtual monopoly have been met. Both the cost of conversion and the cost of other fuels may make competition from a legal point of view possible, but from an economic point of view improbable. The cost of this conversion of the plant

and the large scale upon which the services are rendered and the lack of evidence about the adequacy of available substitutes; the effect upon the two major cities by cessation, even temporarily, of the operation of the mills at Pueblo, would be of grave and serious consequence to the economy of the State of Colorado. The evidence adduced at the hearing further emphasizes the extent of the arbitrary control by the implied threat of respondent to terminate the sale of gas to this major industry. With respect to this principal customer alone, we feel there is ample evidence to justify holding that respondent is a virtual monopoly on the basis of the consequences of its activities and their effect on the public. These activities we deem to be within the purview of the statutes of the State of Colorado.

This view, however, is greatly buttressed when we take official note of the fact that in all of the other areas served by the pipeline of Colorado Interstate Gas Company, that are served directly and beyond the pale of regulatory restraint and control, are the major industries of south central Colorado. Both the American Crystal Sugar and the Holly Sugar plants are considered to be two of the major -- if not the largest -- manufacturing plants in the area and, in fact, are the only major industries other than the Colorado Fuel & Iron Corporation in south central and southeastern Colorado. They are the employers of many people. In the manufacture of beet sugar they sustain many hundreds of farmers throughout that section of Colorado in the raising of sugar beets. They, too, are subjected to the same arbitrary controls in that the respondent at the conclusion of the contracts may refuse to further serve gas. It may raise the price at will under this threat whether the price be reasonable or otherwise. Conversion would be costly and the impact of even a temporary cessation of operations by either or both of these two manufacturing plants in this area would have serious effect upon the conomy of the section of the state involved.

It is also noteworthy that the Pabco plant at Florence, while not of the size and magnitude of the other plants, is the most important manufacturing plant in the City of Florence. In fact, upon review, it is noted that from Florence to Pueblo, and continuing along the Arkansas Valley, every major industry of any consequence, is served directly by the Colorado Interstate Gas Company, as a non-regulated sale. This, to our mind, clearly distinguishes the situation in Colorado from that of Illinois where a similar utility was held not to be subject to the jurisdiction of the Commission. Mississippi River Fuel Corporation et al, v. Illinois Commerce Commission, 116 N. E. (2d) 394 (ill. 1953). There the sale was to 23 industries in heavily industrialized Illinois. Nowhere was it shown in that case that the impact of the Mississippi River Fuel's operation on the economy of Illinois would be to the same extent as is the service of the respondent in the instant case, where all of the major industry of the area is served.

It is of little avail to assert that these industries may have a source of natural gas distributors in their respective area likewise buying gas from the respondent Colorado Interstate Gas Company under the jurisdiction of the Federal Power Commission. The implied altruistic contentions of the respondent are belied by the fact that they have declined to withdraw from this field of direct sale and, in fact, have asserted on this record that the direct sale is a integral part of thei bueinsss, constituting some 15% to 17% of their gross business in this state. Thus, the respondent has refused to give up these customers, but it is to be noted that when such an assertion is made, it is simply stated that these customers now under direct sale may seek protection under regulated sales. That is precisely what they seek before this Commission since the Federal Power Commission does not assert jurisdiction over the type of activity involved in this case.

In addition to these industrial sales, there are other sales of equally grave importance that likewise affect other major cities in the State of Colorado. Gas for the boilers of the electric generating plant of Public Service Company of Colorado, which supplies the Denver and its Metropolitan area, with a population of some 800,000, with electricity; the boilers of municipal electric generating plant of the City of Colorado Springs which furnishes electricity to some 125,000 people, and gas for the boiler of the electric generating plant of the City of Trinidad, supplying electrical energy to some 15,000, are also all on direct sale from the Colorado Interstate Gas Company. We take official notice of the fact that Public Service Company has made repeated efforts, both in Federal courts and before the Federal Power Commission, to purchase this gas under regulation from the Federal Power Commission, but in every instance, it met stern resistance from the respondent Colorado Interstate Gas Company who insists upon the unregulated sale. The supplying of electrical energy to three of the larger populated areas of Colorado can hardly be considered of minor importance. Cost of fuel in the generation of electricity is a major factor in the cost of electricity and the ultimate cost to the consumer. The cost of converting to other type of fuel burners to heat the boilers of these generating plants would undoubtedly be expensive and the right of the respondent to increase the price with each new contract negotiated subjects its customers to arbitrary control. The argument that either Public Service Company, Colorado Springs or Trinidad would secure fuel from other distributors does not obtain in these instances since all three of these customers are the very distributors who buy regulated gas from the respondent. Public Service Company specifically has striven valiantly to include in its regulated purchases of gas, the gas it would consume in its electric generating plants, but to no avail against the stout resistance of the respondent.

The conclusion is inescapable that the respondent in its activities constitutes a virtual monopoly. Its customers are subject to the arbitrary control of the respondent, both as to price and as to service. In the impact of the respondent's services or the lack of said services to any class of customers or to any customer, whether it be a manufacturing plant, Colorado Fuel & Iron Corporation, or the electric generating plants of Public Service Company, or the municipalities, they would have grave and serious consequences for a large segment of the population of this state.

In so finding, we do not state that these arbitrary powers have been in reality exercised by the respondent. We do not state that the prices charged are unreasonable, nor do we state that the respondent has in any way conducted itself in an unreasonable manner. All of those matters would have to be subject to other specific hearings. We simply assert that under the present method of operation such a power is vested in the respondent and this power is not canalized within banks that may keep it from overflowing. This power is unconfined and vagrant, subject, primarily, to the good will of the respondent. We believe that such a power must be subject to reasonable and constitutional processes and the police power of the people of the State of Colorado.

F I N D I N G S

THE COMMISSION FINDS:

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

That Colorado Interstate Gas Company, on its direct sales within the State of Colorado that are not subject to the jurisdiction of the Federal Power Commission, is and has been a public utility within the meaning of the definitions of the statutes of the State of Colorado, and is therefore subject to the jurisdiction of The Public Utilities Commission of the State of Colorado.

O R D E R

THE COMMISSION ORDERS:

That the respondent Colorado Interstate Gas Company, be, and it is hereby, ordered forthwith to apply to The Public Utilities Commission of the State of Colorado, for a certificate of public convenience and necessity to operate as a public utility for the sale of gas not for resale to customers not under the jurisdiction of the Federal Power Commission.

Pending such application and hearing, respondent Colorado Interstate Gas Company, be, and it is hereby, ordered to continue the same rates to said customers in full force and effect as are being charged under the terms of said contracts with said customers, and that all other conditions of service shall continue unchanged.

That the Commission retain jurisdiction of this matter to enter such other appropriate orders as may be necessary with regard to service continuation, quality and nature of service and rates.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Henson

John P. Thompson

Joseph F. Nigro
Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

(Decision No. 51599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF TONY J. MARTINEZ AND GUY ROMERO, TELLURIDE, COLORADO.

PERMIT NO. M-13665
CASE NO. 88297-INS.

January 19, 1959

S T A T E M E N T

By the Commission:

On January 14, 1959, the Commission entered its Order in Case No. 88297-Ins., revoking Permit No. M-13665 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as 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-13665 should be, and the same hereby is, reinstated, as of January 14, 1959, revocation order entered by the Commission on said date in Case No. 88297-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carr
John P. Thompson
Joseph E. Rigis
Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

(Decision No. 51600)

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF WAYNE F. FREEMAN, DOING BUSINESS AS "MOUNTAIN GAS AND SUPPLY COMPANY," P. O. BOX 87, MORRISON, COLORADO.	)	PERMIT NO. M-5727 CASE NO.88308-INS.

January 19, 1959

S T A T E M E N T

By the Commission:

On January 14, 1959, the Commission entered its Order in Case No. 88308-Ins., revoking Permit No. M-5727 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-5727 should be, and the same hereby is, reinstated, as of January 14, 1959, revocation order entered by the Commission on said date in Case No. 88308-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 19th day of January, 1959.

ea

(Decision No. 51601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MC KEE TRUCKING CO., INC., 2770 ELDRIDGE, GOLDEN, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4615.	APPLICATION NO. 16818-PP-Extension

January 19, 1959

Appearances: Tom McKee, Golden, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, McKee Trucking Co., Inc., Golden, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> brewing barley, in bulk, and seed barley, in bulk and bags, between points and places in Colorado, for the Adolph Coors Company, Golden, Colorado, only; grain, in bulk, from points and places in Colorado, to mills and elevators of the Colorado Milling and Elevator Company, only; 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 operating rights being known as "Permits Nos. B-4615 and B-4615-I."

By the above-styled application, applicant seeks authority to extend operations to include the right to transport spent grain, from Adolph Coors Company, at Golden, Colorado, to points within the State of Colorado, as directed by said Adolph Coors Company.

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,

January 14, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Tom McKee appeared on behalf of applicant, stating his company is desirous of extending operations under its present operating rights.

The Traffic Manager for Adolph Coors Company appeared, stating his company needed, and would use, applicant's proposed extended operations.

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.

F I N D I N G S

THE COMMISSION FINDS:

That applicant herein should be authorized to extend operations under Permit No. B-4615, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That McKee Trucking Co., Inc., Golden, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-4615, to include the right to transport spent grain, from Adolph Coors Company, at Golden, Colorado, to points within the State of Colorado, as directed by said Adolph Coors Company.

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

Dated at Denver, Colorado,
this 19th day of January, 1959.

Commissioners.

ea

(Decision No. 51602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CASIMIRO ALVIDREZ, DOING BUSINESS AS "BLACK KNIGHT COAL MINE," ROUTE 1, FLORENCE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE	APPLICATION NO. 16799-PP

January 19, 1959

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 cinders or ashes, from point to point within the County of Fremont, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Municipal Auditorium, Colorado Springs, Colorado, January 15, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

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 proposes to render service for Southern Colorado Power Company; that proper insurance filing has been made with the Commission by applicant.

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.

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 Casimiro Alvidrez, doing business as "Black Knight Coal Mine," Florence, 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 cinders or ashes, from point to point within the County of Fremont, State of 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

Dated at Denver, Colorado,
this 19th day of January, 1959.

Commissioners.

ea

original

(Decision No. 51603)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. D. BRENTON, PEYTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16800-PP

January 19, 1959

Appearances: M. D. Brenton, Peyton, 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 raw or processed milk and by-products, from and to Scotland Pride Dairy Company, Colorado Springs, Colorado, or its subsidiaries, only, to and from all points within the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Municipal Auditorium, Colorado Springs, Colorado, January 15, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified he has a net worth of $10,000; that Scotland Pride Dairy Company, of Colorado Springs, Colorado, had requested his services.

Scotland Pride Dairy Company was represented by its owner, who testified said company needed, and would use, applicant's 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.

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 M. D. Brenton, Peyton, 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 raw or processed milk and by-products, from and to Scotland Pride Dairy Company, Colorado Springs, Colorado, or its subsidiaries, only, to and from all points within the State of 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 19th day of January, 1959.
mls

(Decision No. 51604)

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,) CASE NO. 1585
COLORADO P.U.C. NO. 11, ISSUED BY)
J. R. SMITH, CHIEF OF TARIFF BUREAU,)
4060 ELATI ST., DENVER 16, COLORADO.)

January 19, 1959

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 January 26, 1959, 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 the account of North Eastern Motor Freight, Inc.:

This carrier proposes to increase the less-than-truckload class rates only between Denver, Colorado, on the one hand, and Stoneham, New Raymer, Buckingham, Keota, Grover and Hereford, Colorado, on the other hand.

In support of these changes, Dewey W. Beach, in charge of Rates and Claims for North Eastern Motor Freight, Inc., states in a letter that the present rates to all of these points from Denver are the same or below the rates from Denver to Sterling. The L.T.L. freight shipments are delivered on Fridays from their terminal at Sterling, Colorado, excepting shipments of sufficient weight to warrant a special delivery. The above points are situated on an off route from their regular line of service and Hereford being the farthest point from Sterling of 74 miles. These points became a part of North Eastern's authority, P.U.C. No. 374, under Decision No. 45602, dated September 14, 1956, which formerly belonged to the Prucka Transportation, Inc.

The following is a summary of freight shipments originating in Denver for these points during the period of December, 1958, which is fairly well representative of the overall tonnage to these points. The figures represent weight in pounds.

DENVER	STONEHAM	NEW RAYMER	BUCKINGHAM	KEOTA	GROVER	HEREFORD
DATE						
12/2	117				387	
12/3	629					
12/4	114	136				
12/8	22					
12/9	197					500
12/10	398				1100	
12/12	195	352				
12/15		1320				
12/16	497					532
12/18	127					
12/19	91					
12/22			100			
12/23		80				
12/26					280	
TOTAL	2387	1888	100		1767	1032

For the account of Denver-Limon-Burlington Transfer Company:

This carrier is proposing to make specific point adjustments in its class rates along U. S. Highway No. 24 between Limon, Colorado, and Burlington, Colorado, namely at Genoa, Bovina and Vona. The rates along this route apply between Denver, on the one hand, and on the other the various named points on this highway. The present rates at Genoa and Vona are lower than the respective preceding points nearer to Denver, viz.: Limon and Seibert.

In the particular instance of Genoa, Colorado, routings are shown as No. 11 (Denver-Limon-Burlington Transfer Company) and No. 104 (Link's Truck Line), and it is here that the following information is inserted to clarify the authorities of Link's Truck Line insofar as operating on a scheduled basis is concerned.

Under Certificate of Convenience No. 400, presently owned and operated by Frank T. Link, the history of this authority reveals in Application No. 1252 and Decision No. 2488, dated September 12, 1929, Art Schultz, Guy Black and W. B. Burrows, co-partners, D/B/A Genoa Transportation Company, were the original holders of this certificate. In the application it was stated that they did not propose to operate upon any set or fixed schedules but will operate at such times as its services are requested and desired. The certificate covers an area surrounding Genoa, Colorado, on the one hand, and Denver on the other, but not between any intermediate points. Other certificates owned and operated by this carrier are P.U.C. Nos. 898 and 1368, which are also construed as irregular call and demand certificates.

Since the publication of these proposed changes, the Commission has received an application from the Colorado Motor Carriers' Association to correct a further discrepancy that has developed by the increasing of the Genoa rate, wherein at Bovina, a point beyond Genoa, the same situation would prevail for the future as now exists at Genoa, and requests that Bovina be allowed the same rate as proposed at Genoa. In that a preference would exist against Genoa, this application should be allowed.

No protests have been received in the office of the Commission relative to these proposals.

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 January 26, 1959, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after January 26, 1959, 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 January 26, 1959, 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 January 26, 1959, 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

Ralph C Hanson

/ Joseph L Rogers

Commissioners

COMMISSIONER THOMPSON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1959.

mem

APPENDIX "A"

Colorado Motor Carriers' Association, Agent

Local and Joint Freight Tariff No. 12-A

SECTION NO. 1

Class Rates in Cents per 100 Pounds

BETWEEN / AND	DENVER, COLORADO												Route No.
	L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Bovina	152	130	106	85	146	124	100	79	140	118	94	74	11
Buckingham	202	168	142	110									32
Genoa	152	130	106	85	146	124	100	79	140	118	94	74	11
Grover	208	180	145	117									32
Hereford	216	183	150	118									32
Keota	205	177	144	112									32
New Raymer	196	166	138	107									32
Stoneham	191	165	133	107									32
Vona	174	150	121	97	168	144	115	91	162	138	109	85	11

(Decision No. 51605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM E. BURNS, DOING BUSINESS AS,)
"BURNS MARKET")
143 "F" STREET,) PERMIT NO. M-10970
SALIDA, COLORADO.)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William E. Burns, Dba Burns Market, Salida, Colorado requesting that Permit No. M-10970 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10970, heretofore issued to William E. Burns, Dba Burns Market, Salida, Colorado be, and the same is hereby, declared cancelled effective January 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Rizzo

Sam C. Scott

Glenn E. Fallaw

Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1959.

ds

(Decision No. 51606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM GUYTON)
BLATZ DARING BUILDING,)
ROCKY FORD, COLORADO.) PERMIT NO. M-11859
)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Guyton, Rocky Ford, Colorado requesting that Permit No. M-11859 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11859, heretofore issued to William Guyton, Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective January 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro

Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1959.

ds

(Decision No. 51607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ETHEL M. HICKMAN, DOING BUSINESS AS,)
"MONARCH SALES")
2369 "H" ROAD,) PERMIT NO. M-13725
GRAND JUNCTION, COLORADO.)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ethel M. Hickman, Dba Monarch Sales, Grand Junction, Colorado requesting that Permit No. M-13725 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13725, heretofore issued to Ethel M. Hickman, Dba Monarch Sales, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective November 12, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Egro
Louis G. Carlson
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1959.

ds

(Decision No. 51608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED ORTIZ)
808 KENNIE ROAD,)
PUEBLO, COLORADO.) PERMIT NO. M-14102
)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alfred Ortiz, Pueblo, Colorado requesting that Permit No. M-14102 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14102, heretofore issued to Alfred Ortiz, Pueblo, Colorado be, and the same is hereby, declared cancelled effective December 29, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Jackson
Frank E. Sullivan
Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1959.

ds

(Decision No. 51609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DARREL DEAN MURPHY)
150 RIVERSIDE DRIVE)
LITTLETON, COLORADO.) PERMIT NO. M-15182
)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Darrel Dean Murphy, Littleton, Colorado requesting that Permit No. M-15182 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15182, heretofore issued to Darrel Dean Murphy, Littleton, Colorado be, and the same is hereby, declared cancelled effective January 21, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Dawson
Commissioners

Dated at Denver, Colorado,

this 21st day of January, 195 9.

ds

(Decision No. 51610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT JESSEE, JR.)
DEVILS GULCH ROUTE)
ESTES PARK, COLORADO.) PERMIT NO. M-4351
)
)

January 21, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herbert Jessee, Jr., Estes Park, Colorado requesting that Permit No. M-4351 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4351, heretofore issued to Herbert Jessee, Jr., Estes Park, Colorado be, and the same is hereby, declared cancelled effective January 15, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 21st day of January, 1959.

ds

(Decision No. 51611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. DAVIS, DOING BUSINESS AS,)
"RIFLE CAB SERVICE")
POST OFFICE BOX 272,)
RIFLE, COLORADO.)

PUC NO. 1787

January 21, 1959

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. 1787 be suspended for six months from January 15, 1959.

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. B. Davis, Dba Rifle Cab Service, Rifle, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 1787 until July 15, 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

Joseph F. Rigis
Hawk C. Hatton
Henry E. Gallagher
Commissioners.

Dated at Denver, Colorado,
this 21st day of January 1959.

ds

Original

(Decision No. 51612)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. L. ROGERS, H. L. ROGERS, SR., AND H. L. ROGERS, JR., CO-PARTNERS, DOING BUSINESS AS "ROGERS TRUCK LINE," P. O. BOX 116, SIDNEY, NEBRASKA, FOR AUTHORITY TO TRANSFER PUC NO. 756 AND PUC NO. 756-I TO W. F. GETTEL, INC., P. O. BOX 11, KIMBALL, NEBRASKA.

APPLICATION NO. 16822-Transfer

January 23, 1959

Appearances: Martin, Davis and Mattoon, Esqs., Sidney, Nebraska, by Frank J. Mattoon, Esq., Sidney, Nebraska, for Applicants; Howard Hicks, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Heretofore, R. L. Rogers, H. L. Rogers, Sr., and H. L. Rogers, Jr., co-partners, doing business as "Rogers Truck Line," Sidney, Nebraska, 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:

> (1) machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points and places within the State of Colorado, over irregular routes; freight, in interstate commerce, only, between all points within the State of Colorado and the Colorado State

Boundary Lines, where all highways cross the same, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

said operating rights being known as "PUC No. 756 and PUC No. 756-I."

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 756 and PUC No. 756-I to W. F. Gettel, Inc., Kimball, Nebraska.

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, January 19, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, no evidence was introduced 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 set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That R. L. Rogers, H. L. Rogers, Sr., and H. L. Rogers, Jr., co-partners, doing business as "Rogers Truck Line," Sidney, Nebraska, should be, and hereby are, authorized to transfer all right, title, and interest in and to PUC No. 756 and PUC No. 756-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to W. F. Gettel, Inc., Kimball, Nebraska, 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 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 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 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

Joseph F. Nigro

Ralph C. Hilton

Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 23rd day of January, 1959.

mls

original

(Decision No. 51613)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. W. PETTICREW, 3930 CHASE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2286 TO MILTON H. CLEAVER, ROUTE 1, BOX 68, ARVADA, COLORADO.

APPLICATION NO. 16821-PP-Transfer

January 23, 1959

Appearances: J. W. Petticrew, Denver, Colorado, pro se;
Milton H. Cleaver, Arvada, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, J. W. Petticrew, Denver, Colorado, was granted a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of:

> sand, gravel, and road-surfacing materials, from pits and supply points within a radius of fifty miles of Denver, to road construction jobs within a radius of fifty miles of said points (excluding service in Boulder County), and coal, from the northern Colorado coal fields to Denver, and to points north and west of Denver which are east of a line drawn north and south through a point five miles east of Golden; clay, from pits and supply points within a radius of twenty-five miles of Denver, Colorado, to brick yards in Lakewood, Colorado, and Denver, Colorado,

said operating rights being designated "Permit No. B-2286."

By the above-styled application, said permit-holder seeks authority to transfer said Permit No. B-2286 to Milton H. Cleaver, Arvada, 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,

January 19, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that the consideration for transfer of said operating rights, together with equipment, is the sum of $5,000.00.

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 set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That J. W. Petticrew, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2286 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Milton H. Cleaver, Arvada, 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

Joseph F. Negro

Ralph C. Hutton

Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 23rd day of January, 1959.

mls

Original

(Decision No. 51614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. E. FARRINGTON AND R. E. FARRINGTON, JR., CO-PARTNERS, DOING BUSINESS AS "YAMPA TRANSFER," YAMPA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 881.

APPLICATION NO. 15728-Extension

January 26, 1959

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Applicant;
Marion R. Smyser, Esq., Denver, Colorado, for The Denver and Rio Grande Western Company, Gray Truck Line, Larson Transportation Company.

S T A T E M E N T

By the Commission:

Heretofore, R. E. Farrington and R. E. Farrington, Jr., co-partners, doing business as "Yampa Transfer," were granted a certificate of public convenience and necessity, being PUC No. 881, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

> freight, including farm products, from ranches within a radius of twenty-five miles of Yampa, to shipping points in said area, and grain to mill and elevator at Steamboat Springs, with back-haul of farm supplies, including feed, coal, lumber and timber; farm equipment and used household goods, from point to point within said area; livestock, from point to point within said area, and from points in said area in less than carload lots, to Denver; breeding stock, in less than carload lots, from and to points in said area, to and from all points in the State of Colorado, as required by customers residing in the area; livestock, only, on call and demand, in less than carload lots,

from and to points within a radius of twenty-five miles of Yampa, Colorado, to and from points in the State of Colorado.

By the above-styled application, said certificate-holders seek authority to extend operations under said PUC No. 881, as follows: (1) elimination of restriction to less than carload lots in transportation of livestock; (2) transportation of produce, from points within a radius of twenty-five miles of Yampa, Colorado, to Denver, Colorado, for C. E. Crowner and Otto Gumbrecht, Toponas, Colorado; and (3) transportation of general merchandise, from Denver, Colorado, to Yampa, Colorado, for G. E. Roach and Vint's Bay Station.

Said application was regularly set for hearing before the Commission, at the Court House, Steamboat Springs, Colorado, November 13, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 12, 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 the Examiner states that at the hearing, R. E. Farrington, Jr., one of applicants herein, testified in support of the instant application, stating that he and his father are owners and operators of PUC No. 881, and have been operating under said certificate since 1946; that they have ample and adequate equipment to perform the proposed extended service; that the net worth of said partnership is approximately $50,000.

Regarding the livestock restriction of less than carload lots, which applicants seek to eliminate by the instant application,

applicant testified that he has been repeatedly urged by cattle shippers in the area involved to seek this elimination, because of the fact that their needs require this proposed extended service by applicants; that since they are the only locally-based carrier in said area, if the present restriction of less than carload lots remains in his livestock authority, he will not be able to render the type of service that local shippers require; that applicants and their customers have had difficulty in applying said restriction, due to the fact it has no definite and exact meaning; that they also have not been able to determine what is a carload lot; that since his company is a common carrier, they should not be restricted in rendering full and complete service.

Applicant's position and testimony were strongly substantiated and corroborated by eight cattle-shipper witnesses, all located within the radius of twenty-five miles of Yampa, Colorado. In general, their testimony was that they need, and require, applicants' proposed extended service, and if the instant application is granted, they would use said extended service of applicants, as they are locally-based; that they have used applicants' services in the past, and have found same to be excellent; that they would not use railroad service of one of protestants because said service cannot satisfy their needs, in that they require pick-up service, which rail service does not provide, and because of the fact that they do not care to drive their cattle to rail-loading points.

Regarding the produce segment of the instant application, applicant testified there is definitely a need for their proposed extended service, as he has received many requests to ship produce, because he is a locally-based carrier, and provides direct field pick-up service; that he has, in the past, hauled for various producers under Temporary Authority issued by this Commission; that he has the necessary equipment to render complete service.

Otto Gumbrecht, of Toponas, Colorado, a produce-shipper, appeared and testified in support of applicants' position, stating he raises produce for markets in Denver; that he needs special service, such as direct pick-up of the produce on his farm for fast delivery to Denver; that to his knowledge, no other carrier will provide this type of service; that, other than applicants, he has never engaged, or used, a common carrier to haul produce for him, and none, in fact, has ever solicited his business; that he has always used applicants' service, and found same to be excellent.

With regard to the other segments of the above-styled application, either no shipper-witnesses appeared and testified, or little or no evidence was offered in support of the granting of the proposed extended service sought.

The application was protested by The Denver and Rio Grande Western Railroad Company, as to cattle restriction and transportation of produce. The evidence disclosed existing facilities, equipment, and willingness to serve, but failed to show present ability to provide needed pick-up service, as required and demanded by shippers in the area involved.

Larson Transportation Company also protested the granting of authority herein sought, as to general merchandise and produce. The evidence, as to general merchandise, established that public convenience and necessity do not require the granting of this portion of authority sought, as same would impair the efficiency of service presently rendered by Larson Transportation Company.

Authority herein sought to transport livestock was opposed by Gray Truck Line. The evidence disclosed a willingness on the part of Gray Truck Line to serve the area involved from a base operation of Craig, Colorado.

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

Report of the Examiner recommends:

1. That public convenience and necessity require the granting of the elimination of less than carload lots from the present livestock authority of applicants, as there is presently a need for such service, and the granting of same would be in the public interest.

2. That public convenience and necessity require the granting of authority for transportation of produce, as there is presently a need for such service, and that the same would be in the public interest.

3. That, relative to that portion of the instant application pertaining to transportation of general merchandise from Denver to Yampa, for Vint's Bay Station, applicants failed to produce a shipper-witness or customer, and that portion of said application should be denied.

4. That as to that portion of the instant application pertaining to transportation of general merchandise from Denver to Yampa, for G. E. Roach, applicants showed no special need for said service, and that the same is not consistent with the public interest.

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 applicants' proposed extended motor vehicle common carrier service, on call and demand, 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 R. E. Farrington and R. E. Farrington, Jr., co-partners, doing business as "Yampa Transfer," Yampa, Colorado, under PUC No. 881, so that in the future, said PUC No. 881, as extended, shall authorize:

> Transportation of freight, including farm products, from ranches within a radius of twenty-five miles of Yampa, Colorado, to shipping points in said area, and grain to mill and elevator at Steamboat Springs, with back-haul of farm supplies, including feed, coal, lumber, and timber; farm equipment and used household goods, from point to point in said area; livestock, from point to point in said area, and from points in said area, to Denver; breeding stock, from and to points in said area, to and from all points within the State of Colorado, as required by customers residing in said area;
>
> Transportation, on call and demand, of livestock, only, from and to points within a radius of twenty-five miles of Yampa, to and from points within the State of Colorado;
>
> Transportation, on call and demand, of produce, from points within a radius of twenty-five miles of Yampa, Colorado, to Denver, Colorado,

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

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

That applicants shall operate their 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 applicants with

all present and future laws and rules and regulations of the Commission.

That Application No. 15728, 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 F. Nigro

Ralph C. Hilton

Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of January, 1959.

mls

original

(Decision No. 51615)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF KENNETH N. CHURCHILL, AKRON, COLORADO.

PERMIT NO. B-3986

January 26, 1959

S T A T E M E N T

By the Commission:

By Decision No. 48659, of date September 5, 1957, entered by the Commission in Application No. 15635-PP, Jack McMillion, Akron, Colorado, owner of Permit No. B-3986, was authorized to lease said operating rights to Kenneth N. Churchill, Akron, Colorado.

The Commission is now in receipt of a communication from Jack McMillion, Akron, Colorado, requesting that suspension of operations under said Permit No. B-3986 be authorized, for a period of six months.

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 suspension of operations under Permit No. B-3986 is hereby authorized, for a period from January 19, 1959, to July 19, 1959.

That unless permittee shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Hays

Ralph C. Norton

Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of January, 1959.

mls

(Decision No. 51616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SILVER STATE AUTO COMPANY)
906 NORTH SANTA FE AVENUE,)
PUEBLO, COLORADO.) PERMIT NO. M-8138
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Silver State Auto Company, Pueblo, Colorado requesting that Permit No. M-8138 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8138, heretofore issued to Silver State Auto Company, Pueblo, Colorado be, and the same is hereby, declared cancelled effective January 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rigo
Louis C. Brown
Hugh E. Sullivan
Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1959.

ds

(Decision No. 51617)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GLEN GARWOOD)
ROUTE 7,)
BURWELL, NEBRASKA.) PERMIT NO. M-7449
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen Garweed, Burwell, Nebraska requesting that Permit No. M-7449 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7449, heretofore issued to Glen Garweed, Burwell, Nebraska be, and the same is hereby, declared cancelled effective December 24, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hiro
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1959.

ds

(Decision No. 51618)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEE ROODMAN, L. LAZAR AND MICHAEL ROSS)
DOING BUSINESS AS, "MANUFACTURERS)
ADVERTIZING ASSOCIATION") PERMIT NO. M-13536
2120 SOUTH WABASH AVENUE)
CHICAGO 16, ILLINOIS.)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lee Roodman, L. Lazar & Michael Ross, Dba Manufacturers Adv. Assoc., Chicago, Illinois requesting that Permit No. M-13536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13536, heretofore issued to Lee Roodman, L. Lazar & Michael Ross, Dba Manufacturers Adv. Assoc., Chicago, Illinois be, and the same is hereby, declared cancelled effective January 20, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Rizzo

Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1959.

ds

(Decision No. 51619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
AULT EXCHANGE COMPANY, INC.)
)
AULT, COLORADO.) PERMIT NO. M-3272
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ault Exchange Company, Inc., Ault, Colorado requesting that Permit No. M-3272 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3272, heretofore issued to Ault Exchange Company, Inc., Ault, Colorado be, and the same is hereby, declared cancelled effective February 28, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Rizzo

Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1959.

ds

(Decision No. 51620)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FURR FOOD STORES, INC.)
POST OFFICE BOX 1191,)
AMARILLO, TEXAS.) PERMIT NO. M-905
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Furr Food Stores, Inc., Amarillo, Texas requesting that Permit No. M-905 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-905, heretofore issued to Furr Food Stores, Inc., Amarillo, Texas be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Hays
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 1959.

ds

(Decision No. 51621)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROY BURROWS)
415 WEST 4TH. AVENUE,)
DENVER 23, COLORADO.) PERMIT NO. M-155
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Roy Burrows, Denver 23, Colorado requesting that Permit No. M-155 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-155, heretofore issued to Roy Burrows, Denver 23, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Myers

Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1959.

ds

(Decision No. 51622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DONALD R. FINE, DOING BUSINESS AS,)
"MISSION BOTTLING COMPANY")
616 - 12TH. STREET) PERMIT NO. M-1554
GREELEY, COLORADO.)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald R. Fine, Dba Mission Bottling Co., Greeley, Colorado requesting that Permit No. M-1554 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1554, heretofore issued to Donald R. Fine, Dba Mission Bottling Co., Greeley, Colorado be, and the same is hereby, declared cancelled effective January 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jesse C. Dolan
Irving E. Galleys
Commissioners

Dated at Denver, Colorado,

this 26th day of January, 195 9.

ds

(Decision No. 51623)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT PRAZNIK)
160 EAST 64TH. AVENUE,)
DENVER 11, COLORADO.) PERMIT NO. M-2071
)
)

January 26, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Albert Praznik, Denver 11, Colorado requesting that Permit No. M-2071 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2071, heretofore issued to Albert Praznik, Denver 11, Colorado be, and the same is hereby, declared cancelled effective January 10, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nuno

Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1959.

ds

(Decision No. 51624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT PRAZNIK)
160 EAST 64TH AVENUE,) PERMIT NO. B-4353
DENVER 11, COLORADO.)

January 26, 1959

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-4353 be suspended for six months from January 10, 1959.

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 Albert Praznik, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4353 until July 10, 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

Joseph F. Nigro
Raymond C. Watson
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 26th day of January 1959.

ds

(Decision No. 51625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER GOETSCH)
1458 - 10th STREET,) PERMIT NO. B-4642
GREELEY, COLORADO)

January 26, 1959

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-4642 be suspended for six months from January 19, 1959.

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 Walter Goetsch, Greeley, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4642 until July 19, 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

Joseph T. Rigra

Fowler Hutton

Henry E. Mullings

Commissioners.

Dated at Denver, Colorado,
this 26th day of January 1959.

ds

(Decision No. 51626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JOHN M. HOWA, DOING BUSINESS AS "HOWA COAL AND BUILDING SUPPLY COMPANY," ROUTE 1, BOX 23, PRICE, UTAH.	)	PERMIT NO. M-4709 CASE NO. 88286-INS.

January 27, 1959

S T A T E M E N T

By the Commission:

On January 14, 1959, the Commission entered its Order in Case No. 88286-Ins., revoking Permit No. M-4709 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-4709 should be, and the same hereby is, reinstated, as of January 14, 1959, revocation order entered by the Commission on said date in Case No. 88286-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Norton

Henry E. Ackroyd

Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1959.

ea

(Decision No. 51627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF AMERICAN BUS LINE, INC., 1341 P. STREET, LINCOLN, NEBRASKA, RESPONDENT.	CASE NO. 5155 ORDER TO SHOW CAUSE AND NOTICE OF HEARING

January 27, 1959

S T A T E M E N T

By the Commission:

The above named respondent was heretofore issued a certificate of public convenience and necessity known as PUC No. 36, authorizing such respondent to engage in the business of a common carrier by motor vehicle, in the State of Colorado, and such carrier is now enjoying the privileges so granted. The records of the Commission disclose that the above named respondent has violated the Public Utility Law and the Rules and Regulations of the Commission, by failing and neglecting to furnish the service(s) as authorized by said certificate of public convenience and necessity as required, and that said respondent is now not operating said authority as granted and is in violation of said Public Utility Law, and the Rules and Regulations of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That unless respondent shows cause to the satisfaction of the Commission why said authority should not be revoked on the date of the hearing of this case, the Commission will enter an Order without further notice, revoking said authority for said violation.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for

hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on February 16, 1959, at which time and place such evidence as is proper may be introduced.

That unless said respondent, American Bus Line Inc., Lincoln, Nebraska, shows cause why said certificate should not be revoked, for the violation described above on the date and time for hearing hereinbefore fixed, said authority shall be revoked without further notice to respondent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F Hogan

Ralph C Norton

Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1959.

ea

(Decision No. 51628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN H. HENLEY, DOING BUSINESS AS,)
"HENLEEY TIMBER COMPANY")
POST OFFICE BOX 195,) PERMIT NO. M-15392
FORT GARLAND, COLORADO.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John H. Henley, Dba Henley Timber Co., Fort Garland, Colorado requesting that Permit No. M-15392 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15392, heretofore issued to John H. Henley, Dba Henley Timber Co., Fort Garland, Colorado be, and the same is hereby, declared cancelled effective January 10, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1959.

ds

(Decision No. 51629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE A. YARNELL)
)
KIOWA, COLORADO.) PERMIT NO. M-706
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George A. Yarnell, Kiowa, Colorado requesting that Permit No. M-706 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-706, heretofore issued to George A. Yarnell, Kiowa, Colorado be, and the same is hereby, declared cancelled effective January 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Kenneth C. Norton
Irene E. Zaloudek
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 1959.

ds

(Decision No. 51630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
R. R. RUPE)
300 SANTA FE DRIVE,)
PUEBLO, COLORADO) PERMIT NO. M-4911
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. R. Rupe, Pueblo, Colorado requesting that Permit No. M-4911 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4911, heretofore issued to R. R. Rupe, Pueblo, Colorado be, and the same is hereby, declared cancelled effective January 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1959.

ds

(Decision No. 51631)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DON DECK, DOING BUSINESS AS,)
"DECK PRODUCE COMPANY")
POST OFFICE BOX 774,) PERMIT NO. M-5915
DALLAS, TEXAS.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don Deck, Dba Deck Produce Company, Dallas, Texas requesting that Permit No. M-5915 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5915, heretofore issued to Don Deck, Dba Deck Produce Company, Dallas, Texas be, and the same is hereby, declared cancelled effective November 21, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Irma G. Faulkner
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 195 9.

ds

(Decision No. 51632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILBUR J. LAKEY)
718 BAXTER,)
HOLYOKE, COLORADO.) PERMIT NO. M-10745
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wilbur J. Lakey, Holyoke, Colorado requesting that Permit No. M-10745 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10745, heretofore issued to Wilbur J. Lakey, Holyoke, Colorado be, and the same is hereby, declared cancelled effective January 24, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 1959.

ds

(Decision No. 51633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DRI-POWER DISTRIBUTORS)
2641 TEXAS AVENUE,)
GRAND JUNCTION, COLORADO.) PERMIT NO. M-15556
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dri-Power Distributors, Grand Junction, Colorado requesting that Permit No. M-15556 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15556, heretofore issued to Dri-Power Distributors, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective January 22, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 1959.
ds

(Decision No. 51634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
A. L. AND LORETTA M. VAUGHN, DOING)
BUSINESS AS, "ESTES PARK HARDWARE")
ELKHORN AVENUE) PERMIT NO. M-14810
ESTES PARK, COLORADO.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from A. L. & Loretta M. Vaughn, Dba Estes Park Hardware, Estes Park, Colorado requesting that Permit No. M-14810 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14810, heretofore issued to A. L. & Loretta M. Vaughn, Dba Estes Park Hardware, Estes Park, Colorado be, and the same is hereby, declared cancelled effective July 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Kenneth C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 195 9.

ds

(Decision No. 51635)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DELMAR Q. BURKEPILE)
116 ROSE DRIVE, SECURITY VILLAGE,) PERMIT NO. M-12959
COLORADO SPRINGS, COLORADO.)
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Delmar Q. Burkepile, 116 Rose Dr., Colorado Springs, Colorado requesting that Permit No. M-12959 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12959, heretofore issued to Delmar Q. Burkepile, 116 Rose Dr., Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective May 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 195 9.

ds

(Decision No. 51636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MARVIN R. JACKSON, JAMES A. ROSE,)
AND GERALD F. THORNHILL, DOING)
BUSINESS AS, "GRAND MESA MUD COMPANY") PERMIT NO. M-5449
SOUTH 4TH. AND RAILROAD TRACKS,)
GRAND JUNCTION, COLORADO.)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Marvin R. Jackson, James A. Rose & Gerald F. Thornhill, Dba Grand Mesa Mud Co., Grand Junction, Colorado requesting that Permit No. M-5449 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5449, heretofore issued to Marvin R. Jackson, James A. Rose & Gerald F. Thornhill, Dba Grand Mesa Mud Co., Grand Junction, Colorado be, and the same is hereby, declared cancelled effective October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 195 9.

ds

(Decision No. 51637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
J. G. AND RENA BELLE STUDHOLME, DOING)
BUSINESS AS, "DENVER U-SELECT-IT)
CANDY SERVICE, 2441 ELIOT STREET,) PERMIT NO. M-9506
DENVER 11, COLORADO.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. G. & Rena Belle Studholme, Dba Denver U-Select-It Candy Service, Denver, Colorado requesting that Permit No. M-9506 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9506, heretofore issued to J.G. & Rena Belle Studholme, Dba Denver U-Select-It Candy Service, Denver, Colo. be, and the same is hereby, declared cancelled effective June 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 195 9.

ds

(Decision No. 51638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR RAYMOND MEYER AND ARTHUR)
ROBERT MEYER, DOING BUSINESS AS,)
"A. R. MEYER") PERMIT NO. M-9936
DELTA, COLORADO.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur Raymond Meyer & Arthur Robert Meyer, Dba A. R. Meyer, Delta, Colorado. requesting that Permit No. M-9936 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9936, heretofore issued to Arthur Raymond Meyer & Arthur Robert Meyer, Dba A. R. Meyer, Delta, Colorado be, and the same is hereby, declared cancelled effective August 8, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Kenneth C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 1959.
ds

(Decision No. 51639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ADRIAN BAKER, DOING BUSINESS AS,)
"BAKER DISTRIBUTING COMPANY")
POST OFFICE BOX 543,) PERMIT NO. M-10347
DURANGO, COLORADO.)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Adrian Baker, Dba Baker Distributing Co., Durango, Colorado requesting that Permit No. M-10347 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10347, heretofore issued to Adrian Baker, Dba Baker Distributing Co., Durango, Colorado be, and the same is hereby, declared cancelled effective January 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negron
Raymond C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1959.

ds

(Decision No. 51640)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MITTIE V. AND ROBERT L. SHADE, DOING)
BUSINESS AS, "CUT RATE GROCERY AND)
MARKET") PERMIT NO. M-14354
106 NORTH MAIN)
LAMAR, COLORADO.)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mittie V. & Robert L. Shade, Dba Cut Rate Grocery & Market, Lamar, Colorado requesting that Permit No. M-14354 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14354, heretofore issued to Mittie V. & Robert L. Shade, Dba Cut Rate Grocery & Market, Lamar, Colorado be, and the same is hereby, declared cancelled effective January 22, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 29th day of January, 1959.
ds

(Decision No. 51641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WALTER STRICKLAND, DOING BUSINESS AS,)
"W. W. STRICKLAND")
CEDAREDGE, COLORADO.) PERMIT NO. M-2095
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter Strickland, Dba W. W. Strickland, Cedaredge, Colorado requesting that Permit No. M-2095 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2095, heretofore issued to Walter Strickland, Dba W. W. Strickland, Cedaredge, Colorado be, and the same is hereby, declared cancelled effective January 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1959.

ds

(Decision No. 51642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEBHARDT CHILI POWDER COMPANY)
1810 SOUTH LAREDO)
SAN ANTONIO, TEXAS.) PERMIT NO. M-14709
)
)

January 29, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gebhardt Chili Powder Co., San Antonio, Texas requesting that Permit No. M-14709 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14709, heretofore issued to Gebhardt Chili Powder Co., San Antonio, Texas be, and the same is hereby, declared cancelled effective December 29, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 29th day of January, 1959.

ds

(Decision No. 51643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OTTO E. UNKEL)
MADISON, NEBRASKA.)

PUC NO. 2063-I

January 29, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Otto E. Unkel, Madison, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2063-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. 2063-I, heretofore issued to Otto E. Unkel, Madison, Nebraska, be, and the same is hereby, declared cancelled effective July 24, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negri

Ruth C. McCarty

Mary E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 29th day of January 1959.

(Decision No. 51644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF NORTHWEST WATER CORPORATION, Denver, Colorado, a Corporation, for Permission to Change Capitalization of the Company.	)	APPLICATION NO. 16836-Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed January 22, 1959, by Northwest Water Corporation, a Corporation, in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on February 11, 1959, at 9:30 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before February 6,1959, 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 A Rogers

Ralph C Hatton

Commissioners

Dated at Denver, Colorado,
this 28th day of January,1959.

(Decision No. 51645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EL PASO, A DULY ORGANIZED COUNTY WITHIN THE STATE OF COLORADO, FOR THE USE AND BENEFIT OF THE PEOPLE OF EL PASO COUNTY, COLORADO, FOR AUTHORITY TO ENLARGE A PUBLIC HIGHWAY CROSSING, TO INSTALL PROTECTIVE DEVICES AND TO CONSTRUCT WOOD PLANKING AT PRESENT RAILROAD CROSSING LOCATED NEAR MILE POST 654 OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY AND MILE POST 83 OF THE DENVER AND RIO GRANDE WESTERN RAILROAD BETWEEN COLORADO SPRINGS AND FOUNTAIN, EL PASO COUNTY, STATE OF COLORADO.	APPLICATION NO. 16796

January 28, 1959

Appearances: Frank G. Stinemeyer, Esq., Denver, Colorado, for Widefield Homes, Inc., and appearing also in behalf of
Leon H. Snyder, Esq., Colorado Springs, Colorado, for Applicant, El Paso County, Colorado;
Royce Sickler, Esq., Denver, Colorado, for The Atchison, Topeka & Santa Fe Railway Company;
Marion R. Smyser, Esq., Denver, Colorado, for The Denver & Rio Grande Western Railroad Company;
J. L. McNeill, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On December 26, 1958, the Board of County Commissioners of El Paso County, Keith D. McBurney, Chairman, filed an application with this Commission, seeking authority to enlarge a public highway-railroad grade crossing and install improved protective devices.

The matter was regularly set for hearing, and heard, on January 19, 1959, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including American Builders (Security Village), The Fountain Valley School of Colorado, and the Colorado Department of Highways. At the opening of the hearing, Mr. Stinemeyer presented a letter of Mr. Leon H. Snyder, El Paso County Attorney, to the Commission, authorizing that Mr. Stinemeyer substitute and appear for Mr. Snyder at this proceeding, which substitution was accepted by the Commission. The matter was then heard and taken under advisement by the Commission.

In the instant application, it is proposed that an existing public grade crossing is to be widened and rebuilt and then further protected by the installation of flashing light signals and short-arm gates. It appears that the need for the crossing improvement results from the development of an adjacent housing area to provide a unified industrial section, shopping center, and residential area by Widefield Homes, Inc.

From the explanatory testimony given at the hearing, it was established that Widefield Homes, Inc. has made arrangements to reimburse El Paso County for any expenditures relative to the crossing improvement, and money is already paid over for the proposed work. In this regard, the following exhibits were accepted:

Exhibit A: Copy of a fully executed Agreement, dated October 1, 1958, between The Atchison, Topeka & Santa Fe Railway Company ("Santa Fe"), relative to installation, costs, maintenance, and continued operations at the crossing. (Cost, $19,660.00)

Exhibit B: Copy of a fully executed Agreement, dated December 22, 1958, between The Denver & Rio Grande Western Railroad Company ("Rio Grande") and El Paso County ("County"), relative to costs, installation, warning signs, maintenance and continuing operation at the crossing. (Cost $21,710.00)

The proposed crossing improvements will involve two railroad tracks, being the main lines of The Atchison, Topeka & Santa Fe Railway Company and The Denver & Rio Grande Western Railroad Company, extending between Denver and Pueblo, Colorado. The Santa Fe track carries all north-bound traffic, consisting of six passenger trains and six freight trains per day; maximum speed of said trains being 40 to 50 miles per hour. The Denver & Rio Grande track carries all south-bound traffic, consisting of six passenger trains and six freight trains per day, operating at speeds up to 50 miles per hour. In the event of emergency, this direction of travel may be changed on either track. Concerning the vehicular travel, it appears that development of the housing area is in such a stage that it is estimated that by the summer of 1959, not less than 53 homes will be built, with some commercial operations and businesses. All residents of the said area and all employees of said businesses will use the crossing. Over-all plans for the project consist of the construction of more than 950 homes plus development of a commercial area and operation of a shopping center, all of which combined will make an estimated total of 2500 crossings daily.

Relative to the proposed signal devices, explanatory testimony was given regarding the following exhibits by Mr. B. M. Durland, Denver, Colorado, Assistant Signal Engineer for Rio Grande Railroad:

Exhibit B: Agreement. Costs and method of signal operation.

Exhibit D: Location and wiring diagram plan sheet for crossing protection at Rio Grande Mile Post 83.99.

Exhibit E: Diagram sheet to show (Fig. 2) standard type of combined automatic flashing light and short-arm gate protective devices to be placed at each crossing.

According to Mr. Durland, the proposed signal protection will consist of two combination units to protect both tracks. A

single unit will be placed at its track by each railroad and both units to be then interconnected for complete warning of trains that would move on either or both tracks and in any direction thereon. Upon the approach of a train, both signals will offer the combination of a ringing bell, flashing red lights, and a gate-arm that will extend across the respective traffic lanes to the center of the roadway. In addition, the proposed installation will include the most modern control devices for timing out the signal in cases of switching or stopping movements that may be made near the crossing.

Effectiveness of the proposed signal protection was emphasized on the basis of a similar installation that has been in operation for some three years past at the adjacent development of Security Village. Mr. Durland reported the new signals will operate in the same manner. In other explanatory testimony given by J. L. McNeill, Commission Engineer, it was further recounted that he had observed the movement of a train over the Security crossing and the resulting sequence of signal warning. It was his belief that the signals afforded adequate warning with the added barrier of short-arm gates to complete the protection for possibility of double-track train movement.

In summary, it appears there is no question of authorizing a new crossing but rather the improvement of an existing location; that all agreements in this matter have been completed; that necessary cash advances have been made and that the proposed improvements offer a standard and proven type of protection; that no objections were offered at the hearing and none appears in the files of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the widening and improvement of two new highway-railroad grade crossings, together with the installation, operation and maintenance of flashing

light signals and short-arm gates, all as set forth in the preceding Statement, which Statement, by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That the Board of County Commissioners of El Paso County, State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, authorizing the improvement of two public grade crossings by the placement of wider crossing material and the installation, operation and maintenance of protective devices consisting of flashing light signals and short-arm gates; said crossings being on El Paso County Road No. 476, and over the tracks and rights-of-way of The Atchison, Topeka and Santa Fe Railway Company (Mile Post 654 + 4083.8 feet) and The Denver & Rio Grande Western Railroad Company (Mile Post 83 + 5225 feet) in the Northwest Quarter, Section 24, Township 15-South, Range 66-West, El Paso County, Colorado.

That the work to be done, method of payment and maintenance shall be in accordance with the agreements of the respective railroads as involved herein.

That standard reflectorized advance warning signs shall be installed and maintained on U. S. Highway 85-87 by the Department of Highways and on the County Road No. 476 by El Paso County.

That the installation of the proposed protective devices and advance warning signs shall be in conformance with the Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That the preceding Statement and Exhibits A, B, C, D, and E, all by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Hogue

Frank C. Horan

Commissioners.

Dated at Denver, Colorado,
this 28th day of January, 1959.
ea

Original

(Decision No. 51646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, RIO GRANDE BUILDING, DENVER, COLORADO, TO CLOSE THE RAILROAD STATION AT CREEDE, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 416

At a General Session of The Public Utilities Commission of the State of Colorado, held at its offices in Denver, Colorado, January 29,1959.

January 29, 1959

S T A T E M E N T

By the Commission:

On August 21, 1958, and pursuant to Rule No. 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado, petition in the instant matter was filed with the Commission, and received as Application No. 16558. Request was made for an order to authorize the discontinuance of the agent at Creede, Colorado, and to close the railroad station September 25, 1958. In conformance with the Commission's rules herein, public notice of the proposed change of service was posted at the Creede Station.

Subsequent to said public posting, letters of protest were received by the Commission. By Decision No. 51003, dated September 25, 1958, the Commission suspended the proposed station closing, pending investigation and further Order of the Commission. Said Application No. 16558 was therewith transferred to Investigation and Suspension Docket No. 416 on the Commission's docket.

In the instant matter, we have the proposal of Applicant (Rio Grande Railroad) to withdraw its agent from the Creede station for the reasons that declining carload shipments and the manner of train operation do not justify the maintenance of an Agent's services,

since there is no passenger or mail movement and less-than-carload business has been handled in substitute truck service that provides pickup and delivery service to patrons in Creede.

During the above period of suspension, further investigation of the proposed discontinuance was made by the Staff of this Commission, and other conferences were held between interested parties, including County officials, railroad representatives, and affected shippers.

On December 12, 1958, the Commission received letter of notification from Richard E. Conour, County Attorney for Mineral County, stating as follows:

> "I have been directed by the Board of County Commissioners of Mineral County to withdraw its protest in the above application.
>
> "Therefore, in accordance with such direction, the protest of Mineral County is withdrawn."

On December 19, 1958, a communication was received by the Commission as forwarded by Emperius Mining Company. Mr. B. T. Poxon, Chairman, Board of Directors, has informed the Commission, in part, as follows:

> "As the only major shipper of outgoing railroad freight, whose main mining and milling plants and officers are located in Creede, Colorado, we have no objection to the railroad discontinuing the services of their agent at the Creede Station.
>
> "We have been advised by representatives of the Railroad, that with reduced costs, due in part to savings in not being compelled to maintain a station agent at Creede and the infrequent train trips required by our Company, that with the anticipated annual shipments of freight from the Creede Branch, the railroad will be able to maintain a balanced operation and that there was no thought of filing an application for the abandonment of this branch."

In its further investigation of the instant matter, the Commission has ascertained the following data which is recounted herewith as factual background relative to the whole situation:

Creede is the western terminal of Applicant's branch line serving for a distance of some 69 miles from Alamosa through Monte Vista, Del Norte, and South Fork. Principal occupation in this

mountainous region is summer livestock grazing and the mining of silver, lead and zinc ores. Livestock movement is seasonal during spring and fall, and largely handled through the siding station of Wasson at 2.6 miles east of Creede.

For many years past, the major mining work has been carried on by the Emperius Mining Company, which also operates its own mill and produced an average of 16 cars of lead and zinc concentrates per month. Other individuals and small exploration operators have also made ore shipments that averaged up to eight cars per month. Coal is the principal incoming shipment and has averaged one carload per month. In handling the Creede business, only two trains per month were required, or a train every two weeks consisting of six to ten cars each way.

In May, 1958, the Emperius Mining Company suspended its mining operations due to the reduced prices being paid for lead and zinc metals. The railroad shipments were terminated by the Mining Company and the application of the Railroad to reduce expenses by withdrawal of the Agent was filed August 21, 1958. The change in operating revenues is reflected by the following station data:

CREEDE STATION REVENUE

1958 Month	L.C.L. Revenue	Carloads No.	Carloads Revenue	Total Revenue
April	$96.50	16 Out	$6,072.76	$6,169.26
May	90.82	16 Out	7,200.00	
*		3 In	451.37	7,742.19
June	57.86	1 Out	397.64	
		6 In	881.39	1,336.89
July	78.32	0 Out	--	
		10 In	1,274.85	1,353.17
August	370.38	0 Out	--	
		3 In	420.08	790.46

*--Mine shut-down in May.

In September, 1958, Emperius Mining resumed its operations on a two-shift basis and is now planning for full three shifts per day. Meanwhile, the regular Agent moved to Del Norte where a vacancy occurred due to retirement, and the Creede Agency is now being handled by a low seniority man under the railroad system of work distribution.

In order to maintain the Agent at Creede, the "Out-of-Pocket" expense at the station each month is generally: Agent's salary, $390.00; Water and Lights, $5.00; Telephone, $8.00; Fuel, $10.00; amounting to $413.00, or approximately $5,000.00 per year. Agent has been on duty from 9:00 A. M. to 6:00 P. M. daily, except Saturday and Sunday.

On the Staff inquiry, the Commission investigator reported personal interviews as held with nine different people in Creede and representing County Officials, the Railroad Agents, Service Station operator and drug, grocery and hardware merchants. It appears that all persons contacted were agreed that the railroad was absolutely necessary as a means of maintaining the town, since the availability of rail service offered a major inducement in the promotion of future mining activity.

A typical report to reflect the attitude of the above residents is noted in the remarks of E. D. McClure, Manager of Tomkins Hardware: Coal and merchandise for the Hardware Store is received by rail and as a businessman, Mr. McClure admits the unfairness of asking the Railroad to keep an Agent at the station for two days of work per month.

Important also in our consideration of the instant matter are the reported comments of Mr. Birdsey, County Treasurer, to the effect: (a) That the Railroad pays taxes of $25,000 per year to Mineral County; that this amount is about one-third of the Total Tax Revenue. (b) That he originally protested because of wrong information indicating that the rail line was to be removed as a part of station closing. (c) That County officers take the position that maintenance of the station is an unnecessary expense which can be eliminated and the resulting saving of some $5,000.00 per year can then be applied to taxes and be a greater benefit to the community than the Agent's Wages, since the Agent pays no property taxes, lives in the station building, and city purchases are limited.

From an operating standpoint, we have determined that there is no passenger service on the Creede line and there is no regularity of schedules for freight movement other than a tentative understanding to move Emperius carloads when empty cars are required, or an average of two movements per month. Further, with only the single train operating on the line, there is no necessity to transmit Train Orders for the control of trains and Western Union telegrams are handled by telephone to Del Norte. Hence, the Agent's duties are further reduced and simplified.

In its further investigation, the Commission has secured a clarification from Rio Grande relative to the proposed handling of the following matters if the Agent is removed:

(a) L. C. L. merchandise movement:
The present substituted truck service of Mr. A. J. Burwick, Del Norte, Colorado, doing business as Creede Bus and Freight Line, will be continued. Mr. Burwick has arranged with Rio Grande to lease the Creede Depot building and use the building for storage of L. C. L. shipments and accommodation to people residing out of Creede. Added custodian arrangements have been made by Mr. Burwick, whereby the proprietor of a local store near the depot (Mr. Casey) is to have the keys to the Depot building and he will be available during the regular business hours.

(b) Carload billing or ordering of cars:
Shippers in the Creede area may order cars by telephone from the Agent at Alamosa. Expense of such telephone calls will be accepted by Rio Grande.

(c) Western Union telegrams:
Receipt or forwarding of telegrams is business that Western Union handles by telephone through an independent office at Del Norte.

(d) Railway Express merchandise:
Volume of this business has been small and plans are being made by Railway Express Agency, Inc., to arrange with Mr. Casey for local handling.

In now summarizing our Investigation and Suspension of the proposed Agent withdrawal at Creede, it appears that controlling protests have been withdrawn; that there is agreement in the community

to the extent that continuation of the Agent's services creates an unnecessary expense, and that elimination thereof will offer a saving to Rio Grande which can be applied toward the continuing operation of the line. We note Rio Grande agreement to accept telephone expenses related to carload business and that L. C. L. storage and availability has been planned for.

We have long recognized that billing of carload shipments at a station other than the point of origin or destination is a routine railroad practice. With the operation of only a single train on this line, the matter of operating safety is the immediate responsibility of the Train Crew and the presence or absence of a Creede Agent is not a factor. In the instant matter, we are also aware that Station Revenue cannot be restricted to maintenance of the station, but is also required to pay the other costs of train operation, maintenance of track, equipment and payment of taxes.

It appears then that all questions have been resolved concerning the public convenience and necessity as related to the services of an agent at Creede, and we are now unable to see any necessity for further deliberation or hearing. Therefore, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of an Agent at the Creede Station, Creede, Colorado.

That the public convenience and necessity in the Creede area can be adequately served by other agency stations.

That the requested agency withdrawal is compatible with the public interest, and that the anticipated station savings will offer an economic gain to Rio Grande and thereby foster continued operation of the line.

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

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Denver & Rio Grande Western Railroad Company, be, and it hereby is, authorized to withdraw its Agent from the station at Creede, Mineral County, Colorado, and to thereafter maintain same as a pre-pay or non-agency station.

That reference shall be made to this decision in the affected tariff schedules to show the closing of said station and as authority for such action.

That in the absence of an Agent at the Creede station, The Denver & Rio Grande Western Railroad Company shall:

(1) Accept the expense of telephone charges between the Creede area and Alamosa, Colorado, relative to ordering cars, billing carload shipments, and related handling of railroad business.

(2) Offer appropriate assistance for the handling of L.C.L. and Railway Express shipments in substituted service as currently proposed in the leasing of the Depot facilities.

That the Commission shall retain jurisdiction in the matter to make such further orders as may be required.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rigas

Ralph C. Horton

Allen E. Ludwig

Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1959.

ea

original

(Decision No. 51647)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RUSSELL DIONISIO AND JACK DIONISIO, ROUTE 2, BOX 231, PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO JACK DIONISIO, RURAL ROUTE 1, BOX 312, PUEBLO, COLORADO.	PUC. NO. 2557-I-Transfer

January 29, 1959

S T A T E M E N T

By the Commission:

Heretofore, Russell Dionisio and Jack Dionisio, co-partners, Pueblo, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, on call and demand, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2557-I issue to them.

Said certificate-holders now seek authority to transfer said operating rights to Jack Dionisio, said Russell Dionisio 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 Russell Dionisio and Jack Dionisio, co-partners, Pueblo,

Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2557-I to Jack Dionisio, Pueblo, Colorado, said Russell Dionisio being hereby authorized to withdraw from said partnership.

That transfer of operating rights herein authorized shall be subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to 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 J. Nigro
Ralph C. Hoban
Allen E. Zulauf
Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1959.

mls

original

(Decision No. 51648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF KITIMAT CORPORATION, 5400 COLORADO BOULEVARD, DENVER, COLORADO.)

PERMIT NO. B-5382

January 29, 1959

S T A T E M E N T

By the Commission:

On April 28, 1958, the Commission entered its Decision No. 50154, authorizing the above-styled permittee to suspend operations under Permit No. B-5382 until October 1, 1958.

The Commission is now advised by Edward L. Reilly, representing said permittee, that through an oversight, request was not made prior to October 1, 1958 for reinstatement of said operating rights, as was the intention of said permit-holder. Request for reinstatement of Permit No. B-5382 is now made.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, inasmuch as permittee has met all requirements of the Commission regarding operations as a private carrier by motor vehicle for hire.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5382 should be, and the same hereby is, restored to active status, nunc pro tunc, as of October 1, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1959.
mls

original

(Decision No. 51649)

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KANSAS-NEBRASKA NATURAL GAS COMPANY, INC., STERLING, COLORADO, FOR AN ORDER AUTHORIZING ISSUE AND SALE OF DEBENTURES.

APPLICATION NO. 16823-Securities

January 30, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, and James D. Conway, Esq., Hastings, Nebraska, and Elmer J. Jackson, Esq., Hastings, Nebraska, 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 the above captioned application filed on January 12, 1959, the Kansas-Nebraska Natural Gas Company, Inc., a corporation, authorized and doing business in Colorado, seeks an Order from the Commission, pursuant to Section 115-1-4, C. R. S. 1953, authorizing it to issue and sell Sinking Fund Debentures, 5-1/4% Series, due 1979, in the principal amount of $4,000,000. These debentures are to be sold to private purchasers for cash equal to the principal amount, plus accrued interest thereon from February 1, 1959, to date of delivery.

A public hearing was held at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, after appropriate notice, on January 23, 1959, at 10:00 o'clock A. M., and, at the conclusion thereof, the matter was taken under advisement by the Commission.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

The applicant is incorporated under the laws of the State of Kansas, with its principal place of business in Phillipsburg, Kansas, and is properly qualified to do business in the State of Colorado.

The applicant is directly engaged in the public utility business in the States of Kansas, Nebraska, and Colorado, and is a natural gas utility, transporting and distributing natural gas from and in the States of Kansas, Nebraska and Colorado. In Colorado, pursuant to certificates of public convenience and necessity issued by this Commission, Applicant distributes natural gas at retail in the Towns of Akron, Eckley, Fleming, Haxtun, Holyoke, Iliff, Julesburg, Otis, Ovid, Paoli, Wray, and Yuma, and in the rural areas adjacent to its pipe lines in Washington, Logan, Phillips, Sedgwick, and Yuma Counties, Colorado, and in Weld County for pumping oil; Applicant also delivers gas to the town border stations of the Towns of Sterling and Atwood for distribution therein by Iowa Electric Light and Power Company.

The evidence shows that the applicant has heretofore executed and delivered a certain Indenture dated February 1, 1948, and proposes to execute a Supplemental Indenture thereto dated February 1, 1959, to the Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois, as Trustee, which will authorize the issuance of said debentures. In accordance with the terms of the Indenture and Supplemental Indenture, it is contemplated that the debentures of applicant in the aggregate principal amount of $4,000,000 will be issued under and in accordance with the terms of said Indenture and Supplemental Indenture.

From the evidence, it appears that the Company has incurred

short-term bank loans for the construction, completion, extension and improvement of Applicant's public utility facilities during 1958 and will incur other obligations for similar facilities during 1959, and that the proceeds of the debentures will be partly used to retire said short-term loans in the amount of $2,850,000, and the remainder, together with operations and working capital, will be used to complete the 1959 construction program of the Company.

There were introduced in evidence in these proceedings, exhibits which include (1) Statement of Construction and Financing for 1948 and 1959; (2) Actual Balance Sheet as of November 30, 1958, and pro-forma balance sheet, after giving effect to new construction, financing, and cash generated from operations; (3) Earnings Statement for the twelve months ending November 30, 1958; (4) Plant and Property Account as of November 30, 1958; (5) Summary Basis of application and ratios of Funded Debt to Capital; (6) Resolutions of the Board of Directors of the Company, authorizing the debenture issue and this application; (7) Detail of expenses in connection with issuance of new debentures; (8) Copy of Supplemental Indenture, dated February 1, 1959; (9) Copy of purchase agreement dated January 20, 1959 covering these debentures; (10) List of purchasers of debentures. The above-named exhibits, which are respectively Exhibits 1 through No. 10 in these proceedings, are hereby made part of this Statement, by reference.

From the evidence, it further appears that after giving effect to the issuance of $4,000,000 Sinking Fund Debentures, 5-1/4% Series due 1979, as herein applied for, the aggregate principal amount of funded indebtedness of the Company which will be outstanding after the issuance of said debentures will not exceed 52.1% of the total capital structure of the Company.

From the evidence submitted in support of the application,

it is evident that the earnings available for the interest on the debentures of the Company and other funded debt of the Company will be adequate, and further that the amount of outstanding funded indebtedness of the Company, as compared with the total capitalization of the Company, is not excessive.

The annual sinking fund requirements of the $4,000,000 Sinking Fund Debentures, 5-1/4% Series due 1979, will be the annual amount of $100,000 per year for the years 1960 to 1970, inclusive; $225,000 per year for the years 1971 to 1974 inclusive; and $400,000 per year for the Years 1975 to 1979 inclusive; that the Debentures are redeemable on any date prior to maturity, from time to time on notice and in the manner provided for in the Supplemental Indenture dated February 1, 1959, at a premium of 5.25% for the period ending February 1, 1960, and with a gradual reduction each year thereafter in the amount of either .27% or .28% each year, to and including February 1, 1979, together with interest thereon to the date of redemption, provided, however, that during the period ending February 1, 1964, no debenture of this series can be redeemed (other than for sinking fund purposes) from monies borrowed by Applicant at an interest cost of less than 5-1/4%.

The Applicant's witness testified that the negotiations for the private sale of the Sinking Fund Debentures, 5-1/4% Series due 1979, were made by Dean Witter and Company of Chicago, Illinois, an investment and brokerage company. Purchasers and commitments are as follows:

Aetna Life Insurance Company	$2,000,000
The Connecticut Mutual Life Insurance Company	500,000
The Lincoln National Life Insurance Company	1,000,000
Equitable Life Insurance Company of Iowa	500,000
Total - - - - -	$4,000,000

The expenses to be incurred in the sale of the Debentures are estimated by the Applicant to be $39,900, of which $28,000 is for the agency fee of Dean Witter and Company for its services and the fee of Purchasers' counsel. Total expense equals approximately .9975% of the $4,000,000 issue.

The Applicant's witness testified that $3,810,085 had been and will be spent in the Years 1958 and 1959 in Colorado, for the purchase and construction of plant facilities, and that for purposes of determining the fee for the issuance of a certificate authorizing the Debentures, the amount was estimated and considered to be $391,494.

F I N D I N G S

THE COMMISSION FINDS:

That the Applicant, Kansas-Nebraska Natural Gas Company, Inc., a Kansas Corporation, is a public utility as defined in Section 115-1-1, C. R. S. 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 foregoing Statement is made a part of these Findings, by reference.

That the proposed issue and sale by the applicant of $4,000,000 principal amount of Sinking Fund Debentures, as hereinabove set forth, for the purposes of providing funds for construction, completion, extension, and improvement of facilities, and for the lawful refunding of the presently outstanding short-term obligations of the Company, are consistent with, and permitted by, the provisions of Chapter 115, Colorado Revised Statutes, 1953, and not inconsistent with the public interest and the purpose or purposes thereof.

That the issuance by the Company of the Sinking Fund Debentures proposed to be issued as hereinabove set forth is reasonably re-

quired and necessary for its corporate financing and for the repayment of its indebtedness, as aforesaid.

O R D E R

THE COMMISSION ORDERS:

1. That Kansas-Nebraska Natural Gas Company, Inc., be, and it hereby is, authorized and empowered to issue $4,000,000 principal amount of Sinking Fund Debentures, 5-1/4% Series due 1979, as authorized by the Indenture dated February 1, 1948, and the Supplemental Indenture dated February 1, 1959, to the Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois, as Trustee, hereinabove described, and to sell such Sinking Fund Debentures to private purchasers for a sum equal to the principal amount of the debentures, plus accrued interest thereon from February 1, 1959, to date of delivery, in accordance with the terms and provisions of forms of purchase agreements dated January 20, 1959, Exhibit 9 of these proceedings.

2. That each security issued by the applicant, as proposed, shall bear a distinguishing number which may consist of "Colo. Pub. Util. Comm. No. 16823."

3. That applicant be, and it is hereby, authorized to use and apply the proceeds derived from the issuance and sale of said Sinking Fund Debentures for the construction, completion, extension, and improvement of the facilities of the applicant, and for the lawful refunding of the presently-outstanding short-term obligations of the applicant.

4. That the applicant is hereby authorized to take such steps, actions, and proceedings as may, in conformity with applicable laws and regulations, be necessary, incidental, or appropriate to the full accomplishment of the transactions and each of them, hereinabove authorized.

5. That the applicant shall make a certified report to the

Commission not later than three months after the sale of the securities heretofore authorized, stating the moneys received therefrom and in detail expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of the Company as a result of the consummation of the financing as before provided.

6. That applicant be, and it hereby is, authorized, in reflecting in its accounts the consummation of the financing outlined above, to make and record the proper accounting entries in accordance with the Uniform System of Accounts for Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission.

7. That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to said Sinking Fund Debentures 5-1/4% Series due 1979, on the part of the State of Colorado.

8. That the Commission retains jurisdiction of this proceeding to the end that it may make such further order in the premises as to it may seem to be proper and desirable.

That the authority granted herein shall be authorized from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

/ Joseph T. Rigio

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1959.

mls

(Decision No. 51650)

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 WIDEN THE EXISTING HIGHWAY-RAILROAD GRADE SEPARATION STRUCTURE AT MILEPOST 5.46 OF THE FORT COLLINS SUBDIVISION OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, AT INTERSECTION WITH STATE HIGHWAY NO. 1 (U. S. 287) SITUATED IN SECTION 5, TOWNSHIP 3-SOUTH, RANGE 68-WEST, SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, STATE OF COLORADO.	APPLICATION NO. 16732

January 30, 1959

Appearances: Joseph M. Montano, Esq., Denver, Colorado, for Applicant;
J. L. McNeill, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with the Commission on November 13, 1958, and was thereafter set to be heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on January 5, 1959. Appropriate notice of said hearing was forwarded to the principal parties; to adjacent property owners, and to the Chairman of the Board of Adams County Commissioners.

At the request of an adjacent property owner the hearing date was vacated, and was later re-set for January 19, 1959, at which time the matter was heard by the Commission and taken under advisement.

Purpose of the application is to secure Commission approval for the widening of an existing highway overpass structure on North

Federal Boulevard and crossing the Colorado & Southern single main-line approximately two miles north from the City of Denver north City Limit line. At the hearing, the following exhibits were received after explanatory testimony, as given by Mr. E. L. King, Assistant to the Plans & Surveys Engineer of the Department of Highways, at Denver, Colorado.

Exhibit A: Prepared statement of Mr. King regarding the highway construction project and explaining further details of: Agreements, approvals, road involved, need for improvement, manner of construction, safety protection, and estimate of costs of the bridge widening.

Exhibit B: Composite drawing sheet to show bridge location, approach grades, proposed widening dimensions and vertical and horizontal clearances.

Exhibit C: Agreement dated October 21, 1958, between Department of Highways and Colorado & Southern Railway Company regarding location, construction, insurance protection, costs and maintenance.

Mr. King explained that the present bridge was constructed in 1933, and provides a traffic-way that is 40 feet wide between the curbs. Due to the continuing increases in motor vehicle traffic in this portion of the metropolitan Denver area, it has become necessary to widen the existing highways. The instant highway project will provide a roadway section 84 feet in width, shoulder-to-shoulder, which necessitates widening the bridge structure 15 feet each side, for a total curbed width of 70 feet, allowing for a 28-foot traffic-way each direction separated by a 14-foot median. Due to traffic volume the Department could not condone anything other than a grade separation.

According to Mr. King, the new construction will match present bridge construction in all respects except that new handrails will be steel rather than concrete. Portions of the present bridge to be removed include handrails, curbs and that portion of deck outside of "cut" line, which is along a line 20 feet from center-line of existing structure. Reinforcing steel extending beyond the

"cut" line will be used for splicing when the widened portion is added. Tops of present wing-walls are to be removed to top of parapets, holes drilled, and adequate dowels grouted in. Abutments are to be rebuilt and extended and a new line of outside piers are to be constructed each side. During construction, highway traffic will continue to use the present structure under customary construction signing control.

All horizontal and vertical clearances inherent in the present structure will be maintained. These are 23'0" vertical above top of rail, and 17'10" each side of track centerline to face line of inside piers. These dimensions are in excess of the Commission Specifications of 22'6" vertical and 8'6" horizontal.

Under the terms of the Agreement herein, all costs of the proposed construction will be paid by the Department of Highways. Estimated cost for widening of the bridge is $51,474.00, excluding Railway Force Account work, right-of-way costs and engineering. The Railway Company shall be fully reimbursed for all actual expenses resulting from work performed by rail forces to meet Department needs in building the project. Upon completion of the new work, the Department assumes maintenance of the whole structure. The railroad will maintain only its roadbed, track and related appurtenances. The project including the instant bridge improvements, has been authorized by the State Highway Commission; approved by the U. S. Bureau of Public Roads; Chief Engineer, Department of Highways, and appropriate officials of the Colorado and Southern Railway Company.

It appears that the proposed widening should be approved since there has been a bridge at this location for many years past, and the proposed improvements will not create a new situation. The portions of the bridge to remain were reported to be in good condition by Mr. King, and the new work is to duplicate the existing construction. No objections to the proposed work have been received by the Commission, and none was offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require the proposed widening of the highway overpass structure on State Highway No. 1 at Colorado & Southern Railway Mile Post 5.46 (Fort Collins Branch), together with the continued operation and maintenance of the whole structure; all as set forth and described in the preceding Statement, which Statement, by reference, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That authority and approval is hereby granted for widening of the existing highway overpass structure on State Highway No. 1 (U. S. No. 287), at Colorado & Southern Railway Mile Post 5.46 (Fort Collins Subdivision) and located in Section 5, Township 3-South, Range 68-West, Sixth Principal Meridian, Adams County, Colorado.

That the work to be done, method of payment, costs, installation, maintenance, and all other details shall be in accordance with the preceding Statement and Exhibits A, B, and C, all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hoban

Dwight Arrington

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1959.

ea

(Decision No. 51651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT HUGH NEUMANN, BOX 35, WINTER PARK, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16081-PP SUPPLEMENTAL ORDER

January 30, 1959

Appearances: Robert Hugh Neumann, Winter Park, Colorado, pro se.

S T A T E M E N T

By the Commission:

On September 15, 1958, the Commission entered its Decision No. 50925, revoking operating rights granted to the above-styled applicant by Decision No. 49737, of date March 3, 1958, for failure of said applicant to comply with requirements set forth in said Decision No. 49737.

It now appears that applicant has complied with all requirements set forth in Decision No. 49737, and requests re-instatement of operating rights granted by said decision.

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. 50925, of date September 15, 1958, should be, and the same hereby is, set aside, vacated, and held for naught, as of said 15th day of September, 1958, and operating rights heretofore granted to the above-styled applicant by Decision No. 49737, of date March 3, 1958, should be, and hereby

are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Eagle

Ralph S. Hoskin

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1959.

ea

Original

(Decision No. 51652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE COLORADO AND WYOMING TELEGRAPH COMPANY, A COLORADO CORPORATION, CONTINENTAL OIL BUILDING, DENVER, COLORADO, TO ABANDON ITS COLORADO INTRASTATE TELEGRAPH SERVICE.	APPLICATION NO. 16834

January 30, 1959

S T A T E M E N T

By the Commission:

Pursuant to Rule No. 24 of the Rules of Practice and Procedure Before the Public Utilities Commission of Colorado, The Colorado and Wyoming Telegraph Company, by its attorneys, on December 17, 1958, filed a notice with this Commission, signifying its intent to discontinue all Colorado intrastate telegraph service supplied by said Company, the proposed abandonment of service to become effective January 31, 1959, unless otherwise ordered by the Commission.

The Colorado & Wyoming Telegraph Company is a subsidiary of the Colorado Fuel & Iron Corporation, and was originally established in 1910 prior to the passage of the Public Utilities Act, to provide telegraph service to communities among the mines, plants and facilities of its parent company. The Telegraph Company has been rendering service for the parent company and another subsidiary of the parent company, the Colorado and Wyoming Railroad Company, and occasionally for the employees of said companies in the States of Colorado and Wyoming. The Telegraph Company is interconnected with Western Union Telegraph Company and has telephone connections with the Mountain States Telephone and Telegraph Company. In Colorado, the Telegraph

Company now has offices at Denver, Pueblo, Valdez (Frederick Mine), Segundo, and the Allen Mine. The last three-named offices are located west of Trinidad, Colorado, in Las Animas County. If this abandonment is permitted, the Telegraph Company will be dissolved and all lines and facilities of the Company will be dismantled and all of its assets will be distributed under the dissolution proceedings to the stockholders. Future telegraph business will be handled through the Western Union Telegraph Company.

In the Year 1957, the parent company the CF&I, and the Colorado and Wyoming Railroad Company, its subsidiary, accounted for 99% of the total business of the Telegraph Company. The employeees of the parent company and the subsidiary accounted for the balance of the business. At Valdez and Segundo, these employees' telegrams are transmitted by the facilities of the Colorado and Wyoming Telegraph Company to Trinidad, Colorado, where they enter the Western Union system. In 1957, the base tolls on these telegrams sent by employees amounted to approximately $12.00 at Valdez and $10.00 at Segundo. By agreement with Western Union Telegraph Company, Applicant retains 44.77% of these tolls. No employee telegraph business is transacted at the Allen Mine.

Also in compliance with Rule 24, the Colorado and Wyoming Telegraph Company, on January 21, 1959, filed an affidavit with the Commission, stating it had complied with the provision of said rule by posting a notice of the proposed abandonment on December 22, 1958, in a conspicuous public place in the following offices of the Company located in Colorado.

1. Denver General Office: 536 Continental Oil Building, Denver, Colorado.

2. Pueblo General Office: Main Office of The Colorado Fuel and Iron Corporation, Pueblo, Colorado.

3. Segundo Office: The Colorado and Wyoming Railroad Company Depot, Segundo, Colorado.

4. Valdez Office: Frederick Mine Office, Valdez, Colorado, and Colorado Supply Division, Valdez, Colorado.

No one has protested to the Commission regarding the proposed abandonment of the telegraph service, and it is apparent that there is no further need of said service. Substitute service is available and can be utilized by customers who formerly availed themselves of the service provided by the Colorado and Wyoming Telegraph Company.

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 hereof, by reference.

That the Colorado and Wyoming Telegraph Company should be permitted to abandon its Colorado intrastate telegraph service and to dismantle its facilities and to dissolve the Company according to the laws of the State of Colorado.

That within five (5) days of the effective date of this Order, The Colorado and Wyoming Telegraph Company should file its Colorado P.U.C.Tariff No. 15 cancelling its Colorado P.U.C.Tariff No. 14.

That Colorado P.U.C.Tariff No. 15 should show on its face the authority for the filing of said tariff, the application number, decision number, and date of the Commission's Order permitting said cancellation of the tariff and abandonment of service.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity no longer require Colorado intrastate telegraph service by the Colorado and Wyoming Telegraph Company, and it is, hereby, permitted to abandon said service on or after January 31, 1959.

That within five (5) days of the effective date of this Order, the Colorado and Wyoming Telegraph Company shall file with this Commission its Colorado P. U. C. Tariff No. 15 cancelling its Colorado P. U. C. Tariff No. 14, and stating thereon the authority

for said cancellation.

That this Order shall become effective on January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hogue

Douglas C. Hudson

Allen G. Zullinger

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1959.

ea

(Decision No. 51653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN B. ABLE, DOING BUSINESS AS "MONTEZUMA TRUCK LINE," DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER TO W. F. CHRISTENSEN, 305 EAST BROADWAY, FARMINGTON, NEW MEXICO, A PORTION OF PUC NO. 360.	APPLICATION NO. 16786-Transfer
IN THE MATTER OF THE APPLICATION OF JOHN B. ABLE, DOING BUSINESS AS "MONTEZUMA TRUCK LINE," DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 848 TO W. F. CHRISTENSEN, 305 EAST BROADWAY, FARMINGTON, NEW MEXICO.	APPLICATION NO. 16787-Transfer

SUPPLEMENTAL ORDER

January 29, 1959

Appearances: Marion F. Jones, Esq., Denver, Colorado, for Applicants; Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc., as his interest may appear.

S T A T E M E N T

By the Commission:

On January 9, 1959, the Commission entered its Decision No. 51520 in the above-styled applications, authorizing transfer of a portion of PUC No. 360, and PUC No. 848, from John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado, to W. F. Christensen, Farmington, New Mexico.

On January 19, 1959, the Commission issued its Supplemental Order in said matters, being Decision No. 51593, amending said Decision No. 51520, clarifying transferred operating rights under PUC No. 360, and operating rights retained by transferor under said PUC No. 360.

On January 29, 1959, "Petition of Rehearing of Decisions Nos. 51520 and 51593" was filed herein by McKelvey and McKelvey, Attorneys for J. H. Strahan, individually, and doing business as "Durango Transfer and Storage Company."

The Commission has reviewed the evidence adduced at the hearing on said applications, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion that said Petition should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing, filed herein on January 29, 1959, should be granted, said rehearing to be held at a future date to be determined by the Commission, with notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed herein by J. H. Strahan, individually, and doing business as "Durango Transfer and Storage Company," by McKelvey and McKelvey, Attorneys, on January 29, 1959, should be, and the same hereby is, granted, said rehearing to be held at a future date to be set by the Commission, with notice to all parties in interest.

That Decisions Nos. 51520 and 51593 should be, and the same hereby are, vacated and set aside.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Kyger

Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1959.

ea

original

(Decision No. 51654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF COLORADO INTERSTATE GAS COMPANY, A CORPORATION, COLORADO SPRINGS, COLORADO.

CASE NO. 5075
SUPPLEMENTAL ORDER

January 29, 1959

Appearances: James L. White, Esq., New York City, New York, and John Fleming Kelly, Esq., Denver, Colorado, for Colorado Interstate Gas Company;
Robert Welborn, Esq., Denver, Colorado, for Colorado Fuel and Iron Corporation;
William T. Secor, Esq., Colorado Springs, Colorado, for Air Force Academy Construction Agency;
John R. Stewart, Esq., La Junta, Colorado, for Citizens Utilities Company;
Anthony L. Mueller, Esq., Denver, Colorado, for The Public Utilities Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

On January 19, 1959, the Commission entered its Decision No. 51598 in the above-styled case.

On January 29, 1959, "Petition for Rehearing" was filed with the Commission in said matter by Colorado Interstate Gas Company, by John Fleming Kelly, its Attorney.

The Commission has reviewed the evidence adduced at the hearing on said case, and has carefully considred Petition for Rehearing filed herein, and each and every allegation thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission in Case No. 5075 by Colorado Interstate Gas Company, by John Fleming Kelly, its Attorney, on January 29, 1959, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Ralph C. Hoban

Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of January, 1959.

mls

(Decision No. 51655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ROBERT F. SULLIVAN, DOING BUSINESS AS "LONGMONT BUS SERVICE," LONGMONT, COLORADO.	PUC NO. 2105 CASE NO. 88180-INS.

January 30, 1959

S T A T E M E N T

By the Commission:

Heretofore, the Commission entered its Order in Case No. 88180-Ins., on December 4, 1958, revoking PUC No. 2105 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that prior to entry of said order of revocation in Case No. 88180-Ins., certificate-holder had requested authority to suspend operations under said PUC No. 2105, but through an oversight in the office of the Commission, said request was not acted upon.

Said certificate-holder now requests that said operating rights be reinstated, and that he be authorized to suspend operations thereunder, nunc pro tunc, as of August 5, 1958.

F I N D I N G S

THE COMMISSION FINDS:

That said requests should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That revocation order entered by the Commission on December 4, 1958, in Case No. 88180-Ins., revoking PUC No. 2105, should be, and the same hereby is, vacated, set aside, and held for naught.

That Robert F. Sullivan, doing business as "Longmont Bus Service," Longmont, Colorado, should be, and he hereby is, allowed to suspend operations under PUC No. 2105, nunc pro tunc, from August 5, 1958 to February 5, 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 operations, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F Nigro

Ralph C Hahn

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1959.

ea

Original

(Decision No. 51656)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. L. BRYANT, DOING BUSINESS AS "BRYANT TRANSFER," 924 WEST OAK STREET, FORT COLLINS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16493 SUPPLEMENTAL ORDER

February 3, 1959

Appearances: Waldo Riffenburgh, Esq., Fort Collins, Colorado for Applicant;
Chirstensen and Cross, Esqs., by Robert C. Christensen, Esq., Loveland, Colorado, for Denver-Loveland Transportation, Orion M. Sutton;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc.;
Fred R. Drager, Fort Collins, Colorado, for Drager Transfer and Storage Company;
Roy Carpenter, Fort Collins, Colorado, for Ted Carpenter and Son.

S T A T E M E N T

By the Commission:

On January 15, 1959, the Commission entered its Decision No. 51548, revoking operating rights granted to the above-styled applicant by Decision No. 50770, of date August 14, 1958, for failure of applicant to comply with requirements set forth in said Decision No. 50770.

It now appears that applicant has complied with all requirements set forth in Decision No. 50770, and requests reinstatement of operating rights granted by said decision.

F I N D I N G S

THE COMMISSION FINDS:

That said requests should be granted.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 51548, of date January 15, 1959, should be, and the same hereby is, set aside, vacated, and held for naught, as of said 15th day of January, 1959, and operating rights granted to the above-styled applicant by Decision No. 50770, of date August 14, 1958, should be, and hereby are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1959.

ea

original

(Decision No. 51657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE MOORMAN, 6801 LEYDEN, DERBY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16691-PP

February 3, 1959

Appearances: George Moorman, Derby, 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 silage, sugar beets, grain, and all farm produce (excluding livestock), from farms and ranches within the State of Colorado, to loading and storage points within a radius of twenty-five miles of said farms and ranches.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 13, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceeding to the Commission.

Report of said Examiner states that at the hearing, appli-

cant requested leave to amend his application to show the radius of operation as "fifty miles of Derby, Colorado." There being no objection thereto, said amendment was allowed.

Report of the Examiner further states that at the hearing, applicant testified he has had many requests for his proposed service; that he is the owner of a 1952 two-ton Studebaker dump truck, which he will use in the conduct of his proposed operations; that he has a net worth of $3,000; that if authority herein sought is granted, he will obey the rules and regulations of 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 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 George Moorman, Derby, 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 silage, sugar beets, grain, and all farm produce (excluding livestock), from farms and ranches within the State of Colorado, to loading and storage points within a radius of fifty miles of Derby, 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 F. Hogan

Joseph C. Hoban

Alvin E. Gullego

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1959.

mls

(Decision No. 51658)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM BROCKMAN, BENNETT, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 16801-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

February 3, 1959

Appearances: Tom Brockman, Bennett, 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:

By the above-styled application, Tom Brockman, Bennett, Colorado, 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, January 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 13, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 of a T-800 Ford, with an eight-yard box; that he owns his home, and has a net worth of $20,000; that he has had received numerous requests for his proposed service; that he is presently operating under Temporary Authority issued by this Commission; that if authority herein sought is granted, he agrees to limit the type of equipment used, when transporting road-surfacing materials, to dump trucks.

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 operation serving 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 the same hereby is, approved.

That Tom Brockman, Bennett, 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 under authority herein granted 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 F. Riggs

Ralph C. Hanson

Lucy H. Galeucia

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1959.

mls

(Decision No. 51659)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FREDERICK O. KOBERNICK)
700 EAST NICHOLS BOULEVARD)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-12633
)
)

February 4, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frederick O. Kobernick, Colorado Springs, Colorado requesting that Permit No. M-12633 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12633, heretofore issued to Frederick O. Kobernick, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 27, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank E. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 1959.

ds

(Decision No. 51660)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD B. HAUGEN)
700 EAST NICHOLS BOULEVARD)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-12811
)
)

February 4, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard B. Haugen, Colorado Springs, Colorado requesting that Permit No. M-12811 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12811, heretofore issued to Howard B. Haugen, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 27, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 4th day of February, 1959.
ds

(Decision No. 51661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND R. WILLIAMS, DOING BUSINESS)
AS, "FRUITA READY MIX")
1212 NORTH 16TH.) PERMIT NO. M-9096
GRAND JUNCTION, COLORADO.)
)

February 4, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Raymond R. Williams, Dba Fruita Ready Mix, Grand Junction, Colorado requesting that Permit No. M-9096 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9096, heretofore issued to Raymond R. Williams, Dba Fruita Ready Mix, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective February 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 195 9.

ds

(Decision No. 51662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH E. RADCLIFF, DOING BUSINESS AS)
"J-R TRUCK LINE")
POST OFFICE BOX 218,) PERMIT NO. M-6733
YORK, NEBRASKA.)
)

February 4, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph E. Radcliff, Dba J-R Truck Line, York, Nebraska requesting that Permit No. M-6733 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6733, heretofore issued to Joseph E. Radcliff, Dba J-R Truck Line, York, Nebraska be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 4th day of February, 1959.
ds

(Decision No. 51663)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH E. RADCLIFF, DOING)
BUSINESS AS, "J-R TRUCK LINE") PUC NO. 3122-I
POST OFFICE BOX 218, YORK, NEBRASKA.)

February 4, 1959

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. 3122-I be suspended for six months from December 31, 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 Joseph E. Radcliff, Dba J-R Truck Line, York, Nebraska, be, and he is hereby, authorized to suspend his operations under PUC-3122-I until June 30, 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

Joseph F. Negro
Joseph C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 4th day of February 1959.

ds

(Decision No. 51664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
E. F. SIMON)
ROUTE 3, POST OFFICE BOX 21,)
LONGMONT, COLORADO.) PERMIT NO. M-2086
)
)

February 4, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. F. Simon, Longmont, Colorado requesting that Permit No. M-2086 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2086, heretofore issued to E. F. Simon, Longmont, Colorado be, and the same is hereby, declared cancelled effective January 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 4th day of February, 195 9.

ds

(Decision No. 51665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PAUL R. MAEZ)
726 ELM STREET,)
LEADVILLE, COLORADO.) PERMIT NO. M-10375
)
)

4 February 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul R. Maez, Leadville, Colorado requesting that Permit No. M-10375 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10375, heretofore issued to Paul R. Maez, Leadville, Colorado be, and the same is hereby, declared cancelled effective December 18, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 4th day of February, 1959.

ds

(Decision No. 51666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS R. PISCITELLA, DOING BUSINESS)
AS, "A. C. PISCITELLA PRODUCE")
C/O A. H. JEWELL, ATTORNEY AT LAW,) PERMIT NO. M-1105
313 FOURTEENTH STREET, DENVER,)
COLORADO.)

---

4 February 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Louis R. Piscitella, Dba A.C. Piscitella Produce, Denver, Colorado requesting that Permit No. M-1105 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1105, heretofore issued to Louis R. Piscitella, Dba A.C. Piscitella Produce, Denver, Colorado be, and the same is hereby, declared cancelled effective January 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 4th day of February, 1959.
ds

(Decision No. 51667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JACK L. BARKER)
134 XAVIER STREET,)
DENVER 19, COLORADO.) PERMIT NO. M-15681
)
)

---

4 February 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jack L. Barker, Denver, Colorado requesting that Permit No. M-15681 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15681, heretofore issued to Jack L. Barker, Denver, Colorado be, and the same is hereby, declared cancelled effective January 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 4th day of February, 1959.

ds

(Decision No. 51668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK L. BARKER)
134 XAVIER STREET,)
DENVER 19, COLORADO.)

PERMIT B-5250

February 4, 1959

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-5250 be suspended for six months from January 19, 1959.

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 Jack L. Barker, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5250 until July 19, 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

Joseph F. Nigro

Jacob C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 4th day of February 1959.

ds

original

(Decision No. 51669)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ELECTRICAL FACILITIES TO SERVE CROKE RESERVOIR.

APPLICATION NO. 16737

February 4, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by Bryant O'Donnell, Esq., Denver, Colorado, for Applicant;
Grant, Shafroth, Toll, Chilson, and McHendrie, Esqs., Denver, Colorado, by Erl H. Ellis, Esq., Denver, Colorado, for Union Rural Electric Association, Inc.;
Paul Brown, Denver, Colorado, and Everett R. Thompson, Denver, Colorado, for the Staff of Commission.

S T A T E M E N T

By the Commission:

This is an application by Public Service Company of Colorado, Denver, Colorado, for authority to extend electric lines and facilities to provide duplicate service to Northwest Utilities Company s Croke Reservoir, located in the SW¼ of the SE¼, Section 15, Township 2-South, Range 68-West, in Adams County, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 29, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant established that Northwest Utilities, which is a utility certificated by this Commission, will require additional pumping capacity for its reservoir, which is located some .7 of a mile from Thornton, Colorado. The applicant proposes to extend a 13-KV line from a present transmission line, located on the border between Townships 1 and 2-South of Range 68-West, between Sections 32 and 35, easterly along Colorado Highway No. 128 (also known as "120th Avenue"), to U. S. Highway No. 87, and southerly along said U. S. Highway No. 87 through Sections 3, 10, and 15, in Township 2-South, Range 68-West.

The construction of this facility will enable the Northwest Utilities Company to secure an alternate source of power, in the event of breakdown. This reservoir is presently served by Public Service Company with a line which is serviced by transmission lines from sources of power from the south. This added facility would assure continuity of service for an important source of water to the City of Thornton, which it is anticipated will continue to register substantial population growth.

The parties to this hearing had previously stipulated, in a pre-hearing conference, that public convenience and necessity dictated the construction of this duplicate service, and public convenience and necessity also actually was established by the evidence.

The only issue presented to the Commission was the necessity of constructing this particular line. Other lines, to be constructed by applicant, to render the same service were proposed by Protestant, which were shorter in length, and which parallel 96th Avenue, one running from the City of Thornton to the pump, and the other running easterly from Federal Boulevard along 96th. Another proposed line would commence at Federal Boulevard and run easterly

along 104th Avenue to Huron Street, and then southerly to 96th Avenue, and easterly to serve this pump.

The testimony of the applicant's principal witness, who is Vice-President of the company, with an impressive engineering background, was to the effect that various factors were considered and weighed in the selection of the proposed line, and that this route was the consensus of engineers in his department. Some of the factors considered by the applicant in selecting this line included the establishment of a second source of power for the pump, eliminatipn of hazards existing on the present line, and a number of other technical factors. One of the factors that weighed heavily in favor of the establishment of the line at the proposed location was the anticipation that the area to be traversed by this proposed line will some day be developed with subdivisions for homes, and that the line thus, in addition to giving alternate service to the Croke Reservoir Pump, would likewise fit into the plan for development of the area.

It is very apparent that the construction of this line in a prospective development area is the chief source of apprehension to the protestants, who also have lines that would serve, if the area were to be developed.

The duties of this Commission go to the ascertainment of public convenience and necessity, and protecting the public on adequate service. The powers of a regulatory Commission such as this have long been recognized and accepted as the reasonable exercise of the police powers of the State. In the exercise of these powers, however, we do not contemplate that this Commission has been vested with the right, or the duty, to encroach upon managerial discretion. It is possible in cases where it is patently obvious that company policy will result in economic waste, which will result in disadvantage to

the customer, that the State, in the exercise of its police power, may take corrective action. However, in the case before this Commission, there is involved purely a judgment factor, based upon well-qualified opinions of experts, and it was conceded by experts who testified on behalf of the protestants that, giving due regard to all considerations weighed by the applicant, the construction of this line would not constitute economic waste.

Obviously, there is fear on behalf of the protestants that the construction of the line as proposed will give applicant some advantage, in the event this area is later developed. As to who shall serve this area when need for service arises is a question which must necessarily be determined under the circumstances at that time.

In view of the uncertainty as to both procedure and development of the area, and giving due regard to the considered opinions of the experts of applicant on a matter which we deem to be one purely of managerial discretion, we are of the opinion that the application should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity dictate the extension of this facility, and that the location thereof is solely within the discretion of applicant utility.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extension of electric lines and facilities of Public Service Company of Colorado, Denver, Colorado, to provide duplicate service to Northwest Utilities Company's Croke Reservoir, located in SW$\frac{1}{4}$ of SE$\frac{1}{4}$ of Section 15, Township 2-South, Range 68-West, Adams County, Colorado, and this Order shall be taken, deemed, and held to be a certificate

of public convenience and necessity therefor.

That service shall be rendered under the applicable rates, rules and regulations of the Public Service Company of Colorado presently 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 L. Rigas

Ramon C. Horton

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1959.

mls

(Decision No. 51670)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DELBERT CLAYTON HARWARD, DOING)
BUSINESS AS, "NORTH SEVIER FUR FARM") PERMIT NO. M-13559
AURORA, UTAH.)
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Delbert Clayton Harward, Dba North Sevier Fur Farm, Aurora, Utah requesting that Permit No. M-13559 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13559, heretofore issued to Delbert Clayton Harward, Dba North Sevier Fur Farm, Aurora, Utah be, and the same is hereby, declared cancelled effective January 21, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of February, 1959.

ds

(Decision No. 51671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
L. T. RICHARDSON, DOING BUSINESS AS,)
"RICHARDSON'S WAREHOUSE")
2016 BLAKE STREET,) PERMIT NO. M-12026
DENVER 5, COLORADO.)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. T. Richardson, Dba Richardson's Warehouse, Denver, Colorado requesting that Permit No. M-12026 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12026, heretofore issued to L. T. Richardson, Dba Richardson's Warehouse, Denver, Colorado be, and the same is hereby, declared cancelled effective January 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1959.
ds

(Decision No. 51672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PAUL BILSING)
930 TAYLOR)
CRAIG, COLORADO.) PERMIT NO. M-6021
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Bilsing, Craig, Colorado requesting that Permit No. M-6021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6021, heretofore issued to Paul Bilsing, Craig, Colorado be, and the same is hereby, declared cancelled effective January 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Joseph C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 5th day of February, 1959

ds

(Decision No. 51673)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEON J. PAYTON)
POST OFFICE BOX 4,)
ROY, NEW MEXICO.) PERMIT NO. M-12122
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leon J. Payton, Roy, New Mexico requesting that Permit No. M-12122 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12122, heretofore issued to Leon J. Payton, Roy, New Mexico be, and the same is hereby, declared cancelled effective January 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1959.

ds

(Decision No. 51674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEON J. PAYTON)
POST OFFICE BOX 4,) PUC NO. 3668-I
ROY, NEW MEXICO)
)

February 5, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leon J. Payton, Roy, New Mexico, requesting that Certificate of Public Convenience and Necessity No. 3668-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. 3668-I, heretofore issued to Leon J. Payton, Roy, New Mexico, be, and the same is hereby declared cancelled effective January 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 5th day of February 1959.

ds

(Decision No. 51675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
R. B. HUNTER)
955 WASHINGTON)
DENVER 3, COLORADO.) PERMIT NO. M-1828
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from R. B. Hunter, Denver, Colorado requesting that Permit No. M-1828 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1828, heretofore issued to R. B. Hunter, Denver, Colorado be, and the same is hereby, declared cancelled effective February 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1959.

ds

(Decision No. 51676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FLORENCE E. PRITCHARD, ADMX. ESTATE OF
TOM PRITCHARD, DOING BUSINESS AS, "TOM
PRITCHARD SIGNS")
230 MINER STREET, IDAHO SPRINGS,) PERMIT NO. M-4824
COLORADO.)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Florence E. Pritchard, Admx. Estate of Tom Pritchard, Dba Tom Pritchard Signs, Idaho Springs, Colorado requesting that Permit No. M-4824 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4824, heretofore issued to Florence E. Pritchard, Admx. Estate of Tom Pritchard, Dba Tom Pritchard Signs, Idaho Springs, Colorado be, and the same is hereby, declared cancelled effective February 7, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of February, 1959.

ds

(Decision No. 51677)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRED A. OSBORN)
2333 EAST MAIN)
CANON CITY, COLORADO.) PERMIT NO. M-7572
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred A. Osborn, Canon City, Colorado requesting that Permit No. M-7572 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7572, heretofore issued to Fred A. Osborn, Canon City, Colorado be, and the same is hereby, declared cancelled effective January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jesse C. Fenton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 195 9.

ds

(Decision No. 51678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL J. WILKINSON)
309 VICTOR AVENUE,)
VICTOR, COLORADO.) PERMIT NO. M-13752
)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Virgil J. Wilkinson, Victor, Colorado requesting that Permit No. M-13752 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13752, heretofore issued to Virgil J. Wilkinson, Victor, Colorado be, and the same is hereby, declared cancelled effective January 29, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Justin C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1959.

ds

(Decision No. 51679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES H. SIMPSON, DOING BUSINESS)
AS, "ARAPAHOE CANDY AND TOBACCO)
COMPANY", 3218 ARAPAHOE,) PERMIT NO. M-15892
BOULDER, COLORADO.)
)

February 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles H. Simpson, Dba Arapahoe Candy & Tobacco Co., Boulder, Colorado requesting that Permit No. M-15892 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15892, heretofore issued to Charles H. Simpson, Dba Arapahoe Candy & Tobacco Co., Boulder, Colorado be, and the same is hereby, declared cancelled effective January 10, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1959.
ds

(Decision No. 51680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MAX ADAMS)
8185 WEST 63RD. PLACE) Permit No. B-5533
ARVADA, COLORADO.)

February 5, 1959

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-5533 be suspended for six months from January 23, 1959.

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 Max Adams, Arvada, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5533 until July 23, 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

Joseph F. Nigro

Raymond C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 5th day of February 1959.

ds

(Decision No. 51681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. R. ANDERSON)
928 FANNIN) PUC NO. 3328-I
AMARILLO, TEXAS.)

February 5, 1959

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. 3328-I be suspended for six months from January 23, 1959.

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 F. R. Anderson, Amarillo, Texas, be, and he is hereby, authorized to suspend his operations under PUC No. 3328-I until July 23, 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

Joseph F. Negro

Raeon C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 5th day of February 1959.

ds

Original

(Decision No. 51682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MAXINE WAYNE, DOING BUSINESS AS "MICKEY'S DRUG DELIVERY," 679 KALAMATH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16552-PP

February 4, 1959

Appearances: Knowles and Shaw, Esqs., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Maxine Wayne, doing business as "Mickey's Drug Delivery," Denver, Colorado, sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of drugs, liquor, and all items handled by Republic Drug Company and Earl Meyer Drug Company, only, between points within the City and County of Denver and a radius of five miles of said City and County of Denver, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 6, 1959, 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 Knowles and Shaw, Attorneys for Applicant herein, stating said applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That hearing of the above-styled application, set for February 6, 1959, should be vacated, and said application dismissed, as requested by

Attorneys for Applicant herein.

O R D E R

THE COMMISSION ORDERS:

That hearing of Application No. 16552-PP, presently set for February 6, 1959, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, should be, and hereby is, vacated.

That said Application No. 16552-PP should be, and the same hereby is, dismissed, as requested by 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

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 4th day of February, 1959.

mw

(Decision No. 51683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR W. JESSEN)
NORTH 6TH. STREET,)
WINDSOR, COLORADO.) PERMIT NO. M-528
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur W. Jessen, Windsor, Colorado requesting that Permit No. M-528 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-528, heretofore issued to Arthur W. Jessen, Windsor, Colorado be, and the same is hereby, declared cancelled effective January 30, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Jason C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 9th day of February, 1959.

ds

(Decision No. 51684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES G. RAY,)
3023 GILPIN STREET,)
DENVER 5, COLORADO.) PERMIT NO. B-4674
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles G. Ray, Denver, Colorado requesting that Permit No. B-4674 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4674, heretofore issued to Charles G. Ray, Denver, Colorado be, and the same is hereby, declared cancelled effective November 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Charles G. Hodson
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1959.

ds

(Decision No. 51685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PITTSBURG SCREW AND BOLT CORPORATION)
GENERAL DELIVERY,)
CORTEZ, COLORADO.) PERMIT NO. M-6052
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Pittsburg Screw and Bolt Corporation, Cortez, Colorado requesting that Permit No. M-6052 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6052, heretofore issued to Pittsburg Screw and Bolt Corporation, Cortez, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Commissioners

Dated at Denver, Colorado,

this 9th day of February, 1959.

ds

(Decision No. 51686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD CLAYTON NEPTUNE)
POST OFFICE BOX 431)
NORWOOD, COLORADO.) PERMIT NO. M-15531
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward Clayton Neptune, Norwood, Colorado requesting that Permit No. M-15531 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15531, heretofore issued to Edward Clayton Neptune, Norwood, Colorado be, and the same is hereby, declared cancelled effective January 22, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 9th day of February, 195 9.

ds

(Decision No. 51687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RUSSELL RICHMOND)
516 DESSA STREET,)
BRUSH, COLORADO.) PERMIT NO. M-1152
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Russell Richmond, Brush, Colorado requesting that Permit No. M-1152 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1152, heretofore issued to Russell Richmond, Brush, Colorado be, and the same is hereby, declared cancelled effective January 22, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 9th day of February, 1959.

ds

(Decision No. 51688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
NATALINO SENATORE)
1810 FRANKLIN AVENUE)
CANON CITY, COLORADO.) PERMIT NO. M-6084
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Natalino Senatore, Canon City, Colorado requesting that Permit No. M-6084 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6084, heretofore issued to Natalino Senatore, Canon City, Colorado be, and the same is hereby, declared cancelled effective January 18, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1959.

ds

(Decision No.51689))

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CARLTON L. JACKSON)
POST OFFICE BOX 75,)
ELIZABETH, COLORADO.) PERMIT NO. M-15641
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carlton L. Jackson, Elizabeth, Colorado requesting that Permit No. M-15641 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15641, heretofore issued to Carlton L. Jackson, Elizabeth, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ramon C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 195 9.

ds

(Decision No. 51690)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOE M. CHAVEZ)
2032 DOWNING STREET,)
DENVER 5, COLORADO.) PERMIT NO. M-15100
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joe M. Chavez, Denver, Colorado requesting that Permit No. M-15100 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15100, heretofore issued to Joe M. Chavez, Denver, Colorado be, and the same is hereby, declared cancelled effective February 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raeon C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1959.
ds

(Decision No. 51691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
E. L. WELCH)
POST OFFICE BOX 142,)
JEFFERSON, COLORADO.) PERMIT NO. M-15906
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. L. Welch, Jefferson, Colorado requesting that Permit No. M-15906 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15906, heretofore issued to E. L. Welch, Jefferson, Colorado be, and the same is hereby, declared cancelled effective December 21, 19581

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 9th day of February, 195 9.

ds

(Decision No. 51692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
TOBY MAEZ, DOING BUSINESS AS,)
"SEVEN UP DISTRIBUTING")
ROUTE 3, POST OFFICE BOX 86,) PERMIT NO. M-14461
DENVER, COLORADO.)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Toby Maez, Dba Seven Up Distributing, Denver, Colorado requesting that Permit No. M-14461 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14461, heretofore issued to Toby Maez, Dba Seven Up Distributing, Denver, Colorado be, and the same is hereby, declared cancelled effective February 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 9th day of February, 1959.

ds

(Decision No. 51693)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
STANLEY ORR, DOING BUSINESS AS,)
"MONARCH TRAILER SALES")
15311 SOUTH ATLANTIC BOULEVARD,) PERMIT NO. M-11806
COMPTON, CALIFORNIA.)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Stanley Orr, Dba Monarch Trailer Sales, Compton, California requesting that Permit No. M-11806 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11806, heretofore issued to Stanley Orr, Dba Monarch Trailer Sales, Compton, California be, and the same is hereby, declared cancelled effective February 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1959.

ds

(Decision No. 51694)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
V. AND V. KNAUS)
ROUTE 1, POST OFFICE BOX 94,)
LITTLETON, COLORADO.) PERMIT NO. B-3935
)
)

February 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from V. & V. Knaus, Littleton, Colorado requesting that Permit No. B-3935 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3935, heretofore issued to V. & V. Knaus, Littleton, Colorado be, and the same is hereby, declared cancelled effective February 5, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 195 9.

ds

Original

(Decision No. 51695)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PLATEAU NATURAL GAS COMPANY, 1605 SOUTH TEJON STREET, COLORADO SPRINGS, COLORADO, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING ISSUANCE OF $1,300,000 PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE BONDS.	APPLICATION NO. 16819-Securities

February 6, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by E. A. Stansfield, Esq., and Bryant O'Donnell, Esq., Denver, Colorado, for Applicant;
Gordon and Gordon, Esqs., Lamar, Colorado, and Henry S. Sherman, Esq., Denver, Colorado, for Protestants, City of Lamar, Colorado, National Alfalfa Dehydration and Milling Company;
E. R. Lundborg, Esq., 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:

Application was filed on January 7, 1959, by Plateau Natural Gas Company, Colorado Springs, Colorado, seeksing an Order from this Commission authorizing issuance of $1,300,000 principal amount of its First Mortgage Bonds.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 19, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing said matter, it developed that applicant did not have all its exhibits, and Henry S. Sherman, Attorney for Protestants herein, objected to hearing of said application in the absence of said exhibits; whereupon, said matter was recessed until ten o'clock A. M., January 30, 1959, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at which time and place said application was heard and taken under advisement.

On the date of the first setting of this application, one of the present Commissioners, viz., Henry E. Zarlengo, had not yet taken his Oath of Office. Since January 30, 1959, being the date the above-styled application was taken under advisement, Chairman Joseph F. Nigro has been out of the city until the date hereof on Commission business, and therefore unable to participate in the issuance of Order in said matter, he not being present to review the record in said proceedings, and a quorum of the Commission being required to issue Orders of the Commission. Therefore, it has been an impossibility for this Commission to issue final Order in said matter prior to February 6, 1959.

Subsection (e) of Section 3, Chapter 137, 1935 Colorado Statutes Annotated, provides as follows:

> "All applications for the issuance, assumption, or guaranty of securities shall be placed at the head of the Commission's docket and shall be disposed of promptly, and within thirty (30) days after petition is filed with the Commission unless it is necessary for good cause to continue same for a longer period. Whenever such application is continued beyond the thirty (30) days after the time it is filed, the Commission shall enter an order making such continuance and stating fully the facts necessitating same."

Inasmuch as said matter cannot be concluded by February 6, 1959, being thirty days from the filing date of said application, it appears that said application should be continued by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be continued, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That application filed with the Commission on January 7, 1959, by Plateau Natural Gas Company, Colorado Springs, Colorado, as hereinabove described, being Application No. 16819, should be, and the same hereby is, continued, until February 11, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1959.

ea

Original

(Decision No. 51696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE PUBLIC SERVICE COMPANY OF COLORADO, FOR CLARIFICATION AND RATIFICATION OF ITS EXISTING RIGHTS TO SERVE THE TERRITORY KNOWN AS ITS "SALIDA DISTRICT;" FOR CONSOLIDATION INTO ONE CERTIFICATE OF CONVENIENCE AND NECESSITY OF EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY IN SAID TERRITORY OF THE AREA SERVED AND TO BE SERVED; AND FOR EXTENSION OF SERVICE THEREIN.	APPLICATION NO. 6806

February 9, 1959

S T A T E M E N T

By the Commission:

On August 21, 1945, Decision No. 24860 was entered in the above matter.

On September 6, 1945, Decision No. 24924 was entered vacating the order issued in Decision No. 24860 upon petition by Applicant, The Sangre De Cristo Electric Association and The Colorado State Association of REA cooperatives. The order further provided the Commission would set the place, time and date for further hearing.

Applicant and The Sangre De Cristo Electric Association have indicated by letterthat the matter has been settled by the Commission in Decison No. 50984.

F I N D I N G S

THE COMMISSION FINDS:

That the subject matter of this application, upon statements of petitioners, has been settled and the application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 6806 be, and hereby is, dismissed, without prejudice to Applicant and petitioners herein.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph O. F. Nigro

Ralph C. Nolan

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1959.

ea

original

(Decision No. 51697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOSEPH BENOV, DOING BUSINESS AS "THORNTON CITY BUS," 310 FAIRFAX STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16304
SUPPLEMENTAL ORDER

February 10, 1959

Appearances: Joseph Benov, Denver, Colorado, pro se;
Leon Egelston, City Councilman, Thornton, Colorado, for the City of Thornton, Colorado;
Frank Ciancio, Welby, Colorado, pro se;
Donald L. Downs, Thornton, Colorado, pro se;
Moe Turetsky, Thornton, Colorado, pro se;
J. L. McNeill, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On July 3, 1958, in Application No. 16304, the Commission entered its Decision No. 50557, granting to applicant herein a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire:

> "for the operation of a common carrier motor vehicle scheduled service, to transport passengers as a public transit system, within the limits of the City of Thornton and via North Washington Street between said City of Thornton and a terminal at Denver, Colorado, in the vicinity of East 45th Avenue and North Washington Street,"

it being therein provided:

"That said temporary authority is granted for a period of one year upon the condition that unless said operator asks to have its authority terminated, then said authority will become permanent at the end of one year from date."

The Commission is now in receipt of a communication from Joseph Benov, Denver, Colorado, applicant herein, as follows:

"This is to notify you that under my one year temporary authority granted in the above certificate, dated July 3, 1958, that I proposed to stop bus operations effective January 23, 1959.

"The lack of patronage during the 6 months period of service is the reason for stopping the operation.

"Public Notice has been posted in the bus."

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 4082, being operating rights granted to Joseph Benov, doing business as "Thornton City Bus," Denver, Colorado, by Decision No. 50557, of date July 3, 1958, in Application No. 16304, should be, and the same hereby are, cancelled and revoked.

This Order shall become effective nunc pro tunc, as of January 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

mls

original

(Decision No. 51698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN MICKELSON, 200 PEARL STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 16824-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

February 10, 1959

Appearances: Norman Mickelson, Denver, 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 was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 26, 1959, at ten o'clock A. M.,

due notice thereof being forwarded to all parties in interest.

On January 23, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 appeared in support of his application, stating that he is presently engaged in transportation of sand and gravel under Temporary Authority issued by this Commission; that he is the owner of a 1957 five-ton G.M.C. Dump Truck; that he has a net worth of $2,000; that he has received many requests for his proposed operation; that in the event authority herein sought is granted, he will obey all rules and regulations of the Commission, and agrees that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared at the hearing 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 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 Norman Mickelson, 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, 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 de-

pend 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 I Bigos

Ralph C Hutton

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

mls

original

(Decision No. 51699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF STEPHEN A. WALKINGSHAW, DOING BUSINESS AS "WALKIE," 175 SOUTH 13TH, BRIGHTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16810-PP

February 10, 1959

Appearances: Stephen A. Walkingshaw,
Brighton, Colorado,
pro se.

STATEMENT

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of grain and feeds, from and to farms, elevators, and feed lots, excluding any town-to-town service, in that part of the State of Colorado lying east of a line drawn parallel with U. S. Highway No. 87 and thirty-five miles westerly thereof; grain and feed, from Denver, Colorado, to Plains Grain Company, at Burlington, Colorado, only.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 13, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 in support of his application, stating he is presently operating under Temporary Authority issued by this Commission; that he has received several requests for his proposed service; that he is the owner of an International Tractor, a Mack Tractor, and two semi-trailers, viz., a Fruehauf and a Trailmobile; that he owns his home, and has a net worth of $10,000; that in the event authority herein sought is granted, he will obey all 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 following Order.

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 Stephen A. Walkingshaw, doing business as "Walkie,"

Brighton, 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 feeds, from and to farms, elevators, and feed lots, excluding any town-to-town service, in that part of the State of Colorado lying east of a line drawn parallel with U. S. Highway No. 87 and thirty-five miles westerly thereof; grain and feed, from Denver, Colorado, to Plains Grain Company, at Burlington, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Negri

Frank C. Horton

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

mls

Original

(Decision No. 51700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED G. STUTZ, 250 RALEIGH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE) APPLICATION NO. 16809-PP

February 10, 1959

Appearances: William Stutz, 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; clay, peat moss, rip-rap, and fertilizer, from pits and supply points in the State of Colorado, to points 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, January 13, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, William Stutz, father of applicant herein, testified in support of said application, stating his son was working, and unable to attend said hearing; that his son is buying a 1959 G.M.C. eight-yard dump truck; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that in the event authority herein sought is granted, 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 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 Exainer 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 Fred G. Stutz, 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, peat moss, rip-rap, and fertilizer, from pits and supply points in the State of Colorado, to points 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 V. Lopez

Ralph C. Nolan

Alvin J. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

ea

Original

(Decision No. 51701)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DELMAR STANLEY AND LORRAINE TROYER, CO-PARTNERS, DOING BUSINESS AS "MORGAN CAB COMPANY," 129 EAST KIOWA, FORT MORGAN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1416 TO WM. F. MURPHY AND DON JONES, CO-PARTNERS, DOING BUSINESS AS "MORGAN CAB COMPANY," 129 EAST KIOWA, FORT MORGAN, COLORADO.	APPLICATION NO. 16825-Transfer

February 10, 1959

Appearances: Lorraine Troyer, Fort Morgan, Colorado, for Transferors;
William T. Murphy, Fort Morgan, Colorado, pro se;
Don Jones, Fort Morgan, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Delmar Stanley and Lorraine Troyer, co-partners, doing business as "Morgan Cab Company," Fort Morgan, 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 conduct of:

> A taxi service, over irregular routes, on call and demand, between points within a radius of fifty miles of the City of Fort Morgan, State of Colorado,

said operating rights being designated "PUC No. 1416."

By the above-styled application, the said certificate-holders seek authority to transfer said operating rights to Wm. F. Murphy and Don Jones, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 26, 1959, at ten o'clock A. M.,

due notice thereof being forwarded to all parties in interest.

On January 23, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, Lorraine Troyer, one of transferors herein, testified in support of the application, stating that he is one of the owners of PUC No. 1416; that he and his partner, Delmar Stanley, desire to transfer said certificate to transferees herein; that Delmar Stanley is in California; that there is no unpaid operating indebtedness against said certificate; that transferees had made an optional payment, and that the balance would be paid when transfer is approved by this Commission; that transferees herein had procured new taxicabs.

William F. Murphy, one of transferees herein, testified that he had made inquiry in Fort Morgan, and could not find any outstanding bills against operations of transferors herein; that he has a net worth of $3,000.

Donald Jones, one of transferees herein, testified he is buying his home, and has a net worth of $3,000.

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 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, 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 Delmar Stanley and Lorraine Troyer, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1416 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Wm. F. Murphy and Don Jones, co-partners, doing business as "Morgan Cab Company," Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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 transferees until changed according to law and the rules and regulations of the Commission.

The right of transferees 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

Ralph C. Hoban

Joseph F. Hogan

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

ea

(Decision No. 51702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED HELMA, 2357 FULTON, AURORA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE	APPLICATION NO. 16808-PP

February 10, 1959

Appearances: Fred Helma, Aurora, Colorado, pro se;
Robert E. McLean, Esq., Denver, Colorado, for Associated Rubbish Removal Association.

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 and other waste materials, from Sears-Roebuck Warehouse, in Denver, Colorado, to designated dumps and disposal places in Denver, Jefferson, Adams, and Arapahoe Counties, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 13, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 the above application, applicant requested that said matter be continued, to be re-set for hearing at a later date.

Report of the Examiner recommends that said request 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 above-styled matter should be continued, to be later re-set for hearing.

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 Application No. 16808-PP should be, and hereby is, continued, said matter 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

Joseph A. Rigio

Raymond Hoskins

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1959.

ea

original

(Decision No. 51703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DARALD L. KNAPP AND VICTOR M. CASTLE, 1088 SOUTH PATTON COURT, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16807-PP

February 11, 1959

Appearances: Darald L. Knapp, Denver, Colorado, pro se;
Victor M. Castle, Denver, 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 baled hay, baled straw, and small grains, from point to point within a radius of one hundred and 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, January 13, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, Darald

L. Knapp, one of applicants herein, testified in support of the application, stating that he and Victor M. Castle are co-partners, and are presently operating under Temporary Authority issued by this Commission; that their operations will primarily be transportation of baled hay and straw; that he is the owner of one three-ton International flat-bed truck; that he owns his home, and has a net worth of $12,000; that in the event authority herein sought is granted, applicants will obey the rules and regulations of the Commission.

Victor M. Castle also was present at the hearing, and corroborated testimony given by Darald L. Knapp, and further testified that he owns his home, and has a net worth of $20,000.

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 operations will impair the efficiency of any common carrier operation serving in the territory sought to be served by applicants.

Report of the Examiner recommends that permit issue to applicants 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 applicants 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 Darald L. Knapp and Victor M. Castle, co-partners, Denver, 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 baled hay, baled straw, and small grains, from point to point within a radius of one hundred and fifty 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 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

Joseph F. Hynes

Ralph C. Hoban

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

mls

original

(Decision No. 51704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ERVIL L. VOGEL, 80½ TENTH STREET, GOLDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16806-PP

February 11, 1959

Appearances: Ervil L. Vogel, Golden, 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 was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 13, 1959, at ten o'clock A. M., due

notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, applicant herein appeared in support of his application, stating he is the owner of a 1955 500-Ford Truck, which he proposes to use in the conduct of his operations; that he has a net worth of $4,500; that he is presently operating under Temporary Authority issued by this Commission; that he has received many requests for his proposed service; that in the event authority herein sought is granted, 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 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 authority herein sought be granted, 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 Ervil L. Vogel, 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 operati ns, 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 11th day of February, 1959.

mls

original

(Decision No. 51705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A. R. SQUIRE, 2072 WALL STREET, IDAHO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16805-PP

February 11, 1959

Appearances: A. R. Squire, Idaho Springs, 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 requests 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, operating rights be known as "Permit No. B-4550," being the number of a permit formerly held by him.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 13, 1959, at ten o'cloc, A. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 appeared in support of his application, stating he is the owner of a 1951 two-ton G.M.C. Truck, which he proposes to use in the conduct of his operations; that he owns his home, and has a net worth of $8,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received many requests for his proposed service; that if authority herein sought is granted, 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 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 Findings should be, and hereby is, approved.

That A. R. Squire, Idaho 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 operating rights herein granted shall bear the number "B-4550," being the number of a permit formerly held by applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro

Ralph C. Hoskins

Henry E. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

mls

(Decision No. 51706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LOUIS GARCIA, 3577 SOUTH SANTA FE DRIVE, ENGLEWOOD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16804-PP

February 11, 1959

Appearances: Louis Garcia, Englewood, 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 was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office

Building, Denver, Colorado, January 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 appeared in support of his application, stating he is the owner of a 1956 Ford Dump Truck, which he proposes to use in the conduct of his operations; that he owns his home, and has a net worth of $8,500; that he is presently operating under Temporary Authority issued by this Commission; that he has received many requests for his proposed service; that he is agreeable that in the event authority herein sought is granted, 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, 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 Louis Garcia, 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 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 11th day of February, 1959.

ea

(Decision No. 51707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ESCO PAVING CO., INC., 2101 WEST OXFORD, LITTLETON, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4877.

APPLICATION NO. 16803-PP-Extension

February 11, 1959

Appearances: Marvin Ehlers, Littleton, 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:

Heretofore, applicant herein 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 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; excluding service in Boulder, Clear Creek, and Gilpin Counties,

said operating rights being known as "Permit No. B-4877."

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-4877, 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, January 13, 1959, at ten o'clock A. M., due notice thereof being forwarded toall parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, 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, Marvin Ehlers appeared in behalf of applicant, stating he is Vice-President of applicant herein; that said company is a Colorado corporation, and owns ten trucks, valued at $20,000; that applicant is presently operating under Temporary Authority issued by this Commission; that applicant seeks authority to extend operations to include transportation of road-surfacing materials, and will haul oil and asphalt for only those persons for whom the Esco Paving Co., Inc. is performing a contract.

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

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

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 applicant herein be authorized to extend operations under Permit No. B-4877, 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 extended authority 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 Esco Paving Co., Inc., Littleton, Colorado, should be, and hereby is, authorized to extend operations under Permit No. B-4877, 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, applicant, under authority herein granted, not to haul oil and asphalt for any other persons except those for whom Esco Paving Co., Inc. is performing a contract.

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 I. Rogers

Raymond C. Horan

Henry Galeucy

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

ea

(Decision No. 51708)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LESTER CROWLEY, 2937 LAFAYETTE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16802-PP

February 11, 1959

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, January 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 12, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission, together with his findings of fact and conclusions.

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.

Report of said Examiner further states that Attorney for Protestant herein indicated there would be no objection to issuance of authority herein sought, if transportation of road-surfacing materials were limited to the use of dump trucks, only.

The records and files of the Commission show that applicant herein, financially and otherwise, is qualified to carry on his proposed operations.

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 Lester Crowley, 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, transportation of road-surfacing materials under authority herein granted 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 F. Rogers

Frederick C. Hanlon

Harry A. Darling

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.
ea

original

(Decision No. 51709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VICTOR C. HERLACHER, 319 WEST THIRD, PUEBLO, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. A-2578.) APPLICATION NO. 16795-PP-Extension

February 11, 1959

Appearances: Victor C. Herlacher, Pueblo, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, applicant herein was granted Permit No. A-2578 by this Commission, being the right to operate as a private carrier by motor vehicle for hire, for the transportation of:

> slack coal, from Florence and Canon City coal fields, to Southern Colorado Power Company, at Pueblo, and Southern Colorado Power Company, at Canon City, Colorado;
>
> perlite, from Rosita to carloading points at Texas Creek and plant in Pueblo, Colorado, all hauling to be for one customer, viz., Colorado Perlite Company, of Pueblo; coal, from mines in Fremont County, to coal dealers and the State Hospital, at Pueblo, 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 seventy-five miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties;
>
> perlite ore, from points within a radius of ten miles of Rosita, Colorado, to Florence, Colorado, for Great Lakes Carbon Corporation, only.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. A-2578, to include the right to transport coal, from coal mines in Fremont County, Colorado, to the Colorado-Kansas State Line, and all

intermediate points, over U. S. Highways Nos. 50,67, and 96, east of Pueblo, Colorado, including Pueblo Ordnance Depot.

Said application was regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, January 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 6, 1959, 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 herein testified in support of his application, stating he has suitable and ample equipment to conduct said extended operation; that he has a net worth of $200,000; that he is presently operating under Temporary Authority issued by this Commission; that he has had numerous requests for his proposed extended services.

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 operating rights be granted to Applicant herein under Permit No. A-2578, 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 extended authority should issue to applicant herein, as set forth in the Order following.

That, inasmuch as operations of applicant herein are those of a Class "B", rather than a Class "A" private carrier, said Permit No. A-2578 should, in the future, be known as "Permit No. B-2578."

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 Victor C. Herlacher, Pueblo, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. A-2578, to include the right to transport coal, from coal mines in Fremont County, Colorado, to the Colorado-Kansas State Line, and all intermediate points, over U. S. Highways Nos. 50, 67, and 96, east of Pueblo, including Pueblo Ordnance Depot.

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

That said Permit No. A-2578, as extended, shall, in the future, be known as "Permit No. B-2578."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Eagan

Ralph C. Hoskins

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

ea

(Decision No. 51710)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY E. DUBBEL, ROUTE 4, BOX 391, PUEBLO, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16793

February 11, 1959

Appearances: Edward M. Yaklich, Esq., Pueblo, Colorado, for Applicant; W. H. Moulton, Esq., Denver, Colorado, for Pueblo Sanitary Works, Fogg Septic Tank Cleaning Service, Richard's Rotary Service, El Paso Sanitary Service.

S T A T E M E N T

By the Commission:

On November 13, 1958, Roy E. Dubbel, Pueblo, Colorado, filed his application with this Commission, being Application No. 16793, seeking a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the conduct of a business of building, repairing, cleaning cesspools, septic tanks, and grease traps, and removing the debris derived therefrom.

Said application was regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, January 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 6, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said applicatiaan.

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

Report of said Examiner states that at the hearing, applicant moved to amend his application, so that authority sought would be limited strictly to Pueblo County, Colorado. There being no objection thereto, said amendment was allowed.

Applicant herein stated he has been engaged in the business of building, repairing, cleaning cesspools, septic tanks and grease traps, and removing the debris derived therefrom, since May, 1958; that he has acquired one hundred and thirty customers, who definitely need his service; that he has adequate equipment, and is financially able, to perform the proposed service.

Five public witnesses appeared at the hearing and testified in support of the instant application, stating they needed, and would use, applicant's service, in the event authority herein sought is granted.

In opposition to the granting of authority herein sought, several certificated carriers appeared, but only one offered testimoney, viz., Vaughn R. Byrd, of Pueblo Sanitary Works, who stated he has the necessary equipment, and is ready, willing, and able to serve any customer that may desire this type of service; that he is the only certificated carrier domiciled in the City of Pueblo; that his company is the only one listed in the telephone directory for the City of Pueblo.

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

Report of the Examiner recommends that certificate of public convenience and necessity 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 public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, 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 motor vehicle common carrier call and demand transportation service of Roy E. Dubbel, Pueblo, Colorado, for the conduct of a business of furnishing sanitary services, for repairing, building, cleaning, removing and disposing of the contents of cesspools, septic tanks, grease traps, and sumps, from point to point within the County of Pueblo, State of Colorado, 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 exeept 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 F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.
ea

(Decision No. 51711)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THEODORE PRIOLA AND KEITH BALTHAZOR, CO-PARTNERS, DOING BUSINESS AS "P & B TRUCKING CO.," ROUTE 1, BOX 88, HENDERSON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16827-PP

February 11, 1959

Appearances: Theodore Priola, Henderson, Colorado, pro se;
Keith Balthazor, Henderson, 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:

By the above-styled application, Theodore Priola and Keith Balthazor, co-partners, doing business as "P & B Trucking Co.," Henderson, Colorado, 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 26, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 23, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Keith Balthazor testified in support of the instant application, stating he is one of applicants herein; that he and his partner, Theodore Priola are presently operating under Temporary Authority issued by this Commission; that they own a 1954 Reo F-506 five-ton dump truck; that they have received numerous requests for their proposed service; that he has a net worth of $2,000; that if authority herein sought is granted, applicants will obey the rules and regulations of the Commission; that it is agreeable that any authority granted be limited to the use of dump trucks, when transporting road-surfacing materials.

Theodore Priola corroborated the testimony of Keith Balthazor, and stated he has a net worth of $4,000.

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 applicants 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

applicants.

Report of the Examiner recommends that permit issue to applicants 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 applicants 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 Theodore Priola and Keith Balthazor, co-partners, doing business as "P & B Trucking Co.," Henderson, 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, 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 of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Nigro

Roger C. Norton

Henry Gallegos

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

ea

original

(Decision No. 51712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN L. OTTO, GENERAL DELIVERY,)
TINY TOWN, COLORADO, FOR A CLASS "B") APPLICATION NO. 16826-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

February 11, 1959

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 rough lumber, poles, and posts, from forests and sawmills within a radius of ten miles of Schaeffer's Crossing, to Denver, Colorado, processing plants, and to lumber yards at Watkins, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 26, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 23, 1959, the Commission, as provided by law, designated Louis J. Carter, 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.

Report of said Examiner further states that in view of a storm on the day of hearing, and road conditions between Tiny Town, where applicant lives, and Denver, it is the Examiner's recommenda-

tion that said matter be re-set for hearing at a later date.

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 above-styled application should be continued, said matter to be re-set for hearing at a later date.

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 Application No. 16826-PP should be, and the same hereby is, continued, to be re-set for hearing on a later date to be determined by the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

mls

Original

(Decision No. 51713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LIANDRO VIGIL, 1023 EAST ASH STREET,)
PUEBLO, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 16794
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

February 11, 1959

Appearances: Harold C. Rudolph, Esq., Pueblo, Colorado, for Applicant;
Levi Martinez, Esq., Pueblo, Colorado, for Community Trash Haulers' Association.

S T A T E M E N T

By the Commission:

On December 2, 1958, applicant herein filed his Application No. 16794 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 ashes, trash, and other waste materials, between points in the City of Pueblo, and to regularly designated and approved dumps and disposal places which are now, or may hereafter be, designated for such purpose, whether inside or outside the City Limits of Pueblo, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, January 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 6, 1959, 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 herein appeared in support of his application, testifying that he had been engaged in transportation of ashes, trash, and other waste materials, between points within the City of Pueblo, for the Years 1940 to 1950; that he was so licensed by the City of Pueblo during that time; that during the Year 1950, he became very ill, and due to that fact, had to cease operations; that because of poor health and sickness, he failed to file an application seeking to establish his "Grandfather Rights;" that he has now regained his health; that his former customers, and many new potential customers, have contacted him, requesting his service because of inadequacy of service they are presently receiving; that he has a net worth of $4,000; that he has suitable and adequate equipment to render his proposed service.

Five public witnesses appeared in support of the application, stating that applicant was so engaged in transportation of ashes and trash during the period of time from 1940 to 1950; that he regularly hauled for them during said period of time; that because of illness, he had to cease operations; that they now need, and require, his services; that in the event authority herein sought is granted, they will use his services.

Levi Martinez, Attorney for Protestant Association herein, stated he and his association would acquiesce to the granting of certificate of public convenience and necessity to applicant herein, because of the fact they were convinced that said applicant was engaged in the ash and trash business during the period of time from 1940 to 1950, and because of illness, did not assert his "Grandfather Rights" until the present time.

The operating experience and financial responsibility of

applicant were established to the satisfaction of the Commission.

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein, inasmuch as good reason exists for granting this vested right to applicant herein, in spite of the fact that the Commission ordered December 31, 1957, as the "cut-off" date for asserting or establishing "Grandfather Rights."

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 certificate of public convenience and necessity 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 public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Liandro Vigil, Pueblo, Colorado, for the transportation of ashes, trash, and other waste materials, between points within the City of Pueblo, Colorado, and to regularly-designated and approved dumps and disposal places which are now, or may hereafter be, designated for such purpose, whether inside or outside the City Limits of Pueblo, Colorado, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Eagin

Ruppert C. Hahn

Glenn G. Parlin

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

mls

(Decision No. 51714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES W. YOUNGSON AND HOWARD F.)
PODEWITZ, DOING BUSINESS AS,)
"YOUNGSON AND PODEWITZ") PERMIT NO. M-5184
HEARTWELL, NEBRASKA.)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles W. Youngson & Howard F. Podewitz, Dba Youngson & Podewitz, Heartwell, Nebraska requesting that Permit No. M-5184 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5184, heretofore issued to Charles W. Youngson & Howard F. Podewitz, Dba Youngson & Podewitz, Heartwell, Nebraska be,

and the same is hereby, declared cancelled effective February 10, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 11th day of February, 1959.

ds

(Decision No. 51715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
U. S. DUROX CORPORATION OF COLORADO)
3533 SOUTH BROADWAY,)
ENGLEWOOD, COLORADO.) PERMIT NO. M-12361
)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from U. S. Durox Corporation of Colorado, Englewood, Colorado requesting that Permit No. M-12361 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12361, heretofore issued to U. S. Durox Corporation of Colorado, Englewood, Colorado be, and the same is hereby, declared cancelled effective January 15, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 11th day of February, 1959.

ds

(Decision No. 51716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SHURL D. DECKER)
3311 NORTH PROSPECT)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-13104
)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Shurl D. Decker, Colorado Springs, Colorado requesting that Permit No. M-13104 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13104, heretofore issued to Shurl D. Decker, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective February 9, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Howard
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1959.
ds

(Decision No. 51717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
H. F. PATTERSON, DOING BUSINESS AS,)
"PATTERSON DAIRY SUPPLY")
3507 BRIGHTON BOULEVARD,) PERMIT NO. M-9443
DENVER 5, COLORADO.)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. F. Patterson, Dba Patterson Dairy Supply, Denver, Colorado requesting that Permit No. M-9443 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9443, heretofore issued to H. F. Patterson, Dba Patterson Dairy Supply, Denver, Colorado be, and the same is hereby, declared cancelled effective January 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1959.

ds

(Decision No. 51718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT J. VELTRIE)
POST OFFICE BOX 606,)
SALIDA, COLORADO.) PERMIT NO. M-847
)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert J. Veltrie, Salida, Colorado requesting that Permit No. M-847 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-847, heretofore issued to Robert J. Veltrie, Salida, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Raymond C. Norton
Hugo E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 11th day of February, 1959.

ds

(Decision No. 51719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
E. V. AND IRENE AND S. L. AND R. W.)
PLUSH, DOING BUSINESS AS, "PLUSH)
MILLS") PERMIT NO. M-5799
GLASCO, KANSAS.)
)

February 11, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E.V. & Irene & S.L. & R.W. Plush, Dba Plush Mills, Glasco, Kansas requesting that Permit No. M-5799 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5799, heretofore issued to E.V. & Irene & S.L. & R.W. Plush, Dba Plush Mills, Glasco, Kansas be, and the same is hereby, declared cancelled effective February 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 11th day of February, 195 9.

ds

(Decision No. 51720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE BECKER, JR.)
466 SOUTH LAMAR STREET,)
DENVER 15, COLORADO.)

PERMIT NO. B-5638

February 11, 1959

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-5638 be suspended for six months from February 9, 1959.

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 George Becker, Jr., Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5638 until August 9, 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

Joseph F. Negro

Joseph C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 11th day of February 1959.

ds

original

(Decision No. 51721)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN E. GOULD, CREEDE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16846-PP

February 10, 1959

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, John E. Gould, Creede, Colorado, sought authority 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 fifty miles of Durango, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Richard E. Conour, Attorney for Applicant herein, stating said applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing of Application No. 16846-PP, presently set

for February 18, 1959, at Durango, Colorado, should be, and the same hereby is, vacated, at request of Attorney for Applicant.

That said Application No. 16846-PP should be, and the same hereby is, dismissed, at request of Attorney 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 10th day of February, 1959.

mls

(Decision No. 51722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DONALD O. THIES, POTTER, NEBRASKA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 14633
SUPPLEMENTAL ORDER

February 13, 1959

Appearances: Earl Wolvington, Esq., Sterling, Colorado, for Applicant;
Graydon Dowis, Esq., Sterling, Colorado, for Big M Movers.

S T A T E M E N T

By the Commission:

On August 23, 1956, in the above-styled application, the Commission entered its Decision No. 46365, granting to applicant herein a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

> buildings, between points in Logan and Sedgwick Counties, Colorado,

in accordance with terms and conditions therein set forth.

Inasmuch as the above-styled applicant has not fulfilled requirements set forth in said Decision No. 46365,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Donald O. Thies, Potter,

Nebraska, in Application No. 14633, by Decision No. 46365, of date August 23, 1956, should be, and the same hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 46365.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Kyger

Ralph C. Holmes

Glenn G. Saterfiel

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

mls

Original

(Decision No. 51723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT E. WALTER, DOING BUSINESS AS "BOB WALTER TRUCKING," P. O. BOX 2, LA JUNTA, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 2703 AND PUC NO. 2703-I TO FAY DE BERARD, JR., DOING BUSINESS AS "DE BERARD TRUCKING," 303 WEST 21ST, PUEBLO, COLORADO.

APPLICATION NO. 16792-Transfer

February 13, 1959

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

S T A T E M E N T

By the Commission:

Heretofore, Robert E. Walter, doing business as "Bob Walter Trucking," La Junta, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

> livestock, between points within a radius of fifty miles of La Junta, Colorado, and from and to said radius, to and from all points within the State of Colorado, provided, however, that said certificate shall be limited to one office in La Junta, Colorado, or within a two-mile radius of said City of La Junta, for the purpose of soliciting business;
>
> freight, between all points within the State of Colorado and the 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 operating rights being known as "PUC No. 2703 and PUC No. 2703-I."

By the above-styled application, said certificate-holder seeks authority to transfer said operating rights to Fay DeBerard, Jr., doing business as "DeBerard Trucking," Pueblo, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, January 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 6, 1959, 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 said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, transferor herein testified he is presently the owner and operator of PUC Nos.2703 and 2703-I; that he has entered into a written agreement, copy of which is on file with the Commission, for the sale of said operating rights, together with four trailers, two tractors, and one pick-up truck to transferee herein, for a consideration of $33,000, payable as stated in said agreement; that he has no proprietary interest in any other operating rights issued by this Commission; that he owes to the Department of Revenue, Gross Ton-Mile Tax Section, the sum of approximately $3,000, and approximately $2,000 in unpaid fuel bills.

Fay DeBerard, transferee herein, testified he has had six years' experience in the trucking business; that he has a net worth of approximately $35,700; that a copy of his Balance Sheet is on file with the Commission; that he has been issued Temporary Authority by the Commission to operate the certificates herein sought to be transferred; that he has no 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 authority herein sought to transfer PUC Nos. 2703 and 2703-I 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 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 the same hereby is,approved.

That Robert E. Walter, doing business as "Bob Walter Trucking," La Junta, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC Nos. 2703 and 2703-I -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Fay DeBerard, Jr., doing business as "DeBerard Trucking," 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 13th day of February, 1959.

mls

(Decision No. 51724)

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

February 13, 1959

Appearances: Warren W. Lattimer, Esq., Pueblo, Colorado, for Applicant;
Jack Coleman, Gunnison, Colorado, for Gunnison Truck Line;
Max Wilson, Esq., Canon City, Colorado, for Southwestern 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 ore, from approximately ten miles from Sargents, Colorado, to Canon City, Colorado, via Highway No. U. S. 50.

Said application was regularly set for hearing before the Commission, at the Court House, Pueblo, Colorado, January 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 6, 1959, 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 said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified in support of his application, stating he is the owner and operator of Permits Nos. B-3617 and B-5380; that he filed the instant application at the request of the owner of certain uranium claims, who has leased said claims to the Pinnacle Exploration Company; that said request was made to him because he is the owner and operator of a large amount of equipment; that he has a net worth of $422,000; that he has nineteen tandem dump trucks and ten single-axle dump trucks; that he has hauled for Pinnacle Exploration Company in the past, under a leasing arrangement with Gunnison Truck Line.

James E. Dunn, General Manager of Pinnacle Exploration Company, appeared in support of the application, testifying that applicant has hauled for his company in the past, through a leasing arrangement with Gunnison Truck Line; that his company operates under a quota system from the Atomic Energy Commission, and consequently his company must meet certain ore requirements when demanded by the Atomic Energy Commission; that since the ore requirements vary, his company's hauling needs vary, and accordingly the company requires services of a carrier who can supply fast service, and one who has sufficient equipment; that his company has used the common carrier services of Gunnison Truck Line, protestant herein, in the past, and that said service was satisfactory; that his company could also use other common carrier services operating in the area involved, viz., Salida Transfer and Southwestern Transportation Company, if they could provide the necessary equipment; that any common carrier, in fact, could provide the services required by his company, if said carrier had available adequate equipment; that if the instant application is granted, his company would use applicant's proposed service, but that if the application were denied, his company would perform its own hauling services under a Class "M" permit, previously issued to said company.

Charles Nachtrieb, a prospector, and owner of the claims mentioned as being leased to the Pinnacle Exploration Company, also appeared in support of the instant application. His testimony disclosed that he is not a shipper-witness, in that he does not control the shipping or routing of any traffic in any manner whatsoever for the Pinnacle Exploration Company; that his sole reason for supporting said application was because of the fact that applicant would provide a low, or reduced, rate, which would result in a higher royalty to him.

Said application was vigorously protested by Gunnison Truck Line and by Southwestern Transportation Company.

Jack Coleman, co-owner of Gunnison Truck Line, appeared, testifying that his company is a common carrier, operating under PUC No. 797; that his company is financially responsible, has had experience, and presently has, or can always obtain, adequate and suitable equipment to render service sought to be performed by applicant herein; that his company has hauled for Pinnacle Exploration Company, and has never received any complaints; that the granting of the instant application would impair his company's ability to adequately serve the public in the territory sought to be served by applicant.

Stanley Blunt, President and General Manager of Southwestern Transportation Company, testified that his company, as a common carrier, operating under PUC No. 268, has authority to render the service herein proposed by applicant; that his company is financially responsible, has had experience, and that it presently has, or can, by purchase or lease, always have available adequate and suitable equipment to render service sought to be performed by applicant herein.

Report of the Examiner further states that applicant herein failed to establish any special need for his proposed service; that the granting of the instant application would not be consistent with the public interest.

Report of the Examiner recommends that the above-styled application be denied, inasmuch as the granting of said application would impair the efficient public service of presently-authorized common carriers now adequately serving the territory herein sought to be served by applicant.

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 above-styled application should be denied.

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 Application No. 16671-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

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

original

(Decision No. 51725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FIRST NATIONAL BANK, WINFIELD, KANSAS, EXECUTOR OF THE ESTATE OF ELMER Z. REEVE, DECEASED, FORMERLY DOING BUSINESS AS "WINFIELD BUS SERVICE," 900 MAIN STREET, WINFIELD, KANSAS, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO THE WINFIELD BUS SERVICE, INC., 1421 OLIVE STREET, WINFIELD, KANSAS.	PUC NO. 1986-I-Transfer

February 13, 1959

S T A T E M E N T

By the Commission:

Heretofore, Elmer Z. Reeve, doing business as "Winfield Bus Service," Winfield, Kansas, 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, and PUC No. 1986-I issued to him.

Said Elmer Z. Reeve has now departed this life, and First National Bank, Winfield, Kansas, Executor of the Estate of Elmer Z. Reeve, now seeks authority to transfer PUC No. 1986-I to The Winfield Bus Service, Inc., Winfield, 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 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 First National Bank, Winfield, Kansas, as Executor of

the Estate of Elmer Z. Reeve, Deceased, formerly doing business as "Winfield Bus Service," Winfield, Kansas, should be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1986-I to The Winfield Bus Service, Inc., Winfield, Kansas, subject to payment of outstanding indebtedness against said operation, if any there be, and 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

Joseph F. Rogers

Dwight C. Kirkpatrick

Allen G. Faulkner

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51726)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF L. A. CANTRELL, 1123 WEST 11TH AVENUE, DENVER, COLORADO.) PERMIT NO. M-2639 CASE NO.88591-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88591-Ins., the Commission entered its Order, revoking Permit No. M-2639 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 hould be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-2639 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88591-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rigan
Ralph C. Hilton
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF MONTGOMERY WARD COMPANY, 819 MAIN AVENUE, DURANGO, COLORADO.

PERMIT NO. M-7978
CASE NO. 88408-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88408-Ins., the Commission entered its Order, revoking Permit No. M-7978 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-7978 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88408-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Nigro
Eugene C. Nichols
Dwight K. Gallagher
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. A. HAMAN AND H. L. HAMAN,)
CO-PARTNERS, DOING BUSINESS AS) PERMIT NO. M-10536
"SUPERIOR DAIRY," 1202 SOUTH) CASE NO. 88405-INS.
SIXTH, LAMAR, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
February 13, 1959
- - - - - - - - - -

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88405-Ins., the Commission entered its Order, revoking Permit No. M-10536 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-10536 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88405-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Nigro
Ralph C. Hutton
Dean E. Gallagher
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JOHN CANACARI AND JOSEPH J. CANACARI, CO-PARTNERS, DOING BUSINESS AS "CANACARI PLUMBING COMPANY," 3558 LIPAN STREET, DENVER, COLORADO.

PERMIT NO. M-3890
CASE NO. 88423-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88423-Ins., the Commission entered its Order, revoking Permit No. M-3890 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-3890 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88423-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nunn

Ramon C. Hinton

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51730)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF CHARLES GOURE, ROUTE 1, CARBONDALE, COLORADO.

PERMIT NO. M-1480
CASE NO.88415-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88415-Ins., the Commission entered its Order, revoking Permit No. M-1480 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-1480 should be, and the same hereby is, reinstated, as of January 29, 1959, revocation order entered by the Commission on said date in Case No. 88415-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Agra
Ralph C. Horton
Allen G. Talbert
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51731)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE CLEMENT, 1801 NORTH SPRING,)
AMARILLO, TEXAS.)

PERMIT NO. M-1121
CASE NO. 88475-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88475-Ins., the Commission entered its Order, revoking Permit No. M-1121 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-1121 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88475-Ins. being hereby set aside, vacated, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Kline
Ralph C. Hoskins
Henry E. Jarvis
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

mls

(Decision No. 51732)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF NORMAN JENKS, DOING BUSINESS AS "JENKS TRUCKING COMPANY," BUFFALO, WYOMING.

PUC NO. 2645-I
CASE NO. 88570-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88570-Ins., the Commission entered its Order, revoking PUC No. 2645-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. 2645-I should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88570-Ins. being hereby vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan
Ralph C. Horan
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

mls

(Decision No. 51733)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H. C. HARCLERODE, GENERAL DELIVERY, SIDNEY, NEBRASKA.	PUC NO. 4144-I PERMIT NO. M-4285 CASE NO. 88612-INS.

February 13, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88612-Ins., the Commission entered its Order, revoking PUC No. 4144-I and Permit No. 4285, 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-4285 and PUC No. 4144-I should be, and hereby are, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88612-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

mls

(Decision No. 51734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OTIS C. TRUMPER, WRAY, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 13357-PP-Extension
UNDER PERMIT NO. B-3151.)

February 13, 1959

S T A T E M E N T

By the Commission:

On March 29, 1955, the above-styled application was filed with the Commission by applicant herein, seeking authority to extend operations under Permit No. B-1351, to include the right to transport livestock, from and to sales barns at Holyoke and Yuma, to and from Denver, and livestock, in interstate commerce, to and from Denver, from and to points on the Colorado State Line within a radius of 150 miles of Wray, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 19, 1955, at ten o'clock A. m., due notice thereof being forwarded to all parties in interest.

Thereafter, and on April 12, 1955, said hearing was vacated, at request of Applicant herein.

It now appears that applicant no longer desires authority sought by said Application No. 13357-PP, inasmuch as he later obtained desired operating rights, pursuant to the filing of another application.

F I N D I N G S

THE COMMISSION FINDS:

That said matter should be closed on the docket of the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 13357-PP should be, and the same hereby is, closed on the docket of the Commission, inasmuch as authority herein sought by applicant is no longer desired.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Kenneth C. Morton

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

mls

(Decision No. 51735)

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

February 11, 1959

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 February 14, 1959, 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.

In justification of the following changes the Commission has been informed by J. R. Smith, Chief of Tariff Bureau, for this Association, that in:

Item No. 1080, the Interstate Motor Lines, Inc., has requested that the remainder of points, as named in appendix attached, along U. S. Highway No. 36 from Winnview, Colorado to the Colorado-Nebraska state line be added to the list of stations to which freight charges are presently prepaid. Decision No. 49913, dated March 21, 1958, added some stations on a prepaid basis. This action, it is stated, is necessary as the carriers' vehicles pass through these points at night when it is not possible to locate the consignees and collect the freight charges. Mr. Burke, Assistant Traffic Manager for this carrier, advised the Rate

Department that provisions have been made along this route to provide for protection of shipments at the various points. Signed receipts are picked up on the following trip.

North Eastern Motor Freight, Inc., is adjusting the requirements in this item to allow the removal of prepay requirements to government agencies for stations as named in the item.

Item No. 1460, for the account of Centennial Truck Lines, Inc., is being amended to publish rates to three governmental installations surrounding Colorado Springs, Colorado, from Brighton, Colorado, as shown in the attached appendix. The rates proposed are on a comparative basis to the present 34 cent rate to Colorado Springs in relation to the distances involved.

Item No. 1585, for the account of Centennial Truck Lines, Inc., and Brighton-Fort Lupton Transfer, is a new commodity item as described in the attached appendix. The presently effective rate of 56 cents per 100 pounds, minimum weight 10,000 pounds, is too high to attract this traffic and the carriers involved represent that the proposed rate is just and reasonable and that a fair profit will be realized.

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 February 14, 1959, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after February 14, 1959, 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 February 14, 1959, 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 February 14, 1959, 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

Joseph F. Nigro
Eugene C. Nolan
Henry G. Gallegos
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1959.

mem

APPENDIX "A"

Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11.

Amend the following items:

Item No. 1080:

Stations To Which Freight Charges Must Be Prepaid

All freight charges must be prepaid on shipments transported by Interstate Motor Lines, Inc., to Cope, Idalia, Joes and Last Chance, Colorado.

All freight charges must be prepaid on shipments transported by North Eastern Motor Freight, Inc., to Buckingham, Grover, Hereford, Keota, New Raymer and Stoneham, Colorado, except that this requirement shall not apply to shipments destined to agencies of the Federal, State or Local Government.

Item No. 1460:

RATES ARE IN CENTS PER 100 POUNDS

COMMODITY	BETWEEN	AND	RATES	* ROUTE
Canned Goods, Edible, subject to a minimum weight of 15,000 pounds	Brighton, Colorado	Air Force Academy,	34	47
		ENT Air Force Base,	36	47
		Fort Carson, Colorado.	36	47
* Centennial Truck Lines, Inc., direct				

Add new Item No. 1585 as follows:

RATES ARE IN CENTS PER 100 POUNDS

COMMODITY	FROM	TO	RATES	* ROUTE
Containers, sheet iron or steel, set-up in cartons, liquid capacity exceeding 1 gill but not exceeding 1 quart. Tops for cans or can bottoms, N.O.I., nested, in packages. Minimum weight 10,000 pounds.	Denver, Colorado	Brighton, Colorado	28	47 103
* Route 47 - Centennial Truck Lines, Inc., direct. 103 - Brighton-Fort Lupton Transfer, direct.				

Original

(Decision No. 51736)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACOB SCHLAGEL, 7395 DECATUR STREET, WESTMINSTER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16828

February 13, 1959

Appearances: William Pehr, Esq., Westminster, Colorado, for Applicant;
Marjorie McLean, Esq., Denver, Colorado, for Harry Ellis, George M. Flint.

S T A T E M E N T

By the Commission:

By the above-styled application, Jacob Schlagel, Westminster, Colorado, seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, rubbish, dirt, junk, and other waste materials, in the City of Westminster, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 5, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 presently engaged in the business of transporting ashes, trash, and waste materials, between points in Northeast Denver; that he is conducting said operations under PUC No. 3317; that he has had thirteen years' experience in the transportation of ashes and trash; that he is the owner of a 1950 Chevrolet two-ton truck, equipped for trash-hauling; that he has a net worth of $2,300.

Katherine Herman testified she is City Clerk of the City of Westminster, and, as such, identified a copy of Ordinance of the City of Westminster relative to transportation of trash, and also identified a copy of Resolution of the City Council, relative to the need of trash service in the City of Westminster. As a citizen, she testified she is receiving trash service from Harry Ellis, a protestant herein.

Donald M. Nelson testified that he is Mayor of Westminster, and that, as such, he thought another trash transporter was necessary -- this, in view of the fact that the population of Westminster is 12,000.

Sam Hofferber, of Westminster, testified he did use the services of Protestant Harry Ellis, but discontinued the use of said service about five months ago, because said service was not satisfactory, and he felt that if he had to clean up after a trash-hauler, he would do the entire job, and is now hauling his own trash; that there is a need for another trash carrier in Westminster.

D. K. Parsons, of Westminster, testified that he had used the services of Harry Ellis, a protestant herein; that such services were unsatisfactory, in that Ellis had refused to clean the incinerator, and had failed to pick up scattered refuse caused by moving said trash; that additional trash-hauling service is needed in Westminster.

Mrs. Robert Whitman, of Westminster, testified she is using the services of Protestant Harry Ellis, in transportation of her trash;

that said services are unsatisfactory; that Ellis refused to clean her incinerator, and that he leaves the yard and lawn covered with debris; that, in her opinion, additional trash-hauling service is needed in Westminster.

It was stipulated that Mrs. Lucille Unfer, Mrs. John Kohut, and Mrs. Dale Thompson were present at the hearing, ready to testify; that if they were called as witnesses, each would testify, on both direct and cross-examination, as did the witness Mrs. Robert Whitman.

Harry Ellis, a protestant herein, testified that he is the owner and operator of PUC Nos. 2069, 2858, and 3697; that he has authority to serve in the City of Westminster, in the transportation of ashes and trash; that he has been in the business of trash-hauling for five years; that there are 2,500 homes in Westminster, and he is rendering service to approximately 1,300 customers; that he serves about 400 customers a day; that he receives on the average of one complaint a day; that his equipment is idle part of the time, and that he could serve more customers if requested; that there are seven carriers now authorized by this Commission having authority to render trash-hauling service in Westminster.

George M. Flint testified he is owner of PUC No. 1931, which authorizes him to transport ashes and trash within the City of Westminster; that in 1957, he filed an application for a Trash License with the City Clerk of the City of Westminster; that he had been unable to get the City Council to act on said application; that he has idle equipment which could be used in Westminster, in the event he could obtain a City License.

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

Report of the Examiner recommends that certificate of public convenience and necessity 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 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 applicant's proposed motor vehicle common carrier service, on call and demand, 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 motor vehicle common carrier call and demand transportation service of Jacob Schlagel, Westminster, Colorado, for the transportation of ashes, trash and other waste materials, between points within the City of Westminster, Colorado, and from points within the City of Westminster, Colorado, to regularly-designated and approved dumps and disposal places outside thereof, 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

Joseph F. Nigro

Roger C. Johnson

Harry E. Parkins

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1959.

ea

Original

(Decision No. 51737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDWARD WILLIAM HAMMACK, 927 MEADE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3884 TO MARTIN T. HAMMACK, 823 IRVING STREET, DENVER, COLORADO.	APPLICATION NO. 16830-Transfer

February 13, 1959

Appearances: Martin T. Hammack, Denver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Edward William Hammack, Denver, Colorado, was authorized to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of:

> ashes, trash, and rubbish, from points within the City and County of Denver, State of Colorado, to regularly-authorized dumps in Denver and surrounding counties,

said operating rights being designated "PUC No. 3884."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 3884 to Martin M. Hammack, 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, February 5, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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, transferee testified that transferor herein is employed as a truck driver, and unable to be present; that there are no outstanding unpaid operating obligations against PUC No. 3884; that he is father of Edward William Hammack, transferor herein; that he is the owner of a 3/4-ton Chevrolet pick-up truck, and has a net worth of approximately $1,000.

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.

Report of the Examiner recommends that authority herein sought to transfer PUC No. 3884 should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is 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 Edward William Hammack, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3884 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Martin T.Hammack, 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 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Magnuson

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1959.

ea

(Decision No. 51738)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NOS. 111 (CEMENT, IN BULK, BOETTCHER, COLORADO TO HOLYOKE, COLORADO) AND 113 (CANS OR BOTTLES, FIBREBOARD, PAPER, ETC., BETWEEN DENVER, COLORADO AND COLORADO SPRINGS, COLORADO) REQUESTING PERMISSION TO PUBLISH ON SHORT NOTICE BY THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.)

CASE NO. 1585

February 11, 1959

S T A T E M E N T

By the Commission:

On February 2nd and 4th, 1959, the above stated applications, respectively, were filed with the Commission for and on behalf of William R. Brumfield and Olivet Atwood Brumfield, doing business as Atwood Truck Line, and Centennial Truck Lines, Inc., to publish the following on less than statutory notice:

Application No. 111, Atwood Truck Line:

Cement, in bulk in tank vehicles, from Boettcher, Colorado to Holyoke, Colorado, 27¢ per 100 pounds, minimum weight 40,000 pounds.

As stated in the application, Mr. Brumfield is requesting permission for short notice authority to publish on ten (10) days' notice to the public and this Commission. He has been informed that the proposed movement is scheduled to begin in about twenty days and sufficient time is not left to publish on statutory notice. It is represented the present rate of 31 cents is too high for movement of this commodity and that rate would produce 68.35 cents per loaded mile which will yield a profit.

At the present time there is a 26-cent rate per cwt., minimum weight 35,000 pounds, in bags, from Boettcher to Amherst, Fleming, Haxtun and Holyoke, Colorado. The authority of this carrier under P.U.C. 2435 authorizes on call and demand transportation of dry cement in tank vehicles from, to and between points in the State of Colorado.

According to our best information, the transportation of cement in bulk in tank vehicles is less costly than such transportation in bags. Inasmuch as the only rate in effect in bulk at the present time is 31 cents per cwt., it is our feeling that the shipper should be permitted to have the advantage of the reduced rate which is being proposed. We think that this situation needs the further analysis, and we will expect such an analysis be made at an early date.

Application No. 113, Centennial Truck Lines, Inc.:

> Cans or bottles, fibreboard, paper or pulpboard, with or without metal tops or bottoms, * K.D., ends detached, bodies folded, flat, in packages; and bottles or cans, milk, fibreboard or pulpboard, * K.D., flat or folded flat, in boxes or crates. In straight or mixed shipments. Between Colorado Springs and Denver, Colorado, 40¢ per 100 pounds, minimum weight 30,000 pounds. Subject to loading by shipper.
>
> * Knocked Down.

In support of this application, Centennial Truck Lines, Inc., by letter dated January 22, 1959, to the above agent, stated the following: "As justification for this proposal, we find that at the present time there is a substantial movement of knocked down milk cartons or bottles moving via shipper owned trucks between Denver and Colorado Springs. We have been advised by the shipper and consignee that, if this rate is published, it will allow them to remove the shipper owned truck from the highway and give this movement to common carrier service. Also, the earnings per running mile round trip on this rate would produce 85.7¢ per mile which is quite a bit above the average revenue per mile for carriers in this territory."

It is requested that the above be published to become effective one day after the filing thereof with this Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in the statement of this order, 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 and findings be, and the same are hereby made a part hereof.

2. The rates, rules, regulations and provisions set forth in the statement of this order be the prescribed rates, rules, regulations and provisions of the Commission.

3. On and after February 25, 1959, in Application No. 111 upon ten (10) days' notice and on February 17, 1959 in Application No. 113 upon one (1) day's notice to the general public and this Commission, 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.

4. 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.

5. 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.

6. On and after February 17, 1959, 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 in Application No. 113.

7. On and after February 17, 1959, 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 in Application No. 113.

8. 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.

9. 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hogan

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1959.

mem

Original

(Decision No. 51739)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PLATEAU NATURAL GAS COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF $1,300,000 PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE BONDS.	APPLICATION NO. 16819-Securities

February 11, 1959

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs., by Bryant O'Donnell, Esq., and E. A. Stansfield, Esq., Denver, Colorado, for Applicant;
Gordon and Gordon, Esqs., Lamar, Colorado, and Henry S. Sherman, Esq., Denver, Colorado, for Protestants, the City of Lamar, Colorado, and the National Alfalfa Dehydration & Milling Company;
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:

Pursuant to Section 115-1-4, Colorado Revised Statutes, 1953, Plateau Natural Gas Company, a Colorado corporation, herein called "Applicant," filed with the Commission its application for an order of this Commission authorizing it to issue and sell $1,300,000 principal amount of its First Mortgage Bonds to be designated and known as Applicant's "First Mortgage and Collateral Trust Bonds, Series B, due January 15, 1979," to be dated January 15, 1959, and to bear interest at the rate of 6.25% per annum, payable semi-annually and to be issued as a new series under and to be

secured by Applicant's Indenture of Mortgage and Deed of Trust to Continental Illinois National Bank and Trust Company of Chicago and Edward J. Friedrich, Trustees, dated as of March 1, 1956, hereinafter called "Original Indenture," and indentures supplemental thereto, including a proposed Second Supplemental Indenture to be dated as of January 15, 1959.

A public hearing was commenced on said application in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 19, 1959, after due notice to all interested parties. Prior to the conclusion of Applicant's case in chief on said date, by stipulation of all interested parties, the hearing was recessed by the Presiding Commissioner to reconvene at 10:00 o'clock A. M., on January 30, 1959. The hearing was continued on said latter date, and at the conclusion thereof, the matter was taken under advisement by the Commission.

The City of Lamar, Colorado, and the National Alfalfa Dehydration & Milling Company, a Delaware corporation, with its principal office in the City of Lamar, Colorado, filed with the Commission prior to the hearing their respective written protests.

Other than the aforesaid protests, no petitions to intervene nor other protests were filed with the Commission prior to the hearing. No one appeared at the hearing in opposition to the application other than the aforesaid protestants.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company, subject to the jurisdiction of this Commission, engaged in the distribution and sale at retail of natural gas to domestic, commercial and industrial consumers in several towns and communities in Colorado and areas adjacent thereto, under its schedules of standard gas rates, classifications, rules and regulations published in Applicant's tariff, Colo. P.U.C. No. 1, and in certain instances under special contracts on file with this

Commission. Applicant is also engaged in the distribution and sale at retail of natural gas in the State of Kansas and in respect of such sales is subject to the jurisdiction of the State Corporation Commission of the State of Kansas. Applicant was organized for the purpose of acquiring, and did acquire on August 15, 1956, pursuant to order of this Commission issued April 19, 1956, Decision No. 45692, as supplemented by order of the Commission issued August 10, 1956, Decision No. 46283, all the assets and business of the Pikes Peak Natural Gas Company and the Midwest Natural Gas, Inc., and the local distribution assets and business formerly owned by the Kansas-Colorado Utilities, Inc.

Applicant's principal executive offices are located in Colorado Springs, Colorado. Applicant is the owner of all of the issued and outstanding capital stock of Kansas-Colorado Utilities, Inc., a Kansas corporation authorized to do business in the states of Colorado and Kansas, which is engaged in the business of the purchase, distribution and sale of natural gas at wholesale in said states. Kansas-Colorado Utilities, Inc. is a "natural gas company" under the provisions of the Natural Gas Act, as amended, and subject to the jurisdiction of the Federal Power Commission in respect of its rates and services.

A copy of Applicant's Certificate of Incorporation, as amended, is on file with the Commission. Such Certificate of Incorporation, as amended, provides for an authorized capital stock of $2,950,000 divided into 6,000 shares of 5½% Cumulative Preferred Stock of the par value of $100 per share, 5,750 shares of 6% Cumulative Preferred Stock of the par value of $100 per share, 2,750 shares of 3% Convertible Cumulative Preferred Stock of the par value of $100 per share, and 1,500,000 shares of Common Stock of the par value of $1 per share. Of such authorized capital stock, Applicant has issued and outstanding 6,000 shares of its 5½% Cumulative Preferred Stock, 5,750 shares of 6% Cumulative Preferred

Stock of the par value of $100 per share, 2,750 shares of 3% Convertible Cumulative Preferred Stock of the par value of $100 per share, and 800,000 shares of Common Stock. Of the remaining authorized but unissued Common Stock, 200,000 shares are subject to certain common stock warrants outstanding in the hands of the holders of the 5½% Cumulative Preferred Stock, the issuance and sale of which warrants was authorized by Commission Decision No. 45691 dated April 19, 1956, and 105,000 shares of Common Stock are subject to issuance upon the exercise of options granted pursuant to a stock option plan adopted by Applicant (Commission Decision No. 48203 dated June 21, 1957).

Applicant has heretofore issued, and there are now outstanding under, and secured by, an Indenture of Mortgage and Deed of Trust, dated March 1, 1956, between Applicant and Continental Illinois National Bank and Trust Company of Chicago, and Edward J. Friedrich, as Trustees, $1,916,000 principal amount of its 4-3/8% Series A First Mortgage and Collateral Trust Bonds, dated March 1, 1956, due March 1, 1976. The issuance of such bonds was authorized by Commission Decision No. 45691 dated April 19, 1956. Other than the outstanding Series A First Mortgage and Collateral Trust Bonds and current and accrued liabilities, Applicant has no other outstanding indebtedness as shown from the balance sheet of Applicant at September 30, 1958, which was introduced at the hearing as Exhibit B.

Applicant proposes to issue and sell $1,300,000 principal amount of a new series of its First Mortgage Bonds to be known and designated as Applicant's "First Mortgage and Collateral Trust Bonds, Series B, Due 1979," hereinafter called "New Series B Bonds," to be issued and secured by the Original Indenture, as supplemented by a proposed First Supplemental Indenture to be dated as of January 1, 1959, (hereinafter called "First Supplemental Indenture," in substantially the form as the January 21, 1959 proof of such proposed

First Supplemental Indenture introduced at the hearing as Exhibit G, and as further supplemented by the proposed Second Supplemental Indenture to be dated as of January 15, 1959, in substantially the form of the proof copy of the proposed Second Supplemental Indenture introduced at the hearing as Exhibit E. The New Series B Bonds will be dated January 15, 1959, will mature January 15, 1979, and will bear interest at the rate of 6.25% per annum, payable semi-annually. These bonds, except for sinking fund purposes, are not redeemable before January 15, 1964, at which time the regular redemption price begins at 108.00 and declines through the years to 101.00 in 1978. Sinking fund requirements provide that funds sufficient to redeem $54,000 p. a., exclusive of accrued interest, shall be paid to the Trustee on or before each January 14th, beginning in the year 1961 and continuing into the year 1978.

W. Bruce Fullerton, President of Applicant testified that arrangements have been made to sell $800,000 of the New Series B Bonds at par to the American National Insurance Company, Galveston, Texas, $400,000 at par to the Northwestern National Insurance Company, Minneapolis, Minnesota, and $100,000 of such Bonds at par to the Sun Investment Company, which would hold them only temporarily. The owners of Applicant have a substantial stock interest in Sun Investment Company. However, Mr. Fullerton testified that a commitment has been obtained from a private insitutional investor which is not affiliated with Applicant or with the owners of the Applicant to purchase the $100,000 principal amount of New Series B Bonds from the Sun Investment Company.

By the proposed issuance and sale of $1,300,000 of New Series B Bonds, Applicant proposed to raise approximately $1,300,000 which will be used to retire short term bank loans in the amount of $1,300,000. The sale of the proposed Series B Bonds would be consummated at a private sale at par, and Applicant will receive from said sale the aggregate sum of $1,300,000, less expenses incident to

such issuance and sale. There are to be no underwriting or other fees incurred by Applicant in respect of the proposed issuance and sale of the New Series B Bonds, and the expenses directly allocable to such issuance and sale are estimated by Applicant to not exceed the sum of $5,000. The entire proceeds from the sale of the said Bonds will be used to retire $1,300,000 of short-term bank loans due January 30, 1959, which loans were incurred in acquisition of assets acquired September 30, 1958.

In respect of the proposed 6.25% per annum interest rate for the new Series B Bonds, Mr. Fullerton testified that he and George A. Nicoud, Jr., Vice President of Applicant had approached some ten institutional investors who were not interested on the basis of the Company's earnings record in acquiring Applicant's bonds. In negotiations with the American National Insurance Company, Galveston, Texas, and the Northwestern National Life Insurance Company, Minneapolis, Minnesota, for the purchase of the New Series B Bonds, which led to the commitment in October, 1958 of these institutions to purchase $800,000 and $400,000, respectively, of the proposed New Series B Bonds, Applicant was informed that such institutions would purchase the proposed bonds only on a 6.25% yield basis. Mr. Fullerton further stated that this was the best interest rate Applicant could obtain for the proposed issue in the fall of 1958 when Applicant was endeavoring to obtain a commitment from an institutional investor to purchase the bonds. He further testified that consideration had been given to a public sale of the proposed new Series B Bond, but due to the fact that the cost of a public offering of an issue of the size proposed by Applicant is prohibitive, the management of Applicant determined that a private placement of the proposed bonds would be to Applicant's best interest.

In addition to the Balance Sheet of Applicant at September 30, 1958, and Statement of Earned Surplus of Applicant at the same date which was introduced at the hearing as Exhibit B, there was also

introduced at the hearing as Exhibit C a pro forma Statement of Income for the year ended September 30, 1958, and Pro forma Income and Expense Adjustments for the year ended September 30, 1958.

After giving effect to the proposed issuance and sale of the New Series B Bonds in the principal amount of $1,300,000 for which authorization is sought herein, the pro forma capital structure of Applicant as of September 30,1958 will be as follows, as shown by Exhibit D introduced at the hearing, with the percentage of each item to total capitalization being shown in the right hand column:

Mortgage Bonds	62.4%
Preferred Stock	28.1%
Common Stock and Surplus	9.5%
	100.0%

Applicant's witness testified that of the $1,300,000, approximately $300,000 was spent for improvements in Colorado. Thus, $300,000 is taken as the basis for the fee for the certificate authorizing the issuance of this $1,300,000 of long term debt.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Plateau Natural Gas Company, a Colorado corporation, is a public utility as defined by 115-1-3, Colorado Revised Statutes, 1953;

That this 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 foregoing Statement be made a part of these Findings by reference.

That the proposed issuance and sale by Applicant of $1,300,000 principal amount of Applicant's First Mortgage and Collateral Trust Bonds, Series B, due January 15, 1979, as hereinabove set forth, is reasonably required and necessary for the Applicant's proper corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by law and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953, as amended; and

That the Order sought should be issued, and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Plateau Natural Gas Company be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage and Collateral Trust Bonds, Series B, due January 15, 1979, in the principal amount of $1,300,000, at par, to be dated January 15, 1959, to bear interest at a rate of 6.25% per annum, and to be secured by the Indenture of Mortgage and Deed of Trust of Applicant to Continental Illinois National Bank and Trust Company of Chicago and Edward J. Friedrich, Trustees, dated March 1, 1956, as supplemented, including the Second Supplemental Indenture to be dated as of January 15, 1959, substantially in the form of "Exhibit E," but with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in consummating the proposed sale of said Series B Bonds;

That Applicant be, and it hereby is, authorized to use and apply the proceeds derived from the issuance and sale of the $1,300,000 principal amount of its Series B Bonds for the retirement of short-term bank loans;

That the Series B Bonds authorized to be issued and sold hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of said Bonds, Applicant shall make verified report to this Commission of such serial numbers placed on such Bonds as are initially issued;

That Applicant be, and it hereby is, authorized, in reflecting in its accounts the consummation of the financing outlined above, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission on October 19, 1938;

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the Series B Bonds authorized hereunder, or the interest thereon, on the part of the State of Colorado;

That within sixty (60) days after the issue and sale of said Series B Bonds, Applicant shall file with this Commission a conformed copy of its First Supplemental Indenture to be dated January 1, 1957, and a conformed copy of the Second Supplemental Indenture to be dated January 15, 1959 covering the issue of the Series B Bonds to be sold hereunder;

That within ninety (90) days from the date of the sale of said Series B Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commission, and expenses incident to such sale, accompanying such report with a new balance sheet reflecting the issuance and sale of said Bonds and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such financing; and

That the Commission retain jurisdiction of these proceedings to the end that it may make such further order, or orders, in the premises as to it may seem to be proper and desirable; and it is further

ORDERED, That the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I Knigge

Ralph C Hoban

Commissioners.

Dated at Denver, Colorado,
this 11th day of February, 1959.

ea

original

(Decision No. 51740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EZRA L. JOHNSON, DOING BUSINESS AS "JOHNSON AND SON LANDSCAPE AND YARD SERVICE," 2834 COOK STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16832

February 16, 1959

Appearances: Ezra L. Johnson, Denver, Colorado, pro se;
McLean and McLean, Esqs., Denver, Colorado, for Associated Rubbish Removal Association.

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 common carrier by motor vehicle for hire, to engage in the transportation of dirt, gravel, debris, and fertilizer, trees and shrubs, when the same are connected with his business of landscape and yard service.

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, February 6, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Ezra L. Johnson, the applicant, testified, among other things, that his business is "landscaping" and "yard service; that in the conduct of said business it is necessary, though incidental thereto, that he haul dirt, gravel, debris, and fertilizer to and from the job; that he intends to do such hauling only in conjunction with his principal business.

It appears from the evidence that applicant is a fit and proper person, both from the standpoint of finances and experience to engage in said type of business and hauling, and that there is a need to supply such service to the public.

No evidence was adduced by the protestants in rebuttal.

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

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.

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 Ezra L. Johnson, doing business as "Johnson and Son Landscape and Yard Service," Denver, Colorado, for the transportation of dirt, gravel, debris and fertilizer, trees and shrubs, when the same are connected with his business of landscape and yard service, 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

Joseph A. Negri

Frank C. Norton

Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.
mls

(Decision No. 51741)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., 500 EXCHANGE NATIONAL BANK BUILDING, COLORADO SPRINGS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR OPERATION OF TELEPHONE LINES AND SYSTEM IN THE AREA NOW SERVED BY THE PEYTON RURAL TELEPHONE ASSOCIATION, AN UNINCORPORATED ORGANIZATION LOCATED IN EL PASO COUNTY, COLORADO, NOW BEING OPERATED WITHOUT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.	APPLICATION NO. 16735-Extension

February 16, 1959

Appearances: Leon H. Snyder, Esq., Colorado Springs, Colorado, for Applicant;
George Elsner, Esq., Kiowa, Colorado, for the Town of Kiowa and the County of Elbert;
J. M. McNulty, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Eastern Slope Rural Telephone Association, Inc., a duly incorporated non-profit association, organized under the laws of the State of Colorado, filed with this Commission an application for an extension of its certificate of public convenience and necessity.

The matter was set for hearing, and was heard in the County Court House of Elbert County, in the Town of Kiowa, Colorado, at ten o'clock A. M., on February 3, 1959, after due notice to all interested parties. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

No petitions of intervention were filed prior to the hearing; however, the County Commissioners of Elbert County and the Town of Kiowa appeared, through counsel, as their interests may appear.

Eastern Slope Rural Telephone Association, Inc., hereinafter referred to as "Applicant," has heretofore filed a certified copy of its Articles of Incorporation, as amended to date.

In Decision No. 42900, dated July 6, 1954, applicant received from this Commission a certificate of convenience and necessity to supply telephone service in parts of Washington, Lincoln, Elbert, El Paso, and Douglas Counties, with certain areas excepted therefrom, all as set forth in said decision. One exception was the area supplied by the Peyton Rural Telephone Association.

On June 11, 1958, Applicant entered into a contract agreement with the Peyton Rural Telephone Association for purchase of its exchange. The terms of the agreement provided that the owners would continue the operation and maintenance of the existing telephone system until such time as construction contracts for the installation of a modern dial system had been completed and the system is ready for dial operation. Contracts have been let and construction will soon be under way. Applicant is now ready, able, and willing to supply all subscribers in the present and proposed certificated areas with telephone service. A loan for Applicant's "C" section in the amount of $136,000 has been approved by the Rural Electrification Administration. According to the bid amounts and contracts now let, the proposed system will cost approximately $75,000. Ninety-five subscribers are included in the "C" section, eighty of which lie immediately within the boundaries of the Peyton Exchange Area. The potential for future subscribers in this area is limited since Applicant indicated that within the next five years only twelve additional

subscribers may be obtained. Applicant furnished copies of the Deed and Bill of Sale as well as a description of the boundary of the area to be added to its present certificated area. Applicant requested it be permitted to apply the same rate for dial service in the Peyton Exchange as it now seeks throughout the rest of its territory in its Application No. 16736. This request will be fully dealt with in the decision of the Commission in said Application No. 16736.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein and of the subject matter involved in this application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof, by reference.

That the issuance of a certificate of public convenience and necessity in the area sought by Applicant is consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That public convenience and necessity require, and will require, the operation, maintenance, and extension of a telephone system in the territory sought and as set forth in the Order below.

That Applicant should continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That Applicant should establish rates applicable to its proposed dial system in the area to be known as its Peyton Exchange, in accordance with the decision of the Commission in Application No. 16736.

That Applicant should file within ninety (90) days after the installation of dial service in the Peyton Exchange its "as constructed" costs of its Peyton Exchange Telephone System, classified in accordance with the Uniform System of Accounts as prescribed by this Commission.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the installation, operation and maintenance of a telephone system by Applicant to supply service to the public generally in the area described as follows:

> Starting at a point some 4 miles west of Peyton, Colorado, being the Southeast Corner Section 4, Township 12-South, Range 64-West, thence West one mile, North one mile, East one mile to the Northeast corner of said Section 4; thence North 6 miles to the Northwest corner Section 3, Township 11-South, Range 64-West; thence East 4 miles to the Southeast corner Section 31, Township 10-South, Range 63-West; thence North one mile, East two miles to the Northeast corner Section 33, Township 10-South, Range 63-West; thence South 5 miles to Southwest corner Section 22, Township 11-South, Range 63-West; thence East 2 miles, South 2½ miles to the East Quarter Corner of Section 2, Township 12-South, Range 63-West; thence West one-half mile to the center of said Section 2 and South 2 miles to the center of Section 14, Township 12-South, Range 63-West; thence East one-half mile to the East Quarter Corner of said Section 14; thence South 3½ miles to the Southeast corner Section 35, Township 12-South, Range 63-West; thence West 8 miles to the Southwest corner Section 34, Township 12-South, Range 64-West; thence North 5 miles to the point of beginning,

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

That Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That Applicant shall file its rates, rules and regulations to be applicable within the Peyton Exchange Area in accordance with the provisions of the decision of the Commission in Application No. 16736.

That Applicant shall file within ninety (90) days after the installation of the automatic dial service in the Peyton Exchange its "as constructed" cost of its telephone system, classified in accordance with the Uniform System of Accounts as prescribed by this Commission.

That this Commission shall retain jurisdiction of the matter to issue such further order, or orders, as it may deem necessary.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rogers

Joseph C. Horton

John E. Faulkner

Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.

ea

Original

(Decision No. 51742)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ELECTRIC LINES.

APPLICATION NO. 16829-Extension

February 16, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, for Applicant;
J. E. Wilson, Englewood, Colorado, for Colorado Central Power Company;
Erl H. Ellis, Esq., Denver, Colorado, for Union R. E. A., Inc.;
Harold Lee, Denver, Colorado, for U. S. Bureau of Reclamation.

S T A T E M E N T

By the Commission:

On January 19, 1959, the above-styled application was filed with the Commission by Public Service Company of Colorado, seeking authority to extend electric lines and facilities in Section 26, Township 1-North, Range 68-West, Adams County, Colorado, to serve U. S. Bureau of Reclamation, at one-fourth of a mile south of Washington Mine, on State Highway No. 185.

On January 23, 1959, Colorado Central Power Company, Englewood, Colorado, filed its statement with the Commission, to the effect that said company would not protest granting of authority herein sought.

On January 27, 1959, Union R. E. A., by its Attorney, Erl H. Ellis, filed its statement with the Commission, as follows:

"Union R.E.A. does not wish to protest the granting of this application provided that it is understood that it is purely to take care of a possible emergency and as a stand-by service only and that the construction of a new line through territory adequately served by Union R.E.A. shall not be construed at any time in the future to give Public Service Company any claim to serving any new customers which might locate near to such new Public Service line which is constructed solely to take care of this special situation."

Thereafter, and on January 29, 1959, Public Service Company of Colorado, by its Attorneys, Lee, Bryans, Kelly and Stansfield, advised the Commission said company no longer desires 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. 16829 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 16th day of February, 1959.

mls

original

(Decision No. 51743)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT LANTZ AND JACQUELINE LANTZ, CO-PARTNERS, DOING BUSINESS AS "LANTZ TRUCK LINE," BENNETT, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 559 TO COLORADO MILK TRANSPORT, INC., ROUTE 1, BOX 141, BROOMFIELD, COLORADO.

APPLICATION NO. 16831-Transfer

February 16, 1959

Appearances: Paul M. Hupp, Esq., Denver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Robert Lantz and Jacqueline Lantz, co-partners, doing business as "Lantz Truck Line," Bennett, Colorado, were granted a certificate of public convenience and necessity, authorizing operations as a common carrier by motor vehicle for hire, for the transportation of:

> milk and cream, and return of empty cans, between Denver, Colorado, and points in the following described territory:
>
> commencing at a point on U. S. Highway No. 36 where it crosses East Bijou Creek; thence east on U. S. Highway No. 36 to the southwest corner of Section 35, Township 3-South, Range 60-West of the 6th P. M.; thence north twelve miles to the southeast corner of Section 35, Township 1-South, Range 60-West of the 6th P. M.; thence west to Bijou Creek; thence southerly along Bijou Creek and East Bijou Creek to its intersection with U. S. Highway No. 36, the same being the point of beginning; also, commencing at a point on the southwest corner of Section 28, Township 3-South, Range 65-West of the 6th P.M.; thence north ten miles to the northwest corner of Section 9, Township 2-South, Range 65-West of the 6th P. M.; thence east thirteen miles to the northeast corner of

Section 9, Township 2-South, Range 63-West of the 6th P. M.; thence south three miles to the southeast corner of Section 21, Township 2-South, Range 63-West of the 6th P. M.; thence west eleven miles to the southwest corner of Section 23, Township 2-South, Range 65-West of the 6th P. M.; thence south seven miles to the southeast corner of Section 27, Township 3-South, Range 65-West of the 6th P. M.; thence west two miles to the point of beginning,

said operating rights being designated "PUC No. 559."

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 559 to Colorado Milk Transport, Inc., Broomfield, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 5, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 23, 1959, the Commission, as provided by law, designated Louis J. Carter, 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 Louis J. Carter, 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 Lantz, one of transferors herein, testified he and his wife have entered into a contract with Colorado Milk Transport, Inc. to sell PUC No. 559, copy of said contract being on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate.

Kenneth M. Martin testified he is President of Transferee herein, and as such, identified Balance Sheet and Description of Equipment of said company on file with the 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 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 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 Robert Lantz and Jacqueline Lantz, co-partners, doing business as "Lantz Truck Line," Bennett, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 559 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Colorado Milk Transport, Inc., Broomfield, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply

with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, 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 F. Nigro

Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.

mls

Original

(Decision No. 51744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ELECTRIC LINES TO SERVE TRANSWESTERN INVESTMENT CO., VICTORIA HEIGHTS SUBDIVISION, BETWEEN WASHINGTON STREET AND YORK STREET, FROM EAST 96TH AVENUE TO EAST 100TH AVENUE, SECTION 14, TOWNSHIP 2-SOUTH, RANGE 68-WEST, ADAMS COUNTY, STATE OF COLORADO.	APPLICATION NO. 16521-Extension
IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE SOUTH HALF OF SECTION 14, TOWNSHIP 2-SOUTH, RANGE 68-WEST, TO SERVE A PROPOSED SUBDIVISION KNOWN AS "VICTORIA HEIGHTS," LOCATED IN THE SOUTH HALF OF SECTION 14, TOWNSHIP 2-SOUTH, RANGE 68-WEST.	APPLICATION NO. 16617-Extension

SUPPLEMENTAL ORDER

February 6, 1959

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs., by Charles Kelly, Esq., and by Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado;
Grant, Shafroth & Toll, Esqs., by Erl Ellis, Esq., Denver, Colorado, for Union Rural Electric Association, Inc.;
E. R. Thompson, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On January 16, 1959, the Commission entered its Decision No. 51573 in the above-styled applications.

On February 3, 1959, "Petition for Rehearing" was filed with the Commission by Public Service Company of Colorado, by Lee, Bryans, Kelly and Stansfield, Attorneys.

Inasmuch as formal Order was not entered by the Commission within twenty days from date of Order complained of,

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing is denied, by operation of law.

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing," filed with the Commission on February 3, 1959, in the above-styled applications, by Public Service Company of Colorado, by Lee, Bryans, Kelly and Stansfield, Attorneys, is denied, by operation of law.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Ralph L. Carlson

Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1959.

ea

Original

(Decision No. 51745)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES W. YOUNGSON AND HOWARD F. PODEWITZ, CO-PARTNERS, DOING BUSINESS AS "YOUNGSON & PODEWITZ," HEARTWELL, NEBRASKA, FOR AUTHORITY TO TRANSFER INTERESTATE OPERATING RIGHTS TO HOWARD F. PODEWITZ, DOING BUSINESS AS "PODEWITZ TRUCK LINE," HEARTWELL, NEBRASKA	PUC NO. 3191-I-Transfer

February 16, 1959

S T A T E M E N T

By the Commission:

Heretofore, Charles W. Youngson and Howard F. Podewitz, co-partners, doing business as "Youngson & Podewitz," Heartwell, Nebraska, were 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. 3191-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Howard F. Podewitz, doing business as "Podewitz Truck Line," Heartwell, Nebraska, said Charles W. Youngson being desirous of withdrawing from said partnership.

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Charles W. Youngson and Howard F. Podewitz, co-partners, doing business as "Youngson & Podewitz," Heartwell, Nebraska, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 3191-I to Howard F. Podewitz, doing business as "Podewitz Truck Line," Heartwell, Nebraska, said Charles W. Youngson being hereby authorized to withdraw from said co-partnership.

That transfer of operating rights herein authorized is 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 F. Nigro
Ralph C. Nelson
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.

ea

(Decision No. 51746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JAMES C. KOPP AND ZITA O. KOPP, CO-PARTNERS, DOING BUSINESS AS "JIM KOPP'S DECORATOR SHOP," 7341 WEST 44TH AVENUE, WHEAT-RIDGE, COLORADO.	PERMIT NO. M-11705 CASE NO.88486-INS.

February 16, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88586-Ins., the Commission entered its Order, revoking Permit No. M-11705 for failure of Respondent herein to keep effective insurance on file with the Commission.

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-11705 should be, and the same hereby is, reinstated, as of January 28, 1959, revocation order entered by the Commission on said date in Case No. 88486-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negri

Ralph C. Hanlon

Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.

ea

(Decision No. 51747)

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, COLORADO P.U.C. NO. 36, MORE FULLY HEREINAFTER SET FORTH.

APPLICATION NO. 1606, ET AL

February 16, 1959

Appearances: John R. Barry, Esq., 738 Majestic Building, Denver, Colorado, for National Bus Traffic Association, Inc., Agent;
S. P. Thulin, Minneapolis, Minnesota, for Central Greyhound Lines;
Henry Van Ingelgum, 1341 P Street, Lincoln, Nebraska, for American Buslines, Inc.;
D. R. Ritchey, 210 East 9th, Ft. Worth, Texas, for Southwestern Greyhound Lines, Inc.;
Chas. R. Deisher, 1669 Broadway, Denver 2, Colorado, for Continental Bus System, Inc.;
D. B. James, 1805 Broadway, Denver 2, Colorado, for Denver-Boulder Bus Company;
I. B. James, 1805 Broadway, Denver 2, Colorado, for Colorado Transportation Company and Colorado Motorway, Inc.;
T. S. Wood, S. J. Philippone and Harry Eastlond, Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

On October 9, 1958, National Bus Traffic Association, Inc., Agent, filed an application (No. 34) with the Commission, for and on behalf of the following motor vehicle common carriers, viz.:

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.

The said application requests authority to cancel its Colorado Charter Coach Tariff No. A-70, Colorado P.U.C. No. 36, and in lieu thereof to file and make applicable on Colorado intrastate traffic its Charter Coach Tariff No. A-290.

The proposed tariff (A-290) is at the present time applicable on interstate traffic and on intrastate traffic in Alabama, Arkansas, Arizona, California, Illinois, Iowa, Kansas, Mississippi, Missouri, Montana, Louisiana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin and Wyoming, in connection with the American Buslines, Cannon Ball, Continental Rocky Mountain Lines, Greyhound Corporation, Southwestern Greyhound, Continental Central Lines and Valley Transit Lines.

The petition states:

"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. 39207, 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) The proposed format for publication 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. 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.

"(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."

The proposed tariff (A-290) is published in loose-leaf sectional form. A short synopsis of its contents is as follows, viz.:

Section A - Table of Contents, explanation of abbreviations and reference marks, and the names of issuing carriers.

Section B - Individual Carrier Application of and Exceptions to the Rules, Regulations and Charges shown herein.

Section C - Rules and Regulations.

Section D - Special Charges; City and Suburban Sightseeing and Charter Trips; Minimum Charges; Charges for Special Equipment.

Sections E, F, G, H, and I cover the rates and charges applicable on charter movements according to application of the participating carriers.

The majority of the carriers proposes to adopt Section I rates and charges for all movements originating at points on their lines, except where it is necessary to publish lower charges due to competitive conditions.

On November 6, 1958, the Commission assigned the matter 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. (Decision No. 51215)

On November 13, 1958, the November 25, 1958 hearing was vacated and reset for December 15, 1958, at the same time and place. The hearing was held on December 15, 1958, and at its conclusion the matter was taken under advisement.

At the hearing witnesses representing the Central Greyhound Lines (Division of The Greyhound Corporation), American Buslines, Inc., Denver-Colorado Springs-Pueblo Motorway, Inc., Denver-Salt Lake-Pacific Stages, Inc., Southwestern Greyhound Lines, Inc., Transcontinental Bus System, Inc. (Continental Central Lines Division), Continental Rocky Mountain Lines, and Denver-Boulder Bus Company appeared and presented testimony in support of the request.

A resumé of most of the statistical data presented by the different witnesses has been compiled by the Rate Department of the Commission and is attached hereto as Appendix "A".

The following data compiled from exhibits of record shows the following percentage of charter bus revenue to the total revenue.

	1957	6 Mos. - 1958
American Buslines, Inc.	10%	11.3%
	10 Mos. - 1957	10 Mos. - 1958
Central Greyhound Lines Division	7.7%	8%
Continental Central Lines	-	12.7%
Continental Rocky Mountain Lines	-	7.2%
	1957	9 Mos. - 1958
Denver-Colo. Springs-Pueblo Motorway, Inc.	10.5%	12.7%
Denver-Salt Lake-Pacific Stages, Inc.	4.0%	5.0%
	6 Mos. - 1958	9 Mos. - 1958
* Southwestern Greyhound Lines, Inc.	5%	4.6%
(* Colorado Intrastate)		
		10 Mos. - 1958
Denver-Boulder Bus Company		34%

While the operating statements submitted tend to show the general financial condition of the various carriers on their system operations, the matter here under consideration would apply only to a small portion of their entire revenues, except, the Denver-Boulder Bus Company. (See computation previously set forth herein.) Therefore, we think the examples of the various specific movements set forth in Appendix "A" portray a more clear insight of the result of the application of the rates contained in the proposed tariff.

It will be noted the per cent of increased revenue varies considerably from a low of 9.2% on a one-way movement of 41 passengers from Walsenburg to a point 18 miles north of Bayfield via the Denver-Colorado Springs-Pueblo Motorway, to a high of 63% on a movement of 37 passengers from Denver to Cooper Hill and return with an overnight stop

at Leadville, involving 41 hours time and 262 miles, via the Continental Rocky Mountain Lines. On many of the specific trips cited the involved carriers actually sustained a loss in performing the service. In order to visualize more clearly what the result of the proposal would be we have compiled the percentage of the actual expenses of the proposed charges on the various specific movements, viz.:

American Buslines, Inc.

FROM	TO	PROPOSED REVENUE	EXPENSES	PER CENT
Denver	Ft. Collins and Return	$95.00	$61.60	64.8
Denver	Brush and Return	80.10	68.50	85.5
Denver	Estes Park and Return	68.00	56.57	75.7
	Central Greyhound Lines Division			
LaSalle	Denver and Return	63.00	98.33	156.0
Denver	Williams Fork and Return	148.35	124.39	83.8
Denver	Walden and Return	145.00	143.44	98.9
	Denver-Colorado Springs-Pueblo Motorway, Inc.			
Denver	Colorado Springs and Return	72.00	69.50	96.5
Walsenburg	18 Miles North of Bayfield - One Way	254.16	244.63	96.25
Aurora	Estes Park and Return	91.44	69.99	76.50
	Denver-Salt Lake-Pacific Stages, Inc.			
Capps Lodge	Denver - One Way	45.00	37.24	82.75
Denver	Winter Park and Return	95.00	54.79	57.70
Denver	Fraser and Return	104.50	61.75	59.0
	Continental Rocky Mountain Lines			
Denver	Loveland Basin and Return	95.00	62.00	65.2
Denver	Arapahoe Basin and Return	95.00	64.51	67.9
Denver	Loveland Basin and Return	95.00	62.00	65.2
Denver	Cooper Hill and Return with stop overnight at Leadville	205.00	142.29	69.4

Denver-Boulder Bus Company

FROM	TO	PROPOSED REVENUE	EXPENSES	PER CENT
Denver	Boulder and Return	$40.00	$32.89	82.2
Denver	Aspen - One Way	181.46	198.06	109.1
Denver	Aspen and Return	302.50	240.21	79.4
Denver	Pueblo and Return	132.00	129.39	98.0
Denver	Boulder and Return	55.00	32.26	58.6

The wage rates of mechanics, helpers, servicemen, ticket agents and drivers have increased approximately 27% since May 1, 1953. The cost of material and supplies, such as blocks, heads, crankshafts, bearings, etc., in January 1958 was approximately 42% more than in 1955. Gasoline in 1957 was about 6.8% higher than in 1954 and Diesel Fuel about 18.7% higher for the same period.

The passenger fares for scheduled service have been increased approximately 22% since June, 1956. On the other hand, there has been no increase in the charter party rates since September 25, 1952.

The average increase in revenues (under the proposal) over the expenses on the cited individual movements is approximately 20%.

The record shows that charter service is more expensive than regular scheduled service due to the following reasons, viz.:

1. Exclusive use of bus requires more supervision.
2. Drivers are the highest priced of all drivers.
3. Damage to the equipment by the charter party.
4. Groups demand better accommodations, which in turn reflects itself in the price the drivers have to pay for their accommodations.

On August 27, 1956, Decision No. 46392, the Commission ordered that the rates, rules and regulations prescribed in Decision No. 9967, as amended, would not be considered as prescribed rates, rules and regulations on strictly intra-city movements of charter parties in the State of Colorado on intrastate traffic, and on November 15, 1956, Decision No. 46831, it ordered that the rates, rules and regulations prescribed in Decision No. 9967, as amended, would not be considered as prescribed rates,

rules and regulations on charter bus movements performed by The Denver Tramway Corporation for account of The Glenn L. Martin Company, Denver Division, between Denver, Colorado, and the various locations and sites of the said Martin Company.

There is nothing in the present record which would indicate that the provisions of these two orders should not be continued in force and effect.

F I N D I N G S

THE COMMISSION FINDS, That:

1. The applicant, 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.

should be authorized to cancel its Colorado Charter Coach Tariff No. A-70, Colorado P.U.C. No. 36, and in lieu thereof to file and make applicable on Colorado intrastate traffic its Charter Coach Tariff No. A-290.

2. In making the said tariff applicable on Colorado intrastate traffic reference should be made in Section "B" to the Individual Carrier Application of and Exceptions to the Rules, Regulations and Charges as presently contained in said tariff, or such additional exceptions as each individual carrier desires for its own application.

3. The provisions contained in Decision No. 46392 dated August 27, 1956, and Decision No. 46831, dated November 15, 1956, should continue in force and effect.

4. In making Charter Coach Tariff No. A-290 applicable on Colorado intrastate traffic specific reference to this order should be shown by decision number and date.

5. The provisions of the said Tariff No. A-290 containing rates, rules and regulations, except as otherwise provided herein, should be prescribed for the future as maximum and minimum rates, rules and regulations for motor vehicle common carriers and minimum rates, rules and regulations for private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

6. Except as herein changed or modified, the order entered under Decision No. 9967, as amended, should continue in force and effect.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and Appendix "A", be, and they are hereby made a part hereof;

2. This order shall become effective forthwith;

3. All motor vehicle motor carriers and all private carriers by motor vehicle, operating in intrastate commerce in the State of Colorado, to the extent they are affected by this order, be, and they hereby are notified and required to cancel all schedules in conflict with the rates, rules and regulations referred to in the above findings on March 16, 1959, upon notice to this Commission and to the general public by not less than fifteen (15) days' filing and posting in the manner prescribed by law and the rules of this Commission;

4. The rates, rules and regulations referred to in the above findings shall be published by all motor vehicle common carriers as both maximum and minimum, and by private carriers by motor vehicle as minima, to the extent they are affected by this order, to become effective March 16, 1959, upon notice to this Commission and to the general public by not less than fifteen (15) days' filing and posting in the manner prescribed by law and the rules of this Commission;

5. This order shall not be construed so as to compel a private carrier by motor vehicle to be or to become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier;

6. The orders entered in Application No. 1606, et al, on May 10, 1937, Decision No. 9967, as since amended, shall, except as changed and modified by this order, remain in force until the further order of the Commission;

7. 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 February, 1959.

mem

APPENDIX "A"

CENTRAL GREYHOUND LINES (DIVISION OF THE GREYHOUND CORPORATION)

STATEMENT SHOWING COMPARISON OF NET INCOME FOR TEN MONTHS ENDED OCTOBER 31, 1958 AND 1957

	BUS MILES OPERATED	OPERATING REVENUES			TOTAL OPERATING EXPENSES
		PASSENGER	CHARTER	OTHER	
1958	67,013,251	$29,008,593	$2,788,065	$3,153,955	$33,339,693
1957	75,119,534	31,971,092	2,903,969	2,823,039	36,210,337

	NET OPERATING INCOME	NET INCOME	RATIO OPERATING BEFORE INCOME TAXES	RATIO AFTER INCOME TAXES	CENTS PER MILE REVENUE	CENTS PER MILE EXPENSES
1958	$1,610,920	$673,656	95.39	98.07	52.15	49.75
1957	1,487,853	611,656	96.05	98.38	50.18	48.20

STATEMENT SHOWING COMPARISON OF VARIOUS WAGE RATES 1943 THROUGH 1958

WAGE RATES INCLUDING COST OF LIVING ALLOWANCES

Effective Date	5/1/43	5/1/53	5/1/54	5/1/55	5/1/56	5/1/57	5/1/58	11/1/58*
Hourly Paid Employees	$1.2288	$2.08	$2.13	$2.16	$2.27	$2.42	$2.46	$2.59
Mechanic Helpers	.9231	1.685	1.735	1.765	1.875	2.025	2.065	2.195
Servicemen	.8365	1.575	1.625	1.655	1.765	1.915	1.955	2.085
Ticket Agents	1.096	1.985	2.035	2.065	2.175	2.325	2.365	2.495
Mileage Paid Employees								
Drivers	$.0475	$.0810	$.0835	$.0850	$.0905	$.0970	$.0990	$.1030

* Subject to Ratification by Union Membership

EXAMPLES OF SPECIFIC CHARTER MOVEMENTS

FROM	TO	NO. OF PASSENGERS	MILES LIVE	MILES DEADHEAD ACTUAL	MILES DEADHEAD PAID	REVENUE PRESENT	REVENUE PROPOSED	REVENUE PER CENT INCREASE	EXPENSES
LaSalle	Denver And Return	33	98	98	10	$46.12	$63.00	36.6	$98.33
Denver	Williams Fork And Return	39	258	0	0	134.16	148.35	10.5	124.39
Denver	Walden And Return	33	290	0	0	127.60	145.00	13.63	143.44

DENVER-COLORADO SPRINGS-PUEBLO MOTORWAY, INC.

OPERATING STATEMENTS

	BUS MILES OPERATED	OPERATING REVENUES			TOTAL OPERATING EXPENSES
		PASSENGER	CHARTER	OTHER	
1957	1,955,849	$756,766	$101,454	$101,902	$807,900
9 Mos. 1958	1,533,175	591,978	97,989	80,752	691,632

	NET OPERATING INCOME	NET INCOME	OPERATING RATIO	CENTS PER MILE	
				REVENUE	EXPENSES
1957	$152,222	$137,081	84.1%	$.4909	$.4131
9 Mos. 1958	79,087	73,294	89.7%	.5027	.4511

EXAMPLES OF SPECIFIC CHARTER MOVEMENTS

FROM	TO	NO. OF PASSENGERS	MILES			REVENUE			
			LIVE	DEADHEAD					
				ACTUAL	PAID	PRESENT	PROPOSED	PER CENT INCREASE	EXPENSES
Denver And Return	Colorado Springs	29	134	0	0	$53.60	$72.00	34.3	$69.50
Walsenburg	18 Mi. North Bayfield	41	228	326	326	232.66	254.16	9.2	244.63
Aurora And Return	Estes Park	41	144	14	14	79.78	91.44	14.6	69.99

DENVER - SALT LAKE - PACIFIC STAGES, INC.

	BUS MILES OPERATED	REVENUES			TOTAL OPERATING EXPENSES	NET OPERATING INCOME
		PASSENGER	CHARTER	OTHER		
1957	812,534	$217,459	$10,487	$29,613	$263,349	($5,791)
9 Mos. 1958	603,985	174,377	10,434	25,035	188,731	$21,115

	NET INCOME	OPERATING RATIO	CENTS PER MILE	
			REVENUE	EXPENSES
1957	($3,510)	102.2%	$.3170	$.3241
9 Mos. 1958	$22,015	89.9%	.3475	.3125

( ) Parenthesis denotes a red figure.

DENVER-SALT LAKE-PACIFIC STAGES, INC.

EXAMPLES OF SPECIFIC CHARTER MOVEMENTS

FROM	TO	NO. OF PASSENGERS	MILES LIVE	MILES DEADHEAD ACTUAL	MILES DEADHEAD PAID	REVENUE PRESENT	REVENUE PROPOSED	PER CENT INCREASE	EXPENSES
Capps Lodge	Denver	33	45	45	45	$33.30	$45.00	35.1	$37.24
Denver And Return	Winter Park	37	134	0	0	64.32	95.00	47.7	54.79
Denver And Return	Fraser	41	160	0	0	83.20	104.50	25.6	61.75
CONTINENTAL ROCKY MOUNTAIN LINES									
Denver And Return	Loveland Basin	37	124	0	0	59.52	95.00	59.6	62.00
Denver And Return	Arapahoe Basin	37	132	0	0	63.36	95.00	49.9	64.51
Denver And Return	Loveland Basin	37	124	0	0	59.52	95.00	59.6	62.00
Denver And Return Over Night	Cooper Hill with Stop- at Leadville	37	262	0	0	125.76	205.00	63.0	142.29
DENVER-BOULDER BUS COMPANY									
Denver And Return	Boulder	29	54	0	0	26.00	40.00	53.8	32.89
Denver	Aspen	33	211	211	211	156.14	181.46	16.0	198.06
Denver And Return	Aspen (55 Hours)	41	422	54	0	219.44	302.50	37.8	240.21
Denver And Return	Pueblo	41	220	54	0	114.40	132.00	15.4	129.39
Denver And Return	Boulder	41	54	0	0	33.80	55.00	62.7	32.26
AMERICAN BUSLINES, INC.									
Denver And Return	Ft. Collins (Tour)	37	150	0	0	72.00	95.00	37.0	61.60
Denver And Return	Brush	29	178	0	0	71.20	80.10	12.5	68.50
Derby And Return	Estes Park	29	120	12	12	51.48	68.00	32.0	56.57

(Decision No. 51748)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BILLY C. BRANDON)
POST OFFICE BOX 527,)
CENTER, COLORADO.) PERMIT NO. M-15883
)
)

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Billy C. Brandon, Center, Colorado requesting that Permit No. M-15883 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15883, heretofore issued to Billy C. Brandon, Center, Colorado be, and the same is hereby, declared cancelled effective January 18, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Hogan
Jack C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 16th day of February, 1959.
ds

(Decision No. 51749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
KINNEY BRICK COMPANY, INC.)
POST OFFICE BOX 86,)
ALBUQUERQUE, NEW MEXICO.) PERMIT NO. M-12564
)
)

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kinney Brick Company, Inc, Albuquerque, New Mexico requesting that Permit No. M-12564 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12564, heretofore issued to Kinney Brick Company, Inc., Albuquerque, New Mexico be, and the same is hereby, declared cancelled effective February 15, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 16th day of February, 1959.

ds

(Decision No. 51750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EDWIN WOOD)
ROUTE I,)
ROGERS, ARKANSAS.) PERMIT NO. M-15990
)
)

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edwin Wood, Rogers, Arkansas requesting that Permit No. M-15990 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15990, heretofore issued to Edwin Wood, Rogers, Arkansas be, and the same is hereby, declared cancelled effective February 11, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of February, 1959.
ds

(Decision No. 51751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEO V. HULEN)
1222 - 10TH. STREET.)
GREELEY, COLORADO.) PERMIT NO. M-307
)
)

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo V. Hulen, Greeley, Colorado requesting that Permit No. M-307 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-307, heretofore issued to Leo V. Hulen, Greeley, Colorado be, and the same is hereby, declared cancelled effective February 11, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 16th day of February, 1959.

ds

(Decision No. 51752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
KELLY SPRINGFIELD TIRE COMPANY)
2635 WALNUT STREET,)
DENVER 5, COLORADO.)
)
_____)

PERMIT NO. M-14758

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kelly Springfield Tire Company, Denver, Colorado requesting that Permit No. M-14758 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14758, heretofore issued to Kelly Springfield Tire Company, Denver, Colorado be, and the same is hereby, declared cancelled effective February 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 16th day of February, 1959.
ds

(Decision No. 51753)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
COMMERCIAL COUNTER COMPANY, INC.)
4808 WEST 35TH. AVENUE)
DENVER 12, COLORADO.) PERMIT NO. M-8612
)
)

February 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Commercial Counter Co., Inc., Denver, Colorado requesting that Permit No. M-8612 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8612, heretofore issued to Commercial Counter Co., Inc., Denver, Colorado be, and the same is hereby, declared cancelled effective February 9, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jesse C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of February, 195 9.

ds

Original

(Decision No. 51754)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. E. FARRINGTON AND R. E. FARRINGTON, JR., CO-PARTNERS, DOING BUSINESS AS "YAMPA TRANSFER," YAMPA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 881.	APPLICATION NO. 15728-Extension SUPPLEMENTAL ORDER

February 16, 1959

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Applicant;
Marion R. Smyser, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Gray Truck Line, Larson Transportation Company.

S T A T E M E N T

By the Commission:

On January 26, 1959, the Commission entered its Decision No. 51614 in the above-styled application.

"Application for Rehearing" was filed with the Commission on February 2, 1959, by Marion R. Smyser, Attorney, on behalf of The Denver and Rio Grande Western Railroad Company, Larson Transportation Company, and Gray Truck Line.

Inasmuch as formal Order was not entered by the Commission within twenty days from date of Order complained of,

F I N D I N G S

THE COMMISSION FINDS:

That said Application for Rehearing is denied, by operation of law.

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing, filed with the Commission

on February 2, 1959, in the above-styled application, by Marion R. Smyser, Attorney, on behalf of The Denver and Rio Grande Western Railroad Company, Larson Transportation Company, and Gray Truck Line, is denied, by operation of law.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rogers

Commissioners.

Dated at Denver, Colorado,
this 16th day of February, 1959.

ea

(Decision No.51755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND ELECTRICAL FACILITIES TO SERVE CROKE RESERVOIR.	APPLICATION NO. 16737 SUPPLEMENTAL ORDER

February 17, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by Bryant O'Donnell, Esq., Denver, Colorado, for Applicant; Grant, Shafroth, Toll, Chilson, and McHendrie, Esqs., Denver, Colorado, by Erl H. Ellis, Esq., Denver, Colorado, for Union Rural Electric Association, Inc.; Paul Brown, Denver, Colorado, and Everett R. Thompson, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On February 4, 1959, the Commission entered its Decision No. 51669, in the above-styled application, granting to applicant herein a certificate of public convenience and necessity, authorizing extension of electrical facilities, as set forth in said Order.

On February 11, 1959, "Application by Union R.E.A.for a Rehearing," was filed with the Commission, by Grant, Shafroth, Toll, Chilson and McHendrie, Attorneys.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Application for Rehearing filed herein.

F I N D I N G S

THE COMMISSION FINDS:

That no useful purpose would be served by granting rehearing herein; that no error was committed in the entry of Decision No. 51669, and that said Application for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That "Application by Union R.E.A.for a Rehearing," filed with the Commission on February 11, 1959, by Grant, Shafroth, Toll, Chilson, and McHendrie, Attorneys, in the above-styled application, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Tuyo

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1959.

ea

Original

(Decision No. 51756)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO TRANSPORTATION COMPANY,
1805 Broadway,
Denver 2, Colorado,

Complainant,

vs.

YELLOW CAB TOURWAYS, INC.,
3455 Ringsby Court,
Denver 5, Colorado,

Respondent.

CASE NO. 5149

February 18, 1959

Appearances: Holland and Hart, Esqs.,
Denver, Colorado,
by James Moran, Esq.,
for Complainant;
Walter M. Simon, Esq.,
Denver, Colorado,
for Respondent;
Thomas B. Masterson, Esq.,
Denver, Colorado, as
his interest may appear.

S T A T E M E N T

By the Commission:

On July 23, 1958, Colorado Transportation Company, a Colorado corporation, engaged as a common carrier by motor vehicle operating under Certificates of Public Convenience and Necessity Nos. 55 and 56, filed a Complaint, alleging that Respondent Yellow Cab Tourways, Inc. is operating a special limousine livery service, and that Respondent has no authority to operate said service under its certificate and is conducting said operation illegally and in violation of 1953 Colorado Revised Statutes, 115-9-4.

The Complaint further asks that this Commission set this matter for formal hearing, and that if the Commission finds and

decrees that Respondent is without authority to operate a special limousine service, that the Commission order Respondent to cease and desist from the acts complained of herein.

Order to Show Cause or Satisfy issued upon said Complaint against Respondent Yellow Cab Tourways, Inc., who, on August 11, 1958, answered admitting that Yellow Cab Tourways, Inc. is holding itself out to the public as operating a special limousine livery service but denied that Respondent lacked authority from the Commission so to do and asked that the Complaint be dismissed.

The above-entitled matter was originally set for hearing on September 9, 1958, but at the request of the parties this setting was vacated and re-set for hearing January 9, 1959, at ten o'clock A. M., at 330 State Office Building, Denver, Colorado, and there heard.

On July 5, 1954, by Decision No. 43097, M. P. Masterson, doing business as "Masterson Auto Service," Denver, Colorado, was authorized to transfer to Publix Cab Company all taxicab operating rights under Certificate of Public Convenience and Necessity No. 82, being the operating rights granted by Decision No. 4320 dated May 20, 1932, as extended by Decision No. 41032, and said operating rights so transferred were ordered consolidated with Publix Cab Company Certificate of Public Convenience and Necessity No. 1223.

On April 25, 1958, the authority granted in Decision No. 43097, by Decision No. 50163, and the Grandfather Right to operate within the home-rule City and County of Denver, was transferred to the Respondent herein.

It appears to the Commission, after a review of the evidence, that the question before it is: Does Yellow Cab Tourways, Inc. have authority to operate a special limousine livery service?

It was stipulated at the hearing (and the Commission is in agreement), that if Respondent has operating authority for a special limousine livery service such authority derives from the authority transferred to Publix Cab Company by M. P. Masterson in

Decision No. 43097 issued July 5, 1954 in Application No. 13004. There appears to be no question or dispute that the authority so obtained from Masterson by Publix Cab Company was subsequently transferred to the Publix corporation in Decision No. 49310 dated December 31, 1957, and thereafter transferred to Yellow Cab Tourways, Inc., by Decision No. 50163 dated April 25, 1958.

At the hearing, it further appeared that Decision No. 46416 was the Grandfather Right to operate in the City and County of Denver, which authority was transferred to Publix and later to the Respondent herein, by Decision No. 50163.

The question that again presents itself to the Commission is: What authority did Respondent obtain from Decision No. 4320, and if so, what was that authority? To determine the authority issued in Decision No. 4320, we will first consider the grant of authority in that decision:

> "IT IS THEREFORE ORDERED, That public convenience and necessity require the proposed motor vehicle operation of applicants as heretofore outlined in Applications - - - - 1636 - - - - , subject to the following terms and conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:"

We have carefully studied Decision No. 4320 issued May 20, 1932, and it appears to us that the then Commission granted to applicants the authority asked for in the application, and we quote from this application:

> "3. That applicant is doing business as a public utility and common carrier of passengers and their hand baggage between certain cities, towns, communities and parks in said State as to which the Public Utilities Commission of the State of Colorado has heretofore granted to it certificates of public convenience and necessity; that applicant now is and for many years past has been engaged in such business within and throughout the State of Colorado, and that in rendering such service applicant uses the public highways of said State of Colorado.
>
> "4. That applicant hereby makes application for a certificate or certificates of public convenience and necessity to be granted and issued by this Commission to operate and engage in the business of operating taxicabs, motor cars, motor busses and other vehicles for the transportation of passengers and their personal baggage, in addition to the transportation operations now being carried on by applicant, from

and between the City and County of Denver, Colorado, Estes Park and to and from any and all other counties, cities, towns and points within said State of Colorado, in the nature of a special taxicab and bus service, such transportation to be engaged in under and pursuant to individual agreements, and to be rendered as occasion may require and the public demand therefor arises; and such operations to be irregular, occasional, non-scheduled operations over divers and irregular routes between, and to or from any of said points and/or destinations.

"5. That the proposed fares, rates and regulations to be charged for and under which the service above set forth and designated is to be rendered and maintained as hereinabove stated, are set forth in Exhibit "A" hereto attached and made a part hereof.

"6. That applicant proposes to operate and maintain equipment consisting of the best model and uptodate taxicabs, motor cars, motor busses and vehicles in the service to be rendered as aforesaid, and a description of the equipment available and to be operated in the proposed service, and the reasonable value of same as of the date of filing this application, is more fully shown and set forth in Exhibit "B" hereto attached and made a part hereof; and applicant further states that should a certificate or certificates of public convenience and necessity be granted by the Commission as applied for herein they are ready, willing and able to acquire and furnish any and all other suitable and proper motor equipment as the necessities of the business may from time to time require.

"7. That the service proposed to be rendered by applicant, by reason of the rates, fares and regulations under which said service will be operated and maintained, will be non-competitive in character with railroad common carriers and motor vehicle or motor bus carriers operating over regular routes and upon scheduled service, and will be primarily a special taxicab and bus service incident to the occasional and irregular transportation of passengers from and between the places above designated to and from other points within the State of Colorado as hereinabove set forth; and because of the irregular and occasional character of the service contemplated, and the territory and points to be served, applicant will not have to use any time or route schedules, but will carry individuals or individual groups of persons at such times and over such routes as the circumstances of each separate and individual contract entered into may require; and applicant further avers that they have no intention of competing with the regular operations of established and licensed common carriers, and are willing, through the establishment of such non-competitive rates, fares and regulations and by such conditions as the Commission may see fit to impose in any certificate or certificates of public convenience and necessity as may be granted, that such operations may be effectually so limited.

"8. That applicant avers that the operation of transportationfacilities as they propose to operate in the manner and upon the terms and conditions aforesaid is required by the public convenience and necessity, and that the following facts and circumstances exist and are relied upon by applicant as justification for the granting of a certificate or certificates of public convenience and necessity to applicant for the operations covered by this application, viz:

"That applicant is now and for some time past has been engaged in an intracity and intercity taxicab service, and has provided and has invested therein a large amount of capital represented by taxicabs, limousines, touring cars and motor busses to care for such operations; that applicant is also engaged in regular motor transportation operations upon scheduled bases and definite routes in connection with the regular transportation of passengers, and for sightseeing business; that said business is largely seasonal and during considerable portions of each year a large amount of said equipment owned and held available by applicant is not utilized; that applicant has frequent demands and requests made to transport passengers and their personal baggage under individual private contracts to various points in the State of Colorado, such special individual occasional service being necessary by reason of the fact that many points and localities within the State of Colorado are not conveniently accessible or reached by regular scheduled, licensed carriers operating over regular routes; that frequently many persons are desirous and are under the necessity of reaching points of destination in their travels who cannot obtain facilities therefor from such regular authorized carriers, and in many cases they would be and have been seriously inconvenienced by reason of the fact that proper and convenient facilities for their purposes and points of destination are not available and such persons desire to take advantage ofthe proposed service of applicant, and the demand therefor is constantly increasing and will continue to increase and develop if properly supplied, and applicant's proposed operations will tend to develop and increase in general the travel of persons visiting and as well those who live in the State of Colorado; that applicant has cars for emergency service to various points within the State of Colorado which cannot be responded to by facilities afforded by common carriers generally, and unless such demands can be adequately served great inconvenience and loss of time and money will be occasioned to persons in need of such service; that as hereinabove stated and for the reasons given the present and future public convenience and necessity requires and will require the performance of such service by the applicant herein.

"9. That applicant is informed, and upon such information and belief alleges, that none of the counties, towns, cities or municipalities in the State of Colorado, to or through which the proposed operations of

applicant may be conducted and maintained, have adopted or have in force any resolutions, regulations, ordinances or laws or other provisions for the licensing or requiring of a license or permit for the operation of motor cars or motor busses or vehicles in or through said places for the transportation operations proposed to be conducted in this application; and if such are required, if this application meets with the favorable action of this Commission, applicant will obtain such permits as may be necessary to conduct their said business in or through said counties, towns, cities or municipalities as the lines of travel used by applicant may pass in all such cases where such permission may be required.

"WHEREFORE, applicant requests that the Public Utilities Commission of the State of Colorado make its order authorizing applicant to engage in and perform the character of service hereinabove indicated, and that a certificate or certificates of public convenience and necessity therefor be granted by this Commission and issued to applicant in accordance with the facts herein set forth."

The evidence is not clear nor is the record complete as to what a special limousine livery service is, and it is our best judgment, after a careful consideration of the record, that in Decision No. 4320 -- as it applies to Application No. 1636 -- special limousine service is in the nature of a special taxicab service. We have carefully studied the decisions and have considered the arguments of counsel, and are of the opinion that Decision No. 4320, awarded to Masterson Auto Service the right to operate a special taxicab service for the transportation of passengers and their baggage, as more clearly set forth in Application No. 1636. We do not deem it necessary to condense that authority as it appears that the service asked for in that application is clear.

We can find nothing in the record indicating that Respondent Yellow Cab Tourways, Inc. is presently offering a service not authorized by Decision No. 4320, and it is our judgment, after a careful consideration of the record, that said Complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled Complaint should be, and hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 18th day of February, 1959.

ea

Original

(Decision No. 51757)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF MORGAN CAB COMPANY, 129 E. KIOWA, FORT MORGAN, COLORADO.	PUC NO. 1416

February 19, 1959

S T A T E M E N T

By the Commission:

Morgan Cab Co., Fort Morgan, Colorado, owner and operator of PUC No. 1416, herein seeks authority to mortgage said operating rights to Brush Industrial Bank, to secure payment of the sum of $4,280.11, in accordance with the terms and conditions set forth in Chattel Mortgage, of date February 16, 1959, executed by Morgan Cab Co. by William F. Murphy, Partner and Guy Jones & Sons, by Don R. Jones Partner and Guy Jones, payable to said Brush Industrial Bank, said Mortgage, by reference, being 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 Morgan Cab Co., Fort Morgan, Colorado, should be, and hereby is, authorized to mortgage all right, title, and interest in and to PUC No. 1416 to the Brush Industrial Bank, Brush, Colorado, to secure payment of the sum of $4,280.11, 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 19th day of February, 1959.

ea

original

(Decision No. 51758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. E. FARRINGTON AND R. E. FARRINGTON, JR., CO-PARTNERS, DOING BUSINESS AS "YAMPA TRANSFER," YAMPA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 881.

APPLICATION NO. 15728-Extension

SUPPLEMENTAL ORDER

February 18, 1959

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Applicant; Marion M. Joyner, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company, Gray Truck Line, Larson Transportation Company.

S T A T E M E N T

By the Commission:

On January 26, 1959, the Commission entered its Decision No. 51614 in the above-styled application.

Application for Rehearing was duly filed on February 2, 1959, on behalf of The Denver and Rio Grande Western Railroad Company, Larson Transportation Company and Gray Truck Line.

On the 16th day of February, 1959, said application for rehearing was denied by the Commission "by operation of law." The Commission now finds that said denial "by operation of law" was the result of inadvertence and clerical error.

The Commission having carefully considered the Application for Rehearing and the files in said case is of the opinion that said Application for Rehearing should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Application for Rehearing filed February 2, 1959, in the above-styled application on behalf of The Denver and Rio Grande Western Railroad Company, Larson Transportation Company and Gray Truck Line should be denied, nunc pro tunc, as of February 16, 1959.

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing filed February 2, 1959, in the above-styled application on behalf of The Denver and Rio Grande Western Railroad Company, Larson Transportation Company and Gray Truck Line, be, and the same is hereby, denied, nunc pro tunc, as of February 16, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton

Steven H. Hallowell

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1959.

mls

(Decision No. 51759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF COLORADO INTERSTATE GAS COMPANY, COLORADO SPRINGS, COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF FIRST MORTGAGE PIPE LINE BONDS AND CUMULATIVE PREFERRED STOCK.	APPLICATION NO. 16874 Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed February 18, 1959, by Colorado Interstate Gas Company, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on March 5, 1959, 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. Intervention petitions should be filed with the Commission on or before February 27, 1959, 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 T. Rogers

Ralph O. Horton

Dewey C. Galloway

Commissioners

Dated at Denver, Colorado,
this 19th day of February, 1959.

(Decision No. 51760)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. G. MC RAE, DOING BUSINESS)
AS "MOUNTAIN PACKING COMPANY,") PERMIT NO. M-9365
DOLORES, COLORADO.) CASE NO. 88581-INS.

February 20, 1959

S T A T E M E N T

By the Commission:

On January 28, 1959, in Case No. 88581-Ins., the Commission entered an order revoking Permit No. M-9365 for failure to keep on file the required certificate of insurance.

Insurance was in effect, but through oversight of the agent, was not filed. Since proper filing has now been made and the insurance is in order without lapse, the revocation order should be set aside.

F I N D I N G S

THE COMMISSION FINDS:

That revocation order entered in Case No. 88581-Ins. should be cancelled and set aside, and said Permit No. M-9365 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That revocation Order entered on January 28, 1959, in Case No. 88581-Ins., should be, and the same hereby is, cancelled and set aside, and said Permit No. M-9365 restored to its former status as of January 28, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Maguire
Ralph C. Horton
Allen Spalding
Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1959.
mls

(Decision No. 51761)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. JONES, DOING BUSINESS AS,)
"JONES LUMBER AND SUPPLY")
POST OFFICE BOX 35,) PERMIT NO. M-5691
RYE, COLORADO.)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John W. Jones, Dba Jones Lumber & Supply, Rye, Colorado requesting that Permit No. M-5691 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5691, heretofore issued to John W. Jones, Dba Jones Lumber & Supply, Rye, Colorado be, and the same is hereby, declared cancelled effective February 9, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Raymond C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51762)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. JONES, DOING BUSINESS)
AS, "JONES LUMBER AND SUPPLY") PERMIT NO. B-4962
POST OFFICE BOX 35,)
RYE, COLORADO)

February 25, 1959

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-4962 be suspended for six months from February 9, 1959.

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 W. Jones, Dba Jones Lumber and Supply, Rye, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4962 until August 9, 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

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 25th day of February 1959.

ds

(Decision No. 51763)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS J. CARROLL)
533 LINCOLN AVENUE,)
LOUISVILLE, COLORADO.) PERMIT NO. M-8953
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas J. Carroll, Louisville, Colorado requesting that Permit No. M-8953 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8953, heretofore issued to Thomas J. Carroll, Louisville, Colorado be, and the same is hereby, declared cancelled effective March 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jack C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOE C. GONZALES)
POST OFFICE BOX 1053,)
GREELEY, COLORADO.) PERMIT NO. M-12655
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joe C. Gonzales, Greeley, Colorado requesting that Permit No. M-12655 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12655, heretofore issued to Joe C. Gonzales, Greeley, Colorado be, and the same is hereby, declared cancelled effective February 7, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 195 9.

ds

(Decision No. 51765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DONALD L. PFEIFER, DOING BUSINESS)
AS, "DON'S TRADING POST")
1622 BRAGDON,) PERMIT NO. M-14229
PUEBLO, COLORADO.)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald L. Pfeifer, Dba Don's Trading Post, Pueblo, Colorado requesting that Permit No. M-14229 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14229, heretofore issued to Donald L. Pfeifer, Dba Don's Trading Post, Pueblo, Colorado be, and the same is hereby, declared cancelled effective January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Nigro
Jack C. Rowan
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EMIL R. ZARBOCK)
ROUTE I,)
FORT MORGAN, COLORADO.) PERMIT NO. M-8081
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Emil R. Zarbock, Route 1, Fort Morgan, Colorado requesting that Permit No. M-8081 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8081, heretofore issued to Emil R. Zarbock, Route 1, Fort Morgan, Colorado be, and the same is hereby, declared cancelled effective February 15, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
AGAPITO P. LUJAN)
)
AGUILAR, COLORADO.) PERMIT NO. M-14245
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Agapito P. Lujan, Aguilar, Colorado requesting that Permit No. M-14245 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14245, heretofore issued to Agapito P. Lujan, Aguilar, Colorado be, and the same is hereby, declared cancelled effective February 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jesse E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.
ds

(Decision No. 51768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEO M. HILL, DOING BUSINESS AS,)
"HILL'S FURNITURE STORE")
609 CORONA STREET,) PERMIT NO. M-6620
DENVER 9, COLORADO.)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo M. Hill, Dba Hill's Furniture Store, Denver, Colorado requesting that Permit No. M-6620 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6620, heretofore issued to Leo M. Hill, Dba Hill's Furniture Store, Denver, Colorado be, and the same is hereby, declared cancelled effective July 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Jackson
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MEL CAP COMPANY)
POST OFFICE BOX 4161)
FORT WORTH, TEXAS.) PERMIT NO. M-10897
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mel Cap Company, Fort Worth, Texas requesting that Permit No. M-10897 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10897, heretofore issued to Mel Cap Company, Fort Worth, Texas be, and the same is hereby, declared cancelled effective February 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Jack C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. DENNEY)
1001 SOUTH INSTITUTE)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-12311
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles A. Denney, Colorado Springs, Colorado requesting that Permit No. M-12311 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12311, heretofore issued to Charles A. Denney, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raeon C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
OTERO IMPLEMENT COMPANY)
901 NORTH 10TH. STREET,)
ROCKY FORD, COLORADO.) PERMIT NO. M-12402
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Otero Implement Company, Rocky Ford, Colorado requesting that Permit No. M-12402 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12402, heretofore issued to Otero Implement Company, Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective November 20, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Glenn C. Norton
Glenn E. Gallegos
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51772)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD FISTER)
POST OFFICE BOX 34,)
COTOPAXI, COLORADO.) PERMIT NO. M-12411
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Floyd Fister, Cotopaxi, Colorado requesting that Permit No. M-12411 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12411, heretofore issued to Floyd Fister, Cotopaxi, Colorado be, and the same is hereby, declared cancelled effective February 20, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51773)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARNOLD H. GREEN, DOING BUSINESS AS,)
"ARNOLD AND ORV'S SERVICE")
602 WEST COLORADO AVENUE,) PERMIT NO. M-14221
COLORADO SPRINGS, COLORADO.)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arnold H. Green, Dba Arnold & Orv's Service, Colorado Springs, Colorado requesting that Permit No. M-14221 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14221, heretofore issued to Arnold H. Green, Dba Arnold & Orv's Service, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Brown
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 195 9.

ds

(Decision No. 51774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH HEIT)
1900 GLEN AYR DRIVE,)
LAKEWOOD, COLORADO.) PERMIT NO. M-14237
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph Heit, Lakewood, Colorado requesting that Permit No. M-14237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14237, heretofore issued to Joseph Heit, Lakewood, Colorado be, and the same is hereby, declared cancelled effective January 30, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negri
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT SICKLER)
1340 WEST BYERS PLACE,) PERMIT NO. M-15478
DENVER 23, COLORADO.)
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herbert Sickler, 1340 W. Byers Place, Denver, Colorado requesting that Permit No. M-15478 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15478, heretofore issued to Herbert Sickler, 1340 W. Byers Place, Denver, Colorado be, and the same is hereby, declared cancelled effective February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LESTER KAL, DOING BUSINESS AS,)
"KALCO SUPPLY COMPANY")
1234 WALNUT STREET,) PERMIT NO. M-15845
DENVER 4, COLORADO.)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester Kal, Dba Kalco Supply Co., Denver, Colorado requesting that Permit No. M-15845 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15845, heretofore issued to Lester Kal, Dba Kalco Supply Co., Denver, Colorado be, and the same is hereby, declared cancelled effective February 13, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Commissioners

Dated at Denver, Colorado,
this 25th day of February, 1959.

ds

(Decision No. 51777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALAMO HOTEL-MONARCH SERVICE)
125 SOUTH TEJON) PUC NO. 102
COLORADO SPRINGS, COLORADO.)

February 25, 1959

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. 102 be suspended for one year from January 1, 1959.

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 Alamo Hotel-Monarch Service, Colorado Springs, Colorado, be, and they are hereby, authorized to suspend their operations under PUC No. 102 until 31 December 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

Joseph F. Nigro

Ralph C. Norton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 25th day of February 1959.

ds

(Decision No. 51778)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF ALLIED BUILDERS CONSTRUCTION, INC. 2340 SOUTH BROADWAY, DENVER 10, COLORADO.	PUC NO. 4206-I

February 25, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Allied Builders Construction, Inc., Denver, Colorado, requesting that Certificate of Public Convenience and Necessity No. 4206-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. 4206-I, heretofore issued to Allied Builders Construction, Inc., Denver, Colorado, be, and the same is hereby declared cancelled effective February 17, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Norton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 25th day of February 1959.

ds

(Decision No. 51780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRANK L. COOK)
1219 COURT)
IMPERIAL, NEBRASKA.) PERMIT NO. M-3412
)
)

February 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank L. Cook, Imperial, Nebraska requesting that Permit No. M-3412 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3412, heretofore issued to Frank L. Cook, Imperial, Nebraska be, and the same is hereby, declared cancelled effective February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of February, 1959.

ds

(Decision No. 51781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK L. COOK)
1219 COURT,) PERMIT NO. B-2990-I
IMPERIAL, NEBRASKA.)

February 25, 1959

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-2990-I be suspended for six months from February 16, 1959.

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 Frank L. Cook, Imperial, Nebraska, be, and he is hereby, authorized to suspend his operations under Permit No. B-2990-I until August 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

Joseph F. Negro
Frank C. Norton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 25th day of February 1959.

ds

(Decision No. 51782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, ZOOK BUILDING, DENVER, COLORADO, FOR AUTHORITY TO ISSUE $125,000 PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT PRIVATE SALE.	)	APPLICATION NO. 16879 Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed February 20, 1959, by Rocky Mountain Natural Gas Company, Inc., a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on March 6, 1959, 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. Intervention petitions should be filed with the Commission on or before February 27, 1959, 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 F. Nigro

Joseph C. Dolan

Dennis B. Sullivan

Commissioners

Dated at Denver, Colorado,
this 24th day of February, 1959.

Original

(Decision No. 51783)

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 SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1-SOUTH, RANGE 67-WEST.	APPLICATION NO. 16864-Extension

February 25, 1959

S T A T E M E N T

By the Commission:

On February 10, 1958, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend facilities to serve an irrigation pump upon land owned by George Hill, located in the Southwest corner of the Northwest Quarter of Section 21, Township 1-South, Range 67-West; which extension will involve the construction of approximately 3,250 feet of primary line. The estimated cost of the construction is $975.00.

This application was filed pursuant to 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 February 16, 1959, and a letter from Colorado Central Power Company, dated February 10, 1959, 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 an irrigation pump upon land owned by George Hill, located in the Southwest corner of the Northwest Quarter of Section 21, 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 an irrigation pump upon land owned by George Hill, located in the Southwest corner of the Northwest Quarter of Section 21, 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

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1959.

mls

original

(Decision No. 51784)

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 SOUTH HALF OF SECTION 12, TOWNSHIP 1-SOUTH, RANGE 65-WEST.	)))))	APPLICATION NO. 16867-Extension

February 25, 1959

S T A T E M E N T

By the Commission:

On February 13, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve a pump upon land owned by Fred Wagner, located in the South Half of Section 12, Township 1-South, Range 65-West, which extension will involve the construction of approximately 1,320 feet of primary line. The estimated cost of the construction is $1,222.00.

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 February 17, 1959, and a letter from Colorado Central Power Company, dated February 13, 1959, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the 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 serve a pump upon land owned by Fred Wagner, located in the South Half of Section 12, Township 1-South Range 65-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 a pump upon land owned by Fred Wagner, located in the South Half of Section 12, Township 1-South, Range 65-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

Joseph T. Hogue

Warren S. Hutton

Dennis E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 25th day of February, 1959.

mls

(Decision No. 51785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PUBLICATION OF A RATE OF)
ELEVEN CENTS PER ONE HUNDRED)
POUNDS ON PYRITES, CINDER,)
REFUSE, IRON, IN BULK IN TANK) CASE NO. 1585
VEHICLES, MINIMUM WEIGHT)
48,000 POUNDS, FROM DENVER,)
COLORADO, TO BOETTCHER, COLO.)

February 24, 1959

S T A T E M E N T

By the Commission:

On February 6, 1959, the Commission received an application (No. 114) from The Colorado Motor Carriers' Association, as Agent, for and on behalf of Harold E. Watson, Jr., doing business as Watson Transport Co., Loveland, Colorado, requesting authority to publish the following tariff change to become effective one day after the filing thereof with the Public Utilities Commission:

> A rate of 11 cents per 100 pounds on pyrites, cinder, refuse, iron, in bulk in tank vehicles, minimum weight 48,000 pounds, from Denver, Colorado, to Boettcher, Colorado.

This is the same rate as now published in Item No. 800 in Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, in connection with Ted Carpenter & Son, a common carrier by motor vehicle.

In support of the request the petition sets forth the following circumstances and conditions:

> "Item No. 800 of Tariff No. 14 which provides a rate of 11 cents per 100 pounds to apply on shipments of pyrite cinders from Denver to Boettcher, Colorado, was published originally at the request of Ted Carpenter & Son because that carrier had entered into an arrangement whereby Watson Transport Co. would transport shipments, as described above, under the Carpenter certificate.
>
> "That method of operation has continued to the present time with Watson Transport Co., rendering service under either the Ted Carpenter & Son certificate or the Kendall Transport Co. permit.

"The petitioner is informed that the irregularity with which these shipments move makes this a service which the Watson Transport Co. is authorized to perform under the provisions of its own common carrier certificate. In support of this statement, your petitioner represents that the following is the number of shipments of pyrite cinders transported by the Watson Transport Co., from Denver to Boettcher, Colorado, in the year 1958:

January	0	July	20
February	7	August	8
March	24	September	7
April	9	October	12
May	0	November	23
June	18	December	35"

Certificate No. 498 of the Watson Transport Co. provides the following authority:

"A general moving and cartage business in the city of Loveland, and in the county of Larimer, and occasional service throughout the state of Colorado, subject to the restriction that rates should be charged at least twenty (20%) per cent in excess of those charged by scheduled carriers for the transportation of commodities other than household goods when serving between points served singly or in combination by said scheduled carriers, and also that he shall limit his office and agents to the city of Loveland, only."

The 20% provision in the above certificate on truck-load movements of commodities named in Tariff No. 14 has been eliminated by appropriate orders of the Commission in Case No. 1585.

As a motor vehicle common carrier Watson Transport Co., as well as all other common carriers, must file with the Commission and keep open for public inspection schedules showing all rates, etc., together with rules, etc., which in any manner affect or relate to rates, etc. (See 155-3-3, Colorado Revised Statutes - 1953.)

As the Commission views this situation, if Watson Transport Co. desires to transport this commodity under its Certificate No. 498, it will be necessary for it to publish the rate by proper schedules.

In the issuance of this order the Commission does so with the specific understanding that it is not enlarging on, or detracting from, the terms of said certificate. In other words, the Commission is not committing itself as to whether or not the service to be rendered falls within the category of occasional service. Such facts will necessarily have to be determined on the subsequent service rendered.

F I N D I N G S

THE COMMISSION FINDS, That:

1. Harold E. Watson, Jr., doing business as Watson Transport Co., Loveland, Colorado, and any other for-hire carriers authorized to perform such service, should be authorized to publish a rate of eleven (11¢) cents per 100 pounds on pyrites, cinder, refuse, iron, in bulk in tank vehicles, minimum weight 48,000 pounds, from Denver, Colorado, to Boettcher, Colorado, on one day's notice in the manner prescribed by law and the rules and regulations of the Commission.

2. The statement contained herein should be made a part of these findings and the order to be entered herein.

O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.

2. The statement and findings are hereby made a part of this order.

3. Harold E. Watson, Jr., doing business as Watson Transport Co., Loveland, Colorado, and any other for-hire motor carriers authorized to perform such service, be, and they are hereby authorized to publish a rate of eleven (11¢) cents per 100 pounds on pyrites, cinder, refuse, iron, in bulk in tank vehicles, minimum weight 48,000 pounds, from Denver, Colorado, to Boettcher, Colorado, on one day's notice, in the manner prescribed by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Commissioners

Dated at Denver, Colorado,
this 24th day of February, 1959.

mem

(Decision No. 51786)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARCOS TORRES, JR., BOX 76, GILCREST, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16861-PP

February 26, 1958

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the District Court Room, Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, the applicant failed to appear, either in person or by counsel, at the time and place designated for hearing, nor did any protestants appear.

The files in the matter were made a part of the record herein, and the application was taken under advisement by the Commission.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Marcos Torres, Jr., Gilcrest, 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 manure, from feed lots within a radius of fifty miles of Gilcrest, Colorado, to farms and ranches within said fifty-mile radius of Gilcrest, Colorado; farm produce, from farms and ranches within a fifty-mile radius

of Gilcrest, Colorado, to packing sheds and processing plants within said fifty-mile radius of Gilcrest, 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

Joseph F. Legan

Randy C. Hilton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

ea

(Decision No. 51787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE WILSON, BOX 194, PLATTEVILLE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 16862-PP
MOTOR VEHICLE FOR HIRE.)
-)

- - - - - - - - -
February 26, 1959
- - - - - - - - -

Appearances: George Wilson, Platteville, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for Denver-Chicago Transport Company, Inc.

S T A T E M E N T

By the Commission:

By the instant application, George Wilson, Platteville, Colorado, seeks a Class "B" permit to operate as a 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; sewer pipe and tile, from Denver Sewer Pipe and Tile Company, Denver, Colorado, to be strung on a construction job for the contractor between Kersey and Greeley, Colorado; coal, from the northern Colorado coal fields to Platteville, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the District Court Room, Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, applicant appeared in support of his application, testifying as to his equipment, experience and financial status.

Denver-Chicago Transport Company, Inc. protested, and asked that applicant be limited to dump trucks, and if so limited, they will withdraw their protest.

Applicant stated at the present time he has no need for the transportation of sewer pipe and tile, and asked that that portion be deleted from his application.

It appears that the applicant is well qualified by experience to carry on his proposed operations, and his financial responsibility was established to the satisfaction of the Commission.

It is the opinion of the Commission that the instant application should be granted only as to the transportation of sand, gravel, road-surfacing materials, insulrock, and coal, but denied as to the transportation of sewer pipe and tile from Denver Sewer Pipe and Tile Company, Denver, Colorado, to be strung on a construction job for the contractor between Kersey and Greeley, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

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

That the authority sought herein should be granted, as limited by the Order following.

O R D E R

THE COMMISSION ORDERS:

That George Wilson, Box 194, Platteville, 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; coal, from the northern Colorado coal fields to Platteville, Colorado; the transportation of road-surfacing materials authorized herein to be limited to the use of dump trucks, only.

That, in all other respects, the instant application is denied.

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 J. Hayes

Ralph C. Hutton

Dewey E. Zadlago

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.
ea

original

(Decision No. 51788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. E. TAYLOR, DOING BUSINESS AS "COLORADO TRUCK LINE," 627½ EIGHTH AVENUE, GREELEY, COLORADO, FOR AUTHORITY TO TRANSFER PERMITS NOS. A-809 AND A-809-I TO HOWARD J. LAFFERTY, DOING BUSINESS AS "COLORADO TRUCK LINE," 2121 FOURTH AVENUE, GREELEY, COLORADO.	APPLICATION NO. 16858-PP-Transfer

February 26, 1959

Appearances: Southard and Southard, Esqs., Greeley, Colorado, for Transferor and Transferee; Howard Hicks, Denver, Colorado, for Centennial Truck Lines, Inc., as his interest may appear.

S T A T E M E N T

By the Commission:

L. E. Taylor, doing business as "Colorado Truck Line," Greeley, Colorado, is the owner and operator of Permits Nos. A-809 and A-809-I, authorizing transportation of freight - route:

> Between Denver and Colorado-Wyoming state line and intermediate points, intrastate and interstate via U. S. Highway No. 85, and between Greeley and Fort Morgan and intermediate points via U. S. Highway No. 6, interstate operations being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;
>
> Pick-up and delivery service at points within five miles of the city limits of Denver and two miles of the city limits of Greeley, for the pick-up and delivery of merchandise having a prior or subsequent movement in the line-haul service authorized under authority No. A-809.

By the instant application, said permit-holder seeks to transfer said operating rights to Howard J. Lafferty, doing business as "Colorado Truck Line," Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the District Court Room, Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer of the permit and certain equipment is $12,500; that there is no outstanding indebtedness against the permit, and that the proposed transfer is subject to the conditions of Contract of Sale, marked Exhibit 2.

The evidence further disclosed that the transferee has had 25 years experience as a truck operator, and his financial responsibility was established to the satisfaction of the Commission.

No one appeared and testified in opposition to the granting of the transfer sought herein.

F I N D I N G S

THE COMMISSION FINDS:

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 L. E. Taylor, doing business as "Colorado Truck Line," Greeley, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to Permits Nos. A-809 and A-809-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Howard J. Lafferty, doing business as "Colorado Truck Line," Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, the interstate operating rights transferred hereby being subject to the provisions of the Federal Motor Carrier

Act of 1935, as amended.

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 upt ot time of transfer of said permit.

That 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 26th day of February, 1959.

ea

(Decision No. 51789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY V. LIKENS, 411 NORTH MELDRUM, FORT COLLINS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3707 TO DONALD E. ZWETZIG AND SHIRLEY ZWETZIG, CO-PARTNERS, DOING BUSINESS AS "DON ZWETZIG TRASH HAULING," 224 NORTH GRANT, FORT COLLINS, COLORADO.	APPLICATION NO. 16856-Transfer

February 26, 1959

Appearances: Roy V. Likens, Fort Collins, Colorado, Transferor, pro se;
Donald E. Zwetzig, Fort Collins, Colorado, for Transferees.

S T A T E M E N T

By the Commission:

Roy V. Likens, Fort Collins, Colorado, the transferor herein, is the owner and operator of Certificate of Public Convenience and Necessity No. 3707, authorizing:

> Transportation of ashes and trash from point to point within the City Limits of the City of Fort Collins, Colorado, to regularly-designated and approved dumps and disposal places within the County of Larimer; transportation of ashes and trash from point to point within a radius of three miles of the City Limits of Fort Collins, Colorado.

By the instant application, said certificate-holder seeks to transfer his operating rights to Donald E. Zwetzig and Shirley Zwetzig, co-partners, doing business as "Don Zwetzig Trash Hauling," Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the District Court Room, Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that Donald E. Zwetzig and Shirley Zwetzig, co-partners, are husband and wife, and have a net worth of approximately $8,000; that the consideration for the transfer is $1,000; that transferee Donald E. Zwetzig is an experienced truck operator, and that there is no outstanding indebtedness against the certificate or operations thereunder.

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

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:

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Roy V. Likens, Fort Collins, Colorado, should be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity No. 3707 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Donald E. Zwetzig and Shirley Zwetzig, co-partners, doing business as "Don Zwetzig Trash Hauling," Fort Collins, 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 the 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 A. Hogue

Frank G. Hickey

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

ea

original

(Decision No. 51790)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF IVO E. LINDAUER, 1803 SIXTH AVENUE, GREELEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16859-PP

February 26, 1959

Appearances: Ivo E. Lindauer, Greeley, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for Denver-Chicago Transport Company, Inc.;
Howard Yelverton, Denver, Colorado, for Goldstein Transportation and Storage, Inc.;
Lesley Estes, Rifle, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Ivo E. Lindauer, Greeley, Colorado, seeks a Class "B" permit to operate as a 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 and oil shale, between points within a radius of fifty miles of Grand Valley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the District Court Room, Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The proposed oil shale and coal transportation was vigorously protested by Lesley Estes of Rifle, Colorado, and the oil shale transportation was protested by Howard Yelverton for Goldstein Transportation and Storage, Inc. Denver-Chicago Transport Company, Inc., asked that if the application is granted, that applicant's operations be limited to the use of dump trucks in the transportation of road-surfacing materials.

Applicant appeared at the hearing in support of his application and testified as to his equipment, experience and financial responsibility.

It does not appear that the proposed service of applicant in the transportation of sand, gravel and road-surfacing materials will impair the services of common carriers operating in the territory if the operation is limited to dump trucks only, but it does appear that the transportation proposed by applicant for the hauling of coal and oil shale will impair common carrier service in the territory.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, as limited by the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ivo E. Lindauer, 1803 Sixth Avenue, Greeley, 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 being 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 in all other respects the application should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Negro

Walter C. Nolan

Allen E. Zaeslow

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

mls

original

(Decision No. 51791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MELVIN GEIB, PIERCE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3194 TO MELVIN GEIB, INC., PIERCE, COLORADO.) APPLICATION NO. 16852-Transfer

February 26, 1959

Appearances: Southard and Southard, Esqs., Greeley, Colorado, for Transferor and Transferee; Howard Hicks, Denver, Colorado, for Centennial Truck Lines, Inc., as his interest may appear.

S T A T E M E N T

By the Commission:

Melvin Geib, Pierce, Colorado, is the owner and operator of Certificate of Public Convenience and Necessity No. 3194, authorizing:

> Transportation, on call and demand, of:
>
> (1) Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, storage, transmission, and distribution of natural gas, crude oil, and petroleum; (2) Commodities which, because of their size and weight, require the use of special equipment, between points in that part of Weld County, Colorado, on and north of U. S. Highway No 34; and between points in that part of Weld County, Colorado, described above, on the one hand, and, on the other hand, all points in Colorado; shipments under this subdivision to either originate or terminate in the area described in the preceding paragraph.

By the instant application, Melvin Geib, as an individual, seeks authority to transfer his operating rights under said PUC-3194 to Melvin Geib, Inc., a corporation, Pierce, Colorado.

Said application, pursuant to prior setting, after appro-

priate notice to all interested parties, was heard at the District Court Room of the Court House, Greeley, Colorado, at ten o'clock A. M., February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence revealed that Melvin Geib, the transferor herein, desires to form a corporation; that the operations will remain the same; that there are no outstanding operating obligations; that the equipment is ample; and that the financial responsibility of transferee is adequate to carry on the contemplated operations.

No one at the hearing protested the granting of the transfer herein sought, and it appears to be in the public interest to authorize the transfer.

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Melvin Geib, Pierce, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No 3194 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Melvin Geib, Inc., a corporation, Pierce, 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 ad-

vised 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 J. Rogers

Ralph C. Hurlbert

Harry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

mls

original

(Decision No. 51792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LYLE KINNISON, BOX 103, PIERCE, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3195 TO LEROY A. LONHART, DOING BUSINESS AS "LONHART MILK LINE," 701 - 25TH AVENUE, GREELEY, COLORADO.	APPLICATION NO. 16854-Transfer

February 26, 1959

Appearances: Lyle Kinnison, Pierce, Colorado, pro se;
Leroy A. Lonhart, Greeley, Colorado, pro se.

S T A T E M E N T

By the Commission:

Lyle Kinnison, Pierce, Colorado, the transferor herein, is the owner and operator of PUC No. 3195, authorizing:

> Transportation of milk to Fort Collins, Colorado, from the territory described as follows:
>
> Starting at a point one mile east of Severance, Colorado, and running from this point east to a point two miles east of Galeton, Colorado; thence north to a point one mile north of the county road known as the Nunn-Wellington highway; thence west to a point three miles west of Nunn, Colorado; thence south to the point of beginning.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Leroy A. Lonhart, doing business as "Lonhart Milk Line," 701 - 25th Avenue, Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the District Court Room of the Court House, Greeley, Colorado, at ten o'clock A. M., on February 20, 1959, and at the conclusion of the evidence, the

matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer of PUC No. 3195 is $4,250; that the transferee is an experienced truck operator, and that he has a net worth of approximately $50,000.

The evidence further disclosed that the transferee is operating a milk route and is familiar with the rules and regulations of the Commission.

No one appeared at the hearing in opposition to the granting of the transfer of said operating rights.

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:

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Lyle Kinnison, Pierce, Colorado, should be, and he hereby is, authorized to transfer all right, title and interest in and to PUC No. 3195 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Leroy A. Lonhart, doing business as "Lonhart Milk Line," 701 - 25th Avenue, 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 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 T. Rigo

Ralph C. Horton

Hans E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

mls

original

(Decision No. 51793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED SANSOUCI, P. O. BOX 161, LA PORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16860-PP

February 26, 1959

Appearances: Fred Sansouci, La Porte, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs, from forests within a radius of ten miles of Red Feather Lakes, Colorado, to East Side Lumber Company, located at the south edge of Fort Collins, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Court House, Greeley, Colorado, on February 20, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant appeared at the hearing in support of his application, testifying as to his desire to haul logs from the Red Feathers Lake region to Fort Collins. The testimony disclosed that applicant has ample equipment with which to carry on his operations; that his net worth is approximately $3,000; that he is an experienced truck operator; that he has work lined up to do; 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.

It does 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 the applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Fred Sansouci, La Porte, 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 from forests within a radius of ten miles of Red Feather Lakes, Colorado, to East Side Lumber Company, located at the south edge of Fort Collins, 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

Joseph A. Rizza

Taylor C. Hudson

Hans E. Zaeslein

Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1959.

mls

(Decision No. 51794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANCIS D. RICKARD, 604 ENDICOTT STREET, FORT COLLINS, COLORADO, FOR CLARIFICATION OR EXTENSION OF PUC NO. 3172.	APPLICATION NO. 16855-Extension

February 27, 1959

Appearances: Marjorie McLean, Esq., Denver, Colorado, for Applicant;
Hubert McNeill, Loveland, Colorado, pro se;
Ernie Squires, Loveland, Colorado, pro se.

S T A T E M E N T

By the Commission:

On December 22, 1958, Francis D. Rickard, the applicant herein, filed his application for an order clarifying applicant's authority and authorizing applicant, under Certificate of Public Convenience and Necessity No. 3172, to haul trash and rubbish within the City of Loveland and to the officially-designated and approved dumps adjacent to Loveland.

The above matter was regularly set for hearing, and heard, at the District Court Room, Court House, Greeley, Colorado, February 20, 1959, and at the conclusion of the hearing, the matter was taken under advisement.

Francis D. Rickard, the applicant herein, testified that he is presently operating under PUC No. 3172, which authorizes the transportation, on call and demand, of trash and rubbish within the City of Fort Collins, Colorado, and within the following area adjoining said City of Fort Collins: an area extending 15 miles north, 10 miles south, 10 miles west of Fort Collins, Colorado, and east to the Larimer-Weld County Line; that he has operated continuously

and has performed service covering his entire certificated area. The witness further states that since the granting of the certificate, the City of Loveland has extended its city limits to the north, and he contends that he now can serve a portion of the city of Loveland under his present certificate. He now asks that he be given the opportunity to serve the entire city of Loveland and that he be permitted to deliver trash and rubbish to the authorized city dump, which is clearly outside his present authority.

The applicant failed to produce public witnesses as to the need for his proposed extended service. Two protestants, viz., Hubert McNeill and Ernie Squires, both testified that they were presently operating a trash removal service in the city of Loveland by virtue of authority issued by this Commission. The protestants testified there was no need for additional carriers hauling trash and rubbish from points within the city of Loveland, and requested the Commission to deny the application.

The record here made is lacking in essential facts, making it extremely difficult for the Commission to make the statutory findings intelligently. However, we do have some evidence, and after a careful review of the facts as disclosed, we feel it is our duty to resolve the questions presented in this application. Applicant is presently operating a common carrier authority and the record discloses that he can serve approximately one-third of the city of Loveland. We therefore find him in an entirely different position than a stranger asking for like authority. This type of carrier has in the past presented to the Commission perplexing problems which we endeavored to answer in Decision No. 51377, dated December 9, 1958:

> "In considering applications for certificates of public convenience and necessity, we have, on numerous occasions, substantially stated:
>
> > 'The very theory of regulation depends upon a minimum of competition in favor of regulated monopolies.

'Competition leads to waste, duplication of investment, and duplication of service and expenses. Competition is not necessary in the field of public utility regulation, wherein we fix rates and supervise the service offered. We, however, cannot say that this general rule or determination of policy applies as it pertains to the instant application. Protestants have followed the above rule in their presentation of their case.'

"A careful consideration of the record in the instant proceeding discloses:

"First: Applicant is a common carrier, asking for an extended territory. It appears that applicant is offering a service in Englewood that is desired by those who now reside outside of his present boundaries that is not offered by competing carriers.

"Second: The Commission, after a study by the certificated carriers of ashes and trash and the staff of the Commission, which report was submitted to the Commission, determined that the peculiar nature of this operation that it was not practical or in the public interest at this time to prescribe rates for transportation of ashes and trash, and in our last Annual Report to the Governor, we recommended as follows:

'For some years past, the Complaint and Investigation Division has recommended that legislation be enacted to take from the Commission the power to issue authority for the transportation of ashes, trash and garbage. The problem of moving and disposing of these waste materials is one of sanitation, to which transportation is only incidental. As the population has increased in and around cities, we find that the sanitary problems have also increased. The commission is not properly staffed to handle this type of transportation and the full regulation thereof should rest entirely on the agencies who are properly staffed, and who are charged with the responsibility of sanitation.'

"Under the present conditions, we do not have a true public utility, for the reason that we do not control rates, and the carriers charge what they please, or what competition or traffic will stand. So in the granting of certificates in the public interest, we cannot apply the rules governing a regulated public utility. We recognize that this service is important, and is definitely needed by the public, and if the incoming Legislature fails to pass our requested legislation, that it will be our duty to prescribe rates and to promulgate or approve rules as to service."

In the interim, if in the opinion of the Commission the service to the public will be improved, we feel it is our duty to grant that authority. In the instant application, it must be borne in mind in the granting of this application, we are not creating a new common carrier as applicant presently holds a certificate of public convenience and necessity, but rather, in our judgment under the limited record here disclosed are making available to the remaining portion of the city of Loveland, applicant's common carrier service, which, in our opinion, will produce better service to the public, which is consistent with the public interest.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record, applicant's Certificate of Public Convenience and Necessity No. 3172 should be extended to include the right to transport ashes and trash from points within the city of Loveland to regularly-designated and approved dumps and disposal places adjacent to Loveland.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require extended motor vehicle common carrier service of Francis D. Rickard, Fort Collins, Colorado, under Certificate of Public Convenience and Necessity No. 3172, for the transportation of ashes and trash from points within the city of Loveland to regularly-designated and approved dumps and disposal places adjacent to the city of Loveland, 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

Joseph F. Hogan

Roger C. Hoban

Glenn G. Saylor

Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1959.

ea

original

(Decision No. 51795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDWARD D. MARTIN, MAXINE V. MARTIN, P. O. BOX 121, LA SALLE, COLORADO; ALEXANDER NAEB, 509 SOUTH 4TH AVE., BRIGHTON, COLORADO; FRED REIN, JR., 4401 VINE STREET, DENVER, COLORADO; EDNA B. LEIST AND WILLIAM R. LEIST, ROUTE 2, BOX 360, BOULDER, COLORADO; L. C. AUSTIN, P. O. BOX 32, BOULDER, COLORADO; ALEX LAUBHAN, JR., AND FRED A. LAUBHAN, BRIGHTON, COLORADO; DONALD G. CAMERON AND CHARLES M. CAMERON, 233 KENT STREET, LONGMONT, COLORADO; LAWRENCE HENKEL, 628 STRONG STREET, BRIGHTON, COLORADO; MARY ELLA LANG, LONGMONT, COLORADO; AND W. L. LANG, ROUTE 4, LONGMONT, COLORADO, FOR AUTHORITY TO TRANSFER OPERATING RIGHTS AUTHORIZING TRANSPORTATION OF MILK AND DAIRY PRODUCTS FROM THE DENVER MILK SHED, TO COLORADO MILK TRANSPORT, INC., ROUTE 1, BOX 141, BROOMFIELD, COLORADO.

APPLICATION NO. 12467-Transfer
APPLICATION NO. 12468-PP-Transfer

SUPPLEMENTAL ORDER

ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

February 27, 1959

Appearances: Marion F. Jones, Esq., Denver, Colorado, and Leslie R. Kehl, Esq., Denver, Colorado, for Croley Truck Lines and Pioneer Trucking Company, Petitioners;
Paul M. Rupp, Esq , Denver, Colorado, for Colorado Milk Transport, Inc.

S T A T E M E N T

By the Commission:

On November 28, 1958, Petitioners, doing business as Croley Truck Lines and Pioneer Trucking Company, respectively, filed Petition to Set Aside Part of Supplemental Order Issued January 22, 1954, further described as PUC Decision No. 41961, which Petition was heard February 17, 1959, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado.

It appears from the records before the Commission and the evidence adduced at the hearing:

That said Supplemental Order, further described as Decision No. 41961, ensued from the Commission's Decision No. 41034, which Decision ordered a number of transfers of certificates and permits to Colorado Milk Transport, Inc., and consolidated the same into a new authority assigned number "PUC-375;"

That it was the purpose and intent in Application No. 12467-Transfer and Application No. 12468-PP-Transfer to effect transfers of certificates and permits and to consolidate them into one certificate without enlargement, or extension, or conversion of said permits and certificates, excepting private carrier permits not overlapped by common carrier authority, which purpose the Commission in Decision No. 41034 intended to carry out;

That in Decision No. 41034, the Commission ordered inter alia, to-wit:

> "5. That all certificates and permits hereby transferred are incorporated into one authority, and all duplicating authorities are hereby cancelled, the new authority to be assigned the number 'PUC No. 375.'
>
> "7. That transferee be, and is hereby, required to file herein, within a reasonable time, a late-filed exhibit definitely describing the area certificated to be served under the new certificate after the splitting of the authorities, the conversions, the elimination of duplications, and the transfers above authorized are effected, together with a map of said certificated area, for study by the Commission's staff, to be used as a basis for an appropriate order definitely clarifying the operating rights of transferee, and fixing the boundaries of the area authorized to be served under the new certificate."

That said "late filed Exhibit" was filed as ordered and hearing held;

That prior to the said aforegoing proceedings, Colorado Milk Transport, Inc , did not have, nor was it intended that it should thereafter have, AUTHORITY TO SERVE TO BOULDER; whereas Supplemental Order issued January 22, 1954, among other things, purports to grant such authority

That said grant of authority appears to be a mistake resulting from clerical error and inadvertence.

F I N D I N G S AND O R D E R

THE COMMISSION FINDS AND ORDERS:

That the foregoing Statement be, and it hereby is, made a part of the Commission's Findings.

That Colorado Milk Transport, Inc., Broomfield, Colorado, be, and it hereby is, ordered to Show Cause, on or before the 23rd day of March, 1959, why the Commission should not correct said mistake by amending Decision No. 41961 to exclude therefrom that authority purported to be granted to Colorado Milk Transport, Inc., TO SERVE TO BOULDER.

That said matter should be, and hereby is, set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 23, 1959, at ten o'clock A. M.

That a copy of this Order be served on the parties hereto and hearing had thereon on the date set forth above, after notice to said parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Hogan

Ralph L. Carlson

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1959.

mls

original

(Decision No. 51796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FREDERIC A. BETHKE, DOING BUSINESS)
AS "BETHKE TRUCK LINES," GILCREST,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 16857-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

February 27, 1959

Appearances: Leslie R. Kehl, Esq., Denver, Colorado, for Applicant;
Robert Houchins, Esq., Greeley, Colorado, for Capron Truck Lines, Inc.;
Howard Hicks, Denver, Colorado, for Centennial Truck Lines, Inc.;
Howard Yelverton, Denver, Colorado, for Golstein Transportation and Storage, Inc.

S T A T E M E N T

By the Commission:

On December 1, 1958, Frederic A. Bethke, doing business as "Bethke Truck Lines," Gilcrest, Colorado, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of pre-fabricated and pre-cut buildings, and appurtenances, from Greeley, Colorado, and points within a two-mile radius thereof, to points in the State of Colorado east of the Continental Divide, with return of rejected shipments.

The above application, after notice to interested carriers, was regularly set for hearing, and heard, at the District Court Room, Court House, Greeley, Colorado, on February 20, 1959, and at the conclusion of the said hearing, the matter was taken under advisement.

At the hearing held on the above date, Frederic A. Bethke, the applicant, who is presently a motor vehicle carrier operating out of Gilcrest, Colorado, under both a certificate of public convenience and necessity and a private carrier permit, testified as to his experience in motor vehicle operation and as to his financial condition. The witness states that he was contacted by manufacturers of pre-fabricated and pre-cut buildings in Greeley, to make deliveries from Greeley to all other points in the State east of the Continental Divide, with return of rejected shipments.

Applicant states his present operating authority does not give him enough latitude to take care of his customers' needs; that he was requested by Mr. McKenzie of the McKenzie Company to perform the service asked for in the application.

Mr. McKenzie, of the McKenzie Company, who operates a manufacturing plant just outside of the city limits of Greeley, testified he was appearing in support of the application; that he desired applicant's proposed service and would use same if this application is granted. The witness wants a local private carrier to be available at all times to take care of shipping needs which he contends is in the nature of a specialized service which the witness hopes would require the use of one truck continuously.

Representatives of Centennial Truck Lines, Capron Truck Company, and Goldstein Transportation and Storage, Inc., appeared protesting the granting of the application. They all testified that they were common carriers with authority to transport prefabricated and pre-cut buildings; that they had ample equipment and were able to render the service asked for in the application. They felt that the business was attractice and contended there was no need for applicant's proposed service.

The Commission has briefly reviewed the evidence in support of the contention of applicant and protestants. The application is for a private carrier permit and the statute governing in this application is as follows:

> "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 general highway route or routes."

The question before the Commission is whether or not the facts set forth in the record constitute a showing that a permit should be issued. The language of the statute makes it quite clear, we think, that the requirements for the issuance of a permit are not as exacting as those governing the issuance of a certificate of public convenience and necessity. In the case of the latter, it is necessary to find that the present or future public convenience and necessity require the proposed service, whereas, in the case of the former it is necessary to find only that it is consistent with the public interest and with the policy declared in the statute above quoted. Where an applicant proposes to operate as a common carrier, the statute requires, among other things, consideration of the extent to which the territory is presently served, the need for service within the territory, and the facilities which the applicant can provide to supply a common carrier service to all shippers. Less is demanded in the case of a private or contract carrier.

The record discloses that the applicant proposes service for the McKenzie Company. He will not interchange with other carriers, neither will he solicit freight from the general public, but will limit his service to the transportation of pre-fabricated and

pre-cut buildings and appurtenances. While the equipment to be used by the applicant, for the most part, is not different than that generally used by common carriers, it will be put to special use in transporting pre-fabricated houses for individual shippers.

Mr. McKenzie stated that he needed, and would use, applicant's proposed service. The Commission does not believe, however, that this permit should be granted unless a restriction is made as to customers, for the reason that the word "appurtenances" is broad, and could and might be construed to apply to all commodities appurtenant to houses or buildings. We do not believe that the granting of this authority -- unless restricted -- is in the public interest.

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 private carrier permit, as hereinafter limited, will impair the efficiency of existing adequate common carrier motor vehicle services now operating in the area sought to be served by the applicant, and that said permit, as hereinafter restricted, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Frederic A. Bethke, doing business as "Bethke Truck Lines," Gilcrest, Colorado, be, and he hereby is, authorized to operate as a Class "B" Private carrier by motor vehicle for hire, for the transportation of pre-fabricated and pre-cut buildings and appurtenances, from Greeley, Colorado, and points within a radius of two miles thereof, to points in the State of Colorado, lying east of the Continental Divide, with return of rejected shipments, for the McKenzie Company, of Greeley, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hogan

Ralph C. Hoban

Louis J. Hallegan

Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1959.

mls

(Decision No. 51797)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PAUL K. KENNER)
2046 FEDERAL BLVD.)
DENVER 11, COLORADO.) PERMIT NO. M-12415
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul K. Kenner, Denver, Colorado requesting that Permit No. M-12415 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12415, heretofore issued to Paul K. Kenner, Denver, Colorado be, and the same is hereby, declared cancelled effective January 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959.

ds

(Decision No. 51798)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN TARTAGLIO)
4609 DECATUR STREET,)
DENVER, COLORADO.) PERMIT NO. M-14113
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John Tartaglio, Denver, Colorado requesting that Permit No. M-14113 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14113, heretofore issued to John Tartaglio, Denver, Colorado be, and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No.51799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
V. VIVIANO AND BROTHERS MACARONI)
COMPANY, 4649 SHAW BOULEVARD,)
SAINT LOUIS 4, MISSOURI.) PERMIT NO. M-2646
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from V. Viviano & Brothers Macaroni Co., St. Louis, Missouri requesting that Permit No. M-2646 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2646, heretofore issued to V. Viviano & Brothers Macaroni Co., St. Louis, Missouri be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959.

ds

(Decision No. 51800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LOREN BROOKS AND HELEN BROOKS,)
DOING BUSINESS AS, "BROOKS LAND-)
SCAPING AND ROTOTILLING") PERMIT NO. M-876
4656 WEST 6TH. AVENUE,)
DENVER 4, COLORADO.)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Loren Brooks & Helen Brooks, Dba Brooks Landscaping & Rototilling, Denver, Colorado requesting that Permit No. M-876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-876, heretofore issued to Loren Brooks & Helen Brooks, Dba Brooks Landscaping and Rototilling, Denver, Colorado be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jesse C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959.

ds

(Decision No. 51801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
SUN CONCRETE COMPANY)
315 EAST LOCUST STREET,)
LITTLETON, COLORADO.) PERMIT NO. B-4843
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sun Concrete Company, Littleton, Colorado requesting that Permit No. B-4843 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4843, heretofore issued to Sun Concrete Company, Littleton, Colorado be, and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No.51802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
H. HAROLD RICHARDS)
5601 MONTVIEW BOULEVARD,) PERMIT NO. M-12393
DENVER 7, COLORADO.)
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. Harold Richards, Denver 7, Colorado requesting that Permit No. M-12393 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12393, heretofore issued to H. Harold Richards, Denver 7, Colorado be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No. 51803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. HAROLD RICHARDS)
5601 MONTVIEW BOULEVARD,)
DENVER, COLORADO.)

PUC NO. 3689-I

March 2, 1959

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. 3689-I be suspended for six months from February 23, 1959.

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 H. Harold Richards, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 3689-I until August 23, 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

Joseph F. Negro

Joseph C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March 1959.

ds

(Decision No. 51804)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
AUGUST WATERMAN, DOING BUSINESS AS,)
"FOURTH STREET AUTO WRECKERS",)
2311 EAST 4TH. STREET,) PERMIT NO. M-1284
PUEBLO, COLORADO.)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from August Waterman, Dba Fourth Street Auto Wreckers, Pueblo, Colorado requesting that Permit No. M-1284 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1284, heretofore issued to August Waterman, Dba Fourth Stfeet Auto Wreckers, Pueblo, Colorado be, and the same is hereby, declared cancelled effective January 18, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No. 51805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM LEON AND ROLLIE LEON FLAIZ,)
DOING BUSINESS AS, "WILLIAM LEON)
FLAIZ", GENERAL DELIVERY, BLUE) PERMIT NO. M-15487
LAKE, CALIFORNIA.)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Leon & Rollie Leon Flaiz, Dba William Leon Flaiz, Blue Lake, California requesting that Permit No. M-15487 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15487, heretofore issued to William Leon & Rollie Leon Flaiz, Dba William Leon Flaiz, Blue Lake, California be, and the same is hereby, declared cancelled effective February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Jason C. Horton
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959.

ds

(Decision No. 51806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM E. CHAPMAN)
C/O MRS. BEULAH CHAPMAN)
926 NORTH CAMERON,) PERMIT NO. M-10997
BRUSH, COLORADO.)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William E. Chapman, c/o Mrs. Beulah Chapman, Brush, Colorado requesting that Permit No. M-10997 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10997, heretofore issued to William E. Chapman, c/o Mrs. Beulah Chapman, Brush, Colorado be, and the same is hereby, declared cancelled effective February 5, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hudson
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959.

ds

(Decision No. 51807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MARSHALL, CHARLES AND DAN H. HUGHES,)
DOING BUSINESS AS, "HUGHES MERCANTILE)
COMPANY",) PERMIT NO. M-14555
REDVALE, COLORADO.)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Marshall, Charles & Dan H. Hughes, Dba Hughes Mercantile Co., Redvale, Colorado requesting that Permit No. M-14555 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14555, heretofore issued to Marshall, Charles & Dan H. Hughes, Dba Hughes Mercantile Co., Redvale, Colorado be, and the same is hereby, declared cancelled effective February 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No. 51808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
USTER MORDECHAI)
3439 WEST CONEJOS,)
DENVER 4, COLORADO.) PERMIT NO. M-13669
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Uster Mordechai, Denver, Colorado requesting that Permit No. M-13669 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13669, heretofore issued to Uster Mordechai, Denver, Colorado be, and the same is hereby, declared cancelled effective February 9, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 1959.

ds

(Decision No. 51809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JEROME B. DAVIS AND FRED D. MOWERY)
DOING BUSINESS AS, "H & M LAND-)
SCAPING," 2601 SOUTH ROSLYN,) PERMIT NO. M-10622
DENVER 2, COLORADO.)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jerome B. Davis & Fred D. Mowery, Dba H & M Landscaping, Denver, Colorado requesting that Permit No. M-10622 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10622, heretofore issued to Jerome B. Davis & Fred D. Mowery, Dba H & M Landscaping, Denver, Colorado be, and the same is hereby, declared cancelled effective February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 1959

ds