

original

(Decision No. 55080)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF ISSUANCE OF)
TEMPORARY CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY UNDER)
CHAPTER 115, SESSION LAWS OF COLO-)
RADO, FOR EMERGENCY MOVEMENT OF)
POTATOES, IN THE COUNTIES OF ALA-)
MOSA, CONEJOS, COSTILLA, RIO GRANDE)
AND SAGUACHE, COLORADO.)
-----)

APPLICATION NO. 18087

September 16, 1960

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency exists because of shortage of trucks for transportation of potatoes in the Counties of Alamosa, Conejos, Costilla, Rio Grande, and Saguache, Colorado, and that said emergency will probably continue for a period of approximately thirty (30) days.

Request is made for an Order of the Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of said potato crop in the counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency exists because of shortage in certificated trucks for transportation of potatoes in the Counties of Alamosa, Conejos, Costilla, Rio Grande, and Saguache, Colorado, and that public convenience and necessity require that temporary certificates should issue for operation of motor vehicles for transportation of said potato crop, to market or place of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates

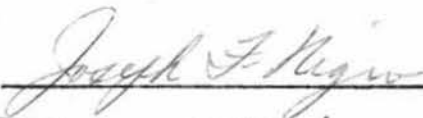
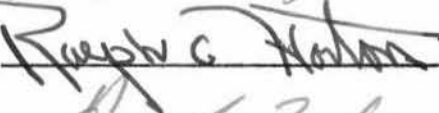

to be effective for a period of thirty (30) days, or from
September 20, 1960, to and including October 20, 1960.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity
be, and are hereby, authorized to be issued for operation of motor ve-
hicles, for transportation of potatoes, to market or place of storage,
in the Counties of Alamosa, Conejos, Costilla, Rio Grande, and Saguache,
Colorado, said certificates to become effective September 20, 1960, and
to continue in force up to and including October 20, 1960, no such
certificate to issue for transportation of said crop by motor vehicle
to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of September, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD K. CUMLEY, DOING BUSINESS AS)
"F. K.(BUD) CUMLEY, 211 E. 4TH)
STREET, WRAY, COLORADO, FOR AUTH-) APPLICATION NO. 18077-PP-Transfer
ORITY TO TRANSFER PERMIT NO. B-5483)
TO DALE M. HOFMEISTER, DOING BUSI-)
NESS AS "HOFMEISTER'S", 400 CLAY)
STREET, WRAY, COLORADO.)
-----)

September 16, 1960

Appearances: James T. Callahan, Esq.,
Wray, Colorado, for
Transferor and Transferee.

S T A T E M E N T

By the Commission:

Floyd K. Cumley, doing business as "F. K. (Bud) Cumley,
of Wray, Colorado, is the owner and operator of Private Carrier Permit
No. B-5483, authorizing:

Transportation of eggs, from point to point
within a radius of forty miles of Wray, Colo-
rado, and from Wray, Colorado, to Denver, Colo-
rado, with back-haul of feed to the High Quality
Feed Company, only, of Wray, Colorado.

Transportation of cream and domestic fowls from
point to point within a radius of forty miles
of Wray, Colorado, and from said territory to
Denver, Colorado, excluding therefrom town-to-
town service on Highway No. 6.

By the instant application, said permit-holder seeks auth-
ority to transfer his operating rights under said permit to Dale M.
Hofmeister, doing business as "Hofmeister's," Wray, Colorado.

The application was regularly set for hearing, after appro-
priate notice to all interested parties, on September 13, 1960, at the
District Court Room, Court House, Sterling, Colorado.

Prior to the hearing, the attorney for the transferor and transferee asked for a vacation of the setting, but as his request was too late to give notice to all interested parties, the matter was called for hearing. There being no objection to the request, the setting was vacated, the application to be re-set for hearing at some future date, at the convenience of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the setting in Application No. 18077-PP-Transfer should be vacated, and the matter re-set at some future time, at the convenience of the Commission, with notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That the setting in Application No. 18077-PP-Transfer, be, and the same is hereby vacated, said application to be re-set for hearing at some future time, at the convenience of the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Signa
Ralph C. Horton
Blair E. Paulings
Commissioners.

Dated at Denver, Colorado,
this 16th day of September, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HARVEY NELSON, CROOK, COLORADO, FOR)	
AUTHORITY TO TRANSFER PUC NO. 818)	
AND PUC NO. 818-I TO HAROLD YOST AND)	APPLICATION NO. 18073-Transfer
MAYNARD YOST, DOING BUSINESS AS)	
"HAROLD YOST & SONS," HAXTUN, COLO-)	
RADO.)	
- - - - -)	

- - - - -
September 16, 1960
- - - - -

Appearances: Harvey Nelson, Crook, Colo-
rado, pro se;
Harold Yost, Crook, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Harvey Nelson, Crook, Colorado, is the owner and operator
of PUC Nos. 818 and 818-I, authorizing:

Transportation of general freight, including livestock, from point to point within a radius of 15 miles of Crook, Colorado; livestock from and to all points in said area to and from points within the area bounded by the Colorado-Wyoming State Line on the north, U. S. Highway No. 36 on the south, the Colorado-Kansas State Line on the east, and U. S. Highway No. 285 on the west; farm products from farms in said 15-mile radius of Crook, to Sterling or Denver, with back-haul of livestock, coal, and an occasional shipment of farm machinery, only, from Denver to points in said area; provided, that for the transportation of all freight other than household goods, livestock and farm products from farm to market, between points served by scheduled motor vehicle or railroad common carrier service, applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by scheduled carriers, and his rates for transportation of household goods shall not be less than those provided by tariff of the Colorado Transfer and Warehousemen's Association on file with the Commission; transportation of commodities, generally, on call and demand, between points within a 15-mile radius of Crook, Colorado, and from and to points in said area, to and from

points in the State of Colorado, excepting transportation of commodities (other than those authorized) between towns served by scheduled motor vehicle line-haul carriers.

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.

By the instant application, said certificate-holder seeks authority to transfer his operating rights to Harold Yost and Maynard Yost, doing business as "Harold Yost & Sons," of Crook, Colorado, the correct address of the transferees being Crook instead of Haxtun, Colorado.

Said application, pursuant to prior setting after appropriate notice to all interested parties, was heard at the Court House, Sterling, Colorado, September 13, 1960, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that the consideration for said transfer is the sum of \$4,600, which includes the certificate and one 42-foot Freuhauf trailer, the full purchase price to be paid upon authorization of the transfer by this Commission.

The evidence further disclosed that there are no outstanding debts against the operation; that the transferees have a net worth of approximately \$50,000; that they have had considerable experience in operating common carrier authority under authority of the Colorado Commission; and that their address is Crook, Colorado.

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 Harvey Nelson, Crook, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 818 and PUC No. 818-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Harold Yost and Maynard Yost, doing business as "Harold Yost & Sons," of Crook, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, the transfer of interstate operating rights 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 transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 16th day of September, 1960.

ea

original

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 AUTHORITY
TO TRANSFER PUC NO. 4277 TO ROBERT
A GOSSELIN, 2950 W. 74TH AVENUE,
WESTMINSTER, COLORADO.

APPLICATION NO. 18075-Transfer

September 16, 1960

Appearances: Jacob Schlagel, Westminster,
Colorado, pro se;
Robert A. Gosselin, West-
minster, Colorado, pro se.

S T A T E M E N T

By the Commission:

Jacob Schlagel, Westminster, Colorado, is the owner and
operator of PUC No. 4277, authorizing:

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.

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 4277 to Robert A. Gosselin, West-
minster, 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, 532 State Services Building, Denver, Colo-
rado, September 12, 1960, and at the conclusion of the evidence, the
matter was taken under advisement.

The transferor and transferee appeared and testified in
support of the application.

No one appeared in opposition to the granting of the transfer.

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

F I N D I N G S

THE COMMISSION FINDS:

That the 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 Jacob Schlagel, Westminster, Colorado, be, and he is hereby, authorized to transfer all right, title, and interest in and to PUC No. 4277 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Robert A. Gosselin, Westminster, Colorado, subject to payment of all 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 trans-

feree 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. Negro
Ralph C. Hobart
Samuel E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 16th day of September, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, 810)
NINTH STREET, GREELEY, COLORADO, FOR)
AN ORDER AUTHORIZING IT TO ISSUE A) APPLICATION NO. 18059-Securities
MAXIMUM OF 3,153 SHARES OF ITS COMMON)
STOCK TO BE PAID AS A 5% STOCK DIVI-)
DEND.)

September 16, 1960

Appearances: John R. Clayton, Esq., Greeley,
Colorado, for Applicant;
P. M. Brown, Denver, Colorado,
for the Staff of the Commis-
sion.

S T A T E M E N T

By the Commission:

Applicant herein, Home Light and Power Company, a Colorado corporation, pursuant to Section 115-1-4, Colorado Revised Statutes, 1953, filed with this Commission, on August 19, 1960, its application for an order of this Commission authorizing applicant to issue a maximum of 3,153 new shares of its Common Stock to be paid as a stock dividend of 5% on its presently issued and outstanding Common Stock.

Said application was set for hearing, with notice to all interested parties, in compliance with the statutes of Colorado and the rules and regulations of this Commission. On September 6, 1960, a public hearing was held at 9:00 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado, 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.

Mr. W. A. Terry, President of Home Light and Power Company, testified to the following matters, summarily set forth below:

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 purchase, transmission, distribution and sale of electric energy in Weld County, Colorado.

A certified copy of Applicant's Composite Certificate of Incorporation, containing all amendments, has heretofore been filed with this Commission.

Applicant supplies electric service at retail for residential, commercial, power, and other uses in 11 cities and towns and in 7 other communities in addition to outlying rural territories in its service area in Weld County, Colorado. The incorporated cities and towns in which Applicant supplies electric service are Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Kersey, La Salle, Nunn, Pierce, and Rosedale. The unincorporated towns and communities in which Applicant supplies electric service are Barnesville, Briggsdale, Farmers Spur, Galeton, Gill, Lucerne and Peckham. Applicant's operations are wholly within the State of Colorado.

Under Applicant's Certificate of Incorporation, as amended, hereinabove referred to, the authorized capital stock of Applicant consists of \$3,100,00 par value, divided into 6,000 shares of Cumulative Preferred Stock of the par value of \$100 each, and 100,000 shares of Common Stock of the par value of \$25 each, with the rights and privileges applicable thereto, respectively, as appears in said Composite Certificate of Incorporation. The Cumulative Preferred Stock is authorized to be issuable in one or more series, and there has been authorized an initial series of 3,000 shares of 4-1/2% Cumulative Preferred Stock. Of such authorized capital stock, there were issued and outstanding on July 31, 1960, 63,068 shares of Common Stock

Common Stock certificates representing such number of whole shares of fully paid and non-assessable Common Stock of the Company as said shareholders shall severally be entitled to thereby. In any and all cases in which the amount of stock dividend to which a stockholder is entitled shall include less than one share, fractional shares will not be issued, but payment of an amount equivalent to such fractional shares based on the value of one share being \$50, as established by the Board of Directors of Applicant, will be made in cash to the stockholder entitled to receive the same.

Applicant's witness further testified that cash dividends in the amount of \$10,970 will be paid to "fractional" holders of 4,388 shares in lieu of 219 and 8/20ths dividend shares; and, therefore, only 2,934 shares of new stock will actually be issued, thus raising the total number of outstanding common shares to 66,002.

The pro forma adjustment entries to the Balance Sheet of Applicant as of July 31, 1960, giving effect to the issuance of the five per cent stock dividend are as follows:

	<u>Debit</u>	<u>Credit</u>
Earned Surplus	\$146,700	
Common Stock		\$73,350
Premium on Capital Stock		73,350

This entry records the issuance of 2,934 shares of common capital stock, par value \$25 per share, as a stock dividend to common stockholders of record at close of business on August 20, 1960. For the purpose of this stock dividend declaration, a value of \$50 per share has been determined by the Board of Directors of the Company. This entry charges Earned Surplus with the total value of 2,934 shares at \$50 per share and credits the Common Stock account with the total par value of such shares amounting to \$73,350. The excess of the declared value, \$50 per share, over the par value, \$25 per share, amounts to \$25 per share or a total of \$73,350 on 2,934 shares and is credited to Premium on Capital Stock.

Earned Surplus	\$10,970	
Cash		\$10,970

This entry records the payment in cash for stock dividend fractions of less than one share in amounts equivalent to such fraction based on the value of one share being \$50. The total amount required for cash payment of fractions totaling 4,388/20ths is \$10,970.

and 3,000 shares of 4-1/2% Cumulative Preferred Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust, dated as of January 1, 1951, between Applicant and The Denver National Bank, as Trustee, as supplemented, Applicant has heretofore issued and there are now outstanding \$1,388,000 principal amount of First Mortgage Bonds 3% Series, due January 1, 1976; \$478,000 principal amount of First Mortgage Bonds 3-3/4% Series, due August 1, 1982; \$573,000 principal amount of First Mortgage Bonds 4% Series, due February 1, 1986 and \$500,000 principal amount of First Mortgage Bonds 5-1/2% Series, due September 1, 1989. Other than current liabilities and the long-term debt referred to above, Applicant has no outstanding indebtedness as of July 31, 1960.

As evidence of the Company's current year's earnings and financial position at July 31, 1960, Applicant introduced into evidence its Balance Sheet, Exhibit A, and its Statement of Income for the twelve months ended July 31, 1960, Exhibit C. The balance sheet indicates that the book value of the Common Stock, excluding the amount restricted for deferred Federal income taxes, was \$50.46. Net Income for this twelve month period was \$319,305, or approximately three times bond interest charges. At July 31, 1960, Applicant had Earned Surplus or undivided earnings in the aggregate amount of \$1,234,888.95, of which \$97,183.48 is restricted for payment of future Federal income taxes under accounting procedure authorized by Decision No. 47650 of this Commission.

Applicant proposes to set aside of Earned Surplus or undivided earnings of the Company a maximum of \$157,670 as a stock dividend to the Common Stock now outstanding and to issue not to exceed a maximum of 3,153 new shares of its Common Stock to be paid as a stock dividend of 5%, payable on or about October 4, 1960, to its Common Stockholders of record at the close of business on August 20, 1960. In payment of said stock dividend, the Company proposes to issue

This Commission has carefully reviewed all of the evidence adduced at the hearing in this matter and is of the opinion that the authority sought by Applicant should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Home Light and Power Company, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the instant application.

That this Commission is fully advised in the premises.

That the proposed issuance of a maximum of 3,153 shares of Common Stock by Applicant to be paid as a stock dividend of 5% on Applicant's presently issued and outstanding Common Stock as hereinabove set forth is not inconsistent with the public interest; that the purpose or purposes therefor are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the Order or Orders sought should be issued, and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Home Light and Power Company, be, and it is hereby, authorized and empowered to issue a maximum of 3,153 shares of its Common Stock to be paid as a stock dividend of 5% on its presently issued and outstanding Common Stock.

That Home Light and Power Company be, and it hereby is, authorized and empowered 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 transaction herein authorized.

That the securities authorized to be issued 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 the securities authorized to be issued herein, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are issued.





That Home Light and Power Company be, and it is hereby, directed, in reflecting in its accounts the consummation of the payment of the stock dividend authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric Utilities prescribed by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, shares of Common Stock to be issued by Applicant hereunder on the part of the State of Colorado.

That within sixty (60) days from the date of the delivery of the new securities authorized to be issued hereunder, Applicant will make, pursuant to the terms and conditions of this Order a verified report to this Commission of the issue of said new securities, the fees, commissions and expenses, if any, incident to such issue accompanying such report with a new balance sheet reflecting the issuance of said securities 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 issuance:

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





Commissioners.

Dated at Denver, Colorado,
this 16th day of September, 1960.
mls

original

(Decision No. 55085)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION,)
INC., 316 WEST 15TH STREET, PUEBLO,)
COLORADO, FOR AN ORDER CONSOLIDATING)
AND CHANGING ITS RATE SCHEDULES TO)
BE CHARGED FOR THE SALE OF ELECTRICAL)
ENERGY.)

APPLICATION NO. 17750

September 16, 1960

Appearances: Preston & Altman, Esqs., Pueblo,
Colorado, by Leo S. Altman,
Esq., for Applicant;
Ivan M. Denton, Harriet B. Den-
ton, and George Marquardt,
Cuchara, Colorado, pro se, and
for Cuchara Association;
John Boccacio, Aguilar, Colorado,
for Aguilar Booster Club;
Howard Melvin, Aguilar, Colorado,
pro se;
P. M. Brown, Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

San Isabel Electric Association, Inc., (San Isabel) is a rural electric cooperative association engaged in the business of purchasing, transmitting, distributing and selling electrical energy to member and non-member consumers in Las Animas, Huerfano, Pueblo, Fremont and Custer Counties in Colorado. By its present application, filed May 3, 1960, Applicant seeks from this Commission an Order authorizing it to change and consolidate its rate schedules applicable to sale of electric energy within its territory.

The matter was set for hearing on July 21, 1960, and was heard in the District Court Room, Walsenburg, Huerfano County, Colorado, at 10:00 o'clock A. M., after due notice to all interested

parties. No Petitions of Intervention were filed with the Commission prior to the hearing, but several interested parties appeared at the hearing to protest the authority sought.

A request was made for a continuance at the hearing by Messrs. Denton and Boccacio on the basis that they had had insufficient time to assemble information and prepare evidence in support of their position. The request was denied, but the presiding Commissioner stated that at the conclusion of the hearing, if a valid reason was shown as to why a continuance should be had, it would be granted. At the conclusion, Mr. Denton still felt a continuance should be allowed. He was granted fifteen (15) days in which to engage legal counsel and present a written statement to the Commission setting forth in detail the basis of his request for a continuance. At the expiration of the fifteen (15) days time, no such petition was presented, but in lieu thereof and through his attorney, there was submitted a protest to the application. This protest will be dealt with later.

San Isabel is a public utility and was so found by this Commission in its Decision No. 49302, of January 13, 1958, and at the same time, it was issued a certificate of public convenience and necessity.

Applicant's Articles of Incorporation, as amended to date, are on file with this Commission. Exhibits setting forth the financial position of the Company, as of December 31, 1959, an income Statement for the month of October 1958, a statement of plant changes at December 31, 1958, and December 31, 1959, a map of the area served, the present tariff Colorado PUC #6 as filed with this Commission and its proposed tariff were all submitted as exhibits in this matter and identified by the witness.

Mr. Edward Gaither, the General Manager of San Isabel, testified that in the above-mentioned decision, the Commission in its Statement commented on the large number of rates that resulted from Appli-

cant's acquisitions of a part of the system of Southeast Colorado Power Association (Southeast), a part of the system of Frontier Power Company (Frontier), the system of Monument Electric Company (Monument) and the system of La Veta Light Heat & Power Company (La Veta). In that decision, it was suggested that the total number of rate schedules under which San Isabel is operating, could be combined and reduced in number. It is San Isabel's purpose in this application to present a simplified and reduced number of rate schedules to be applicable throughout its service area which said revised schedules would provide approximately the same operating income, based on the test period, as is being produced by the existing 40 odd rate schedules. Applicant proposed to do this by the substitution of sixteen rate schedules. The schedules of the acquired companies were duly adopted by San Isabel and all schedules as adopted are now being applied to customers to which they were originally applicable. Such a multiplicity of rates are expensive to administer and are often times subject to clerical error in application. San Isabel anticipates substantial saving which could even offset the present deficit in San Isabel's net operating income by a saving in labor now required to administer the present tariffs.

For the past three years, San Isabel has been studying the consolidation of rates while observing the effect of the rates as adopted. They are attempting insofar as possible to place all customers in the same service classification throughout its service area on the same rate schedule.

In the proposed rate schedules, the Farm and Home Service including domestic pumps, a total of three rate schedules, will be combined into one; Farm and Home Water Heating Service, now two separate schedules, are being combined into one; residential urban service, now four different rate schedules, will be combined into one; two residential rural lighting schedules will be combined into one; eleven classi-

fications, now designated Commercial Lighting, Commercial Lighting Optional, Commercial Heating and Cooking, and four classifications of Commercial Power, will all be combined into a single schedule; two seasonal residential rates will become one; two schedules for Schools, Churches, and Community Halls will be combined into one; and the existing schedule for Mining Power Service is being revised. Controlled Water heating separately metered, now contained in two schedules is being combined into one, and this schedule is to be limited to customers existing at the effective date of this Order. The remaining rate schedules are unchanged.

Currently existing special guaranteed monthly minimum charges which have been established in specific areas on the basis of feasibility study requirements or which have been established on the basis of San Isabel's filed extension policies, are not proposed to be changed. These customers will, however, be billed in accordance with the energy charges as shown in the proposed rates applicable to their class of service.

Witness stated that while the gross operating income will not be materially changed if its proposed rates are permitted to be adopted individual customers would be affected, some adversely and some favorably. An attempt has been made to minimize the degree of effect to all customers. Ten meetings were held throughout the area served during the months of April and May at which meetings San Isabel attempted to explain to those customers attending the meetings the need for and the possible effect of rate consolidation. All meetings were open for a free and complete discussion. Also, at San Isabel's annual stockholders' meeting, held on June 4, 1960, at La Veta, Colorado, the subject of rate consolidation was again discussed. At the time of these meetings, the design of the rates had not been formalized and therefore it was impossible to discuss with those in attendance the specific effect the consolidation would have on any

individual customer.

James Golden, Assistant General Manager, reviewed the changes in the rules and regulations contained in the proposed tariff Colorado PUC #7. The changes were mostly in the nature of clarification and a formal recording of policies now being practiced by San Isabel.

Mr. Henry Marofsky, an electrical engineer for Ellerbe and Company, presented and discussed the methods employed in the rate design and the determination of revenues the proposed rates would produce. Ellerbe and Company of St. Paul, Minnesota, is a firm of consulting engineers providing various services to utility companies, among which services are the design and application of rates for electric utilities. Witness testified that the month of October, 1958, was selected as being the typical month of the 12-months of the year 1958 representing approximately one twelfth of the annual Kwh sales and revenue. Thus it would be suitable for use as the typical month of the test period for demonstration that the application of the rates proposed herein would produce no substantial change in the gross operating revenues of San Isabel for the test year. The witness further testified their desire to make the rates throughout the entire territory served consistent with the philosophy of the Rural Electrification Administration; that is: rates in effect by its borrowers, of which San Isabel is one, should be the same throughout the entire operating areas. Accordingly, this was the substantial guide post in the design of rates as submitted.

Some consideration was given to the cost of service, however, through past experience, it had been developed that the rates now in effect were producing the revenues required by the current operating costs and debt service requirements and it was deemed the large expense of a detailed cost of service study would not be justified.

Consideration was not given specifically to the historic rate

levels, particularly in the service areas of the acquired companies of Frontier, Monument and La Veta. In these areas for the classification Residential Service, urban and rural, a larger increase occurs in estimated revenues than in any other general classification or group of customers. This is due to the increase in rate level and the increase in the monthly minimum charge substantially above the rate levels and minimums now in effect. In the proposed schedules, the monthly minimum charge applicable in the original areas of Frontier, Monument and La Veta is being changed from the current range of \$1.00 and \$2.50 to \$2.50 for urban classes of service. In the rural territory, as distinguished from the area served and designated above as urban, the current \$2.00 and \$2.50 minimum is being increased to \$5.00. In the original request for approval of the acquisition of these properties, it was stated that the acquisition was in the public interest. The segment of the public here involved is 1,840 customers during the test month. This is 40% of the 4,597 consumers directly affected by the proposed rate changes. (A consumer is represented by one meter or bill whereas a customer can be two or more consumers. Since 1,840 customers are in this instance also 1,840 consumers, the percentage of the total customers is even greater.) The increase in the rural service category amounts to approximately \$9,288 (23.3%) above the present annual revenue of \$39,951, and in the urban areas the increase amounts to \$8,237 (8.6%) above the annual operating revenues of \$95,461; while this latter increase is smaller, a large number of customers are adversely affected by an increase of the minimum bill from \$1.00 to \$2.50. To assess such increases against these classifications while at the same time maintaining the level of annual income in all other classifications practically unchanged would belie the original contention that the acquisitions were in the public interest. Additional or substitute rates to be used in lieu of San Isabel's proposed rate number 4 and 4A (PUC #7, sheets 7 and 8) and

rate schedules 2 and 2A (PUC #7, sheets 4 and 5) will be set forth to be applicable in Frontier, Monument and La Veta areas. The effect of these substitute rates will be an increase of \$1,910.00 (2%) for urban service and a decrease of \$779.00 (1.95%) for rural service.

The total change in revenues is estimated by San Isabel to be an increase of \$21,462, which compared to the present revenues of \$450,538 received from the existing rates which will be changed, amounts to an increase of 4.8%. On the basis of the total operating revenues, including the rates unchanged, the total annual revenue increase compared to a total actual revenue of \$657,904 amounts to 3.26%. The change in rates provided herein reduces the above mentioned rural service increase of \$9,288 to a reduction of \$779; the urban service increase of \$8,237 is reduced to \$1,910, and the aggregate change for all rates of \$21,462 becomes \$5,068 increase. This is 1.13% on \$450,538 and 0.77% on \$657,904.

One other substantial change was the subject of the protest by the Cuchura Association. The present seasonal minimum for seasonal users is \$15.00. The meter is read or estimated monthly and the cost of energy is computed on the basis of such monthly use. If this provides an amount less than \$15.00, then the seasonal user's bill becomes \$15.00. It is proposed to increase the seasonal minimum to \$30.00 and to convert monthly energy blocks to a seasonal basis allowing 300 Kwh use in the seasonal minimum and to read the meter only at the beginning and end of each season.

In lieu of a request for a continuance of the hearing, Protestants Ivan M. and Harriet B. Denton filed, through their attorney, a written protest to the changes in the seasonal and rural rates applicable in the Cuchara and Monument Lake areas served by San Isabel. The rural rate has been dealt with above. The detail of the protest is directed primarily at the seasonal rate proposed to be increased. In the protest, it is alleged that the original rate structure "...adopted and

approved by REA to amortize the cost of the project proved to exceed the amount needed to pay off the project...". There is no evidence in support of the statement that the rates exceeded the amount required to pay off the project, nor, at the same time, is any recognition given to the conditions that existed at the time these rates were placed into effect as compared to the conditions that do exist at the present time. Further, it is implied Monument customers were all seasonal customers. Prior to the acquisition by San Isabel, Monument was a wholly-owned subsidiary of Frontier. At the time these rates were placed into effect Frontier, which operated Monument, served the densely populated areas of Huerfano, and Las Animas Counties, including the Cities of Walsenburg and Trinidad. Mining operations in the two Counties at that time were operating at a reasonable level. Neither Walsenburg, nor Trinidad, are served by San Isabel, each being municipally operated and coal mining is near an all time low. Therefore, the composition of the loads being served are not today similar to those existing in 1939. The level of costs as of the time the original rates were established for the system served by Monument were substantially below the level of costs in effect today. If there is no other, the decreased value of the dollar would be a compelling reason as to why service can not be now provided at the level of 1939 when the Monument system went into operation. At the time of the acquisition of Frontier and Monument, Frontier had practically no net income and had passed its dividends. On the face of the record at the time of the acquisition by San Isabel, who is to say, had Frontier not sold, Frontier would not have had to apply to this Commission for an increase in its own rates, including those of Monument.

No recognition is given, in the alleged contention, that rates were sufficient to support the loan originally advanced, to the fact that improvements have been made in the system by way of additional substation capacity, increasing conductor sizes and other system improve-

ments which require an increase in capital expenditures to continue the supply of electric service in accordance with acceptable standards.

It is further alleged that no cost of service study was used in the design of the new rates and it is suggested that it follows the proposed rate schedules were not prepared on any sound basis, but was, in fact, an arbitrary rate schedule consolidation. A properly designed rate is not dependent upon cost of service alone. There are many other items to be considered in the design of rates, some items of which are as follows:

Existing rate structure, history of company rates;
composition of load to be served, load growth,
value of service, cost of service, stability of
class of service, costs of administration, number
and density of customers.

According to brief studies made by San Isabel to develop the investment per customer, it was found the annual investment for rural residential users required \$916 per customer. If the fixed charges alone do not exceed 8%, the annual cost per customer on this basis would amount to approximately \$72,000. This takes care of such items as interest on the investment, annual depreciation charges, taxes, insurance and some costs of administrative expense. Even if this were to be reduced 50%, fixed costs alone would still require an annual minimum charge of \$36 per customer and since generally, seasonal users are convenience users only, there is a possibility that a \$30 annual minimum charge, which includes under the proposal the furnishing of 300 Kwh, still may not be adequate to compensate the utility for the service furnished. It must be remembered that even though a consumer occupies his residence for only a portion of the year, certain items of cost, such as interest, depreciation, taxes and insurance continue throughout the entire year. This is also true of the

utility. Since the convenience user occupies his residence and utilizes the service for periods of as little as two weeks of the year, it would appear that this user, except by the payment of a reasonable seasonal minimum charge, cannot begin to pay his fair share of the costs of maintaining service. Thus, although the increase to the seasonal users at Cuchara would appear, percentage wise, to be a large increase, in reality the proposed charge probably does little more than meet the fixed costs to the utility for rendering this seasonal service. Other factors may justify a rate as low as proposed, but a lower rate than proposed would unduly discriminate against the other customers of the utility.

The staff has checked the revenues to be anticipated under the rates in San Isabel proposed tariff Colorado PUC #7 and does not find any basis on which to differ materially on the anticipated revenues. Under the existing rates for many customers, two, or even three meters in some instances, are used to supply the needs of one customer depending upon the number of classes of service he now receives. Under the rates as proposed, in almost all instances where two or three meters are now in use, one meter will be used to supply the total requirements of the customer. The revenues as calculated under the proposed rates make no recognition of the fact that such consolidation can and will occur. This consolidation of multiple customers to a single meter will produce a decrease in revenues to San Isabel. For example, where now residential rural customers have separately metered domestic water pumps, the two classes of service will be combined into one and a reduction of approximately \$2,000 per year in revenue will obtain. Similarly, consolidation of multiple meters into a single meter in the commercial light and power classification can also produce a decrease in revenues to San Isabel. The commercial rate to be applied consolidates eleven rates into one. A single existing rate, when viewed alone, will produce some apparently

large changes to some customers, but as above pointed out, two or more meters will be combined so that the result to any one customer may not be as great as is indicated when comparing present and proposed rates for the single class of service. The consolidation is a step in the right direction. The Commission regularly reviews the operating results of all utilities and should it develop the rates as consolidated are improper, it retains jurisdiction to make any adjustment that may be indicated.

Therefore, the anticipated \$21,462, as shown on Applicant's Exhibit No. 21, would not be realized. We further proposed to reduce this estimated annual increase in revenues to \$5,068 by prescribing different rates for the classifications of urban and some residential rural customers as included on the current rates Colorado PUC #6, sheets 5 and 19.

F I N D I N G S

THE COMMISSION FINDS:

That it has jurisdiction of the Applicant, San Isabel Electric Association, Inc., and of the subject matter herein.

That its proposed tariff, as set forth in Exhibit No. 9, is unreasonable, discriminatory, and not in the public interest.

That Applicant's request to put said tariff into effect should be denied.

That Applicant's request to reduce the number of rate schedules contained in its tariff Colorado PUC No. 6, from a number in excess of 40 to 16 rate schedules, is practicable and commendable, and should be permitted to be accomplished.

That upon modification as set forth in the Order to follow, Applicant's proposed tariff will be non-discriminatory, reasonable and in the public interest.

O R D E R

THE COMMISSION ORDERS:

That the placing in effect of the proposed tariff, Exhibit No. 9 herein, is hereby denied.

That Applicant shall be permitted to file a new tariff to be designated Colorado PUC No. 7 identical to the tariff as shown in its Exhibit No. 9, except modified as follows:

In addition to Original Sheet No. 4, a companion schedule for Residential-Rural Service limited in its Availability to customers served from the original distribution lines of Frontier, Monument and La Veta or as they may have been rebuilt since acquisition, or capable of being served therefrom and the energy charge and monthly minimum charge therefore shall be as follows:

For the first 25 Kwh per month, per Kwh...	\$.10
For the next 25 Kwh per month, per Kwh...	.07
For the next 50 Kwh per month, per Kwh...	.055
For all over 100 Kwh per month, per Kwh...	.02
Monthly minimum charge.....	\$2.50

A companion schedule to Original Sheet No. 5 with Availability and a rate identical to the above except for the provision of an additional 300 Kwh per month following the first 200 Kwh, for water heater use at \$.015 per Kwh.

Original Sheet No. 7, Residential-Urban Service shall be filed to provide an energy charge and monthly minimum charge as follows:

The first 25 Kwh or less per month, per Kwh...	\$.08
The next 25 Kwh per month, per Kwh.....	.06
The next 50 Kwh per month per Kwh.....	.035
All over 100 Kwh per month.....	.02
Monthly minimum charge.....	\$2.00

Original Sheet No. 8, Residential-Urban Service with water heater, shall similarly be filed with appropriate allowance of 300 Kwh per month at \$.015 per Kwh for water heater use.

That the monthly minimum charge requirements as set forth in the individual schedules of the tariff herein ordered to be filed, will not operate to affect any special monthly minimum charges that may have been established as a result of feasibility requirements on original or additional construction projects, nor will any minimum charge established as a result of the operation of the then existing extension policy requirements of San Isabel be changed.

That San Isabel shall confer with the Staff of the Commission to make such further changes in its Exhibit No. 9 as may be required to clarify the provisions as set forth in its rate schedules, rules, regulations and extension policies and to include these changes in said filing.

That this tariff may be filed not later than November 19, 1960, to be applied to all use subsequent to meter readings of November 20, 1960.

That this Commission shall retain jurisdiction of the subject matter herein to make 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 F. Regier
Reuben C. Holton
Alvin E. Zwick
Commissioners.

Dated at Denver, Colorado,
this 16th day of September, 1960.
mls

original

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)
RECONSTRUCT HIGHWAY/RAILWAY GRADE)
CROSSING AND INSTALL GRADE CROSSING)
PROTECTION DEVICES ON STATE HIGHWAY)
NO. 196 AT THE INTERSECTION WITH)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY'S TRACKS AT MARKHAM,)
PROWERS COUNTY, LAMAR DISTRICT, COLO-)
RADO DIVISION, RAILWAY MILEPOST 2.23,)
STATE OF COLORADO.)
-----)

APPLICATION NO. 17664

September 19, 1960

Appearances: Joseph M. Montano, Assistant
Attorney General, Denver,
Colorado, for Applicant,
Department of Highways;
J. L. McNeill, Denver, Colo-
rado, 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 parties in interest, to the owners of adjacent property and to the Chairman of the Board of Prowers County Commissioners, was set for hearing in the County Court Room, Court House, Pueblo, Colorado, on July 11, 1960. Said application was there heard by Edwin R. Lundborg as a duly appointed Examiner for the Commission. Evidence was received, testimony taken, and the files, together with the Examiner's Report and recommendations, were all submitted to the Commission, and the matter taken under advisement.

Purpose of the instant application is to secure Commission approval for the proposed rebuilding of an existing grade crossing and the installation of automatic flashing light signals at the above rail location on State Highway No. 196.

At the hearing, the following exhibits were received after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways, at Denver, Colorado:

Exhibit A: Composite sheet to show project title, extent of proposed highway improvement and location of Santa Fe crossing.

Exhibit B: Santa Fe map sheet to show part of station grounds at Markham, Prowers County, Colorado, and right of way area designated for highway crossing location with flasher light protection.

Exhibit C: Prepared statement of Mr. King to further explain items of location, agreements and approvals, need, effectiveness of protection devices and statement of expense.

Exhibit D: Copy of Agreement dated June 27, 1960, (late-filed) between Santa Fe Railway Company and Department of Highways pertaining to crossing work.

It appears that the instant grade crossing is a part of an improvement project on State Highway No. 196 extending easterly some eight miles from the junction with U. S. Highway No. 50 north of Lamar, Colorado. Highway improvement will consist of light grading, drainage structures, new roadbed and asphalt paving. Highway traffic is estimated at 225 vehicles per day, and with the new improvements, speeds of 60 miles per hour will be permissible.

Markham is a wayside station name for a siding and stockyards on the north-south branch of Santa Fe extending from the main line at Lamar to a connection with its Holly to Swink branch line. Two scheduled trains in freight service operate over the connecting line daily, maximum speed is 25 miles per hour. In connection with the current highway improvement, the stockyard siding track is being shortened to eliminate one track crossing and the remaining track or main-line crossing will be rebuilt and widened to 32 feet and protected with automatic flashing light signals to overcome limited sight distance due to the stockyard installation.

In accordance with the agreement herein, the Department of Highways will reimburse Santa Fe Railway for entire cost of the new planked crossing and for 90 per cent of the flashing light costs as follows:

	<u>Department</u>	<u>AT&SF Ry. Co.</u>	<u>Total</u>
Advance Warning Signs	\$ 60	\$	\$ 60
Timber Grade Crossing	1,030		1,030
Flashing Light Signals	<u>5,886</u>	<u>654</u>	<u>6,540</u>
Total -	\$ 6,976	\$ 654	\$ 7,630

Upon completion, The Atchison, Topeka and Santa Fe Railway Company assumes all maintenance and operating expenses of the crossing and protection devices at no cost to the Department.

In addition to the above agreement, approvals of the proposed work have been given by the Chief Engineer, Department of Highways; Bureau of Public Roads; Board of County Commissioners of Prowers County; and appropriate officials of The Atchison, Topeka and Santa Fe Railway Company.

Report of the Examiner also recommends that the requested authority be granted by appropriate Order of this Commission. Further, no public utilities or adjacent property owners will be adversely affected, and no objections were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the Report of the Examiner should be approved.

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

That public safety, convenience and necessity will require the rebuilding of an existing highway-railroad grade crossing and the installation of automatic flashing light signals on State Highway No. 196 at Santa Fe Mile Post 2.23, Markham, Prowers County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner, as submitted in the instant

matter, should be, and the same is hereby, approved.

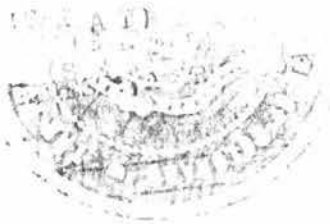
That Applicant, The Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the rebuilding of an existing highway-railroad grade crossing and the installation thereat of automatic flashing light signals on State Highway No. 196 at Santa Fe Mile Post 2.23, Markham, Prowers County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices and improvement of the crossing, shall be as indicated in the preceding Statement; said Statement and Exhibits "A" "B", "C", and "D", are, by reference, made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph F. Negin
Ralph C. Hobbs
Henry E. Zurlong
Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1960.

ea

original

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)
CONSTRUCT, OPERATE AND MAINTAIN)
HIGHWAY/RAILROAD GRADE SEPARATION)
STRUCTURES ON INTERSTATE ROUTE NO.)
25 AT MILEPOST 17¹/₄ PLUS 929 FEET OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY; ALSO SPANNING THE)
COLORADO AND SOUTHERN RAILWAY COM-)
PANY AT MILEPOST 170.77, ALL WITHIN)
THE CITY OF WALSENBURG, HUERFANO)
COUNTY, STATE OF COLORADO.)
-----)

APPLICATION NO. 17665

September 19, 1960

Appearances: Joseph M. Montano, Assistant
Attorney General, Denver,
Colorado, for Applicant,
Department of Highways;
J. L. McNeill, Denver, Colo-
rado, 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 parties in interest, to the owners of adjacent property and to the Mayor, City of Walsenburg, was set for hearing in the County Court Room, Court House, Pueblo, Colorado, on July 11, 1960. The matter was there heard by Edwin R. Lundborg as a duly appointed Examiner for the Commission. Evidence was received, testimony taken, and the files in the matter, together with the Examiner's Report and recommendations, were all submitted to the Commission, and taken under advisement.

The purpose of the instant application is to secure Commission approval for the proposed construction of two new highway-overpass structures on the Interstate Defense Highway to be built

at the above location in Walsenburg, Colorado. At the hearing, the following exhibits were received after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways at Denver, Colorado:

Exhibit A: (Part of Application)

Map and title page of project plans to show general location of the whole project in relation to railroads and connecting highways in the vicinity of Walsenburg, Colorado.

Exhibit B: (Part of Application)

Combination plan sheet to show layout of proposed new overpass bridges, clearance dimensions at the railroad trackage and right of way lands involved.

Exhibit C:

Prepared Statement of Mr. King to explain items of location and type of project, agreements and approvals, need, construction details, costs and public insurance protection.

Exhibit D:

Copy of complete Agreement dated November 20, 1959 between The Department of Highways and The Denver and Rio Grande Western Railroad Company and The Colorado and Southern Railway Company pertaining to construction of new Freeway structures.

The proposed overpass construction is part of a highway project authorized for the purpose of constructing a portion of the Interstate Highway through the City of Walsenburg whereby vehicular traffic will be separated and carried above the rail lines of Colorado and Southern and Rio Grande Railroads.

Further concurrence and approval of the proposed routing in relation to existing State Highway No. 1 has been negotiated with the City of Walsenburg and Huerfano County. Appropriate Agreements, as noted in the above exhibits, have been entered into between the Department of Highways and the affected railroad, so that all necessary rights-of-way and other legal conditions have been accomplished.

The instant overpass structures are required by reason of the Federal Rules and Regulations relating to the Interstate Highway System

whereby all highway railroad grades must be separated. Separation structures of this type provide the utmost in safety for both highway and pedestrian traffic. Structural design conforms to the specifications established for the National System of Interstate and Defense Highways as authorized by the Federal Aid Highway Act of 1956. Clearance specifications for the new structures are also in conformity with the rules and regulations of this Commission.

As provided in the Agreement covering work and construction across the railroad properties, the cost of the new structures and additional work by railroad forces will all be paid by the Highway Department. Estimated cost of the overpass structures is \$285,887 plus an additional \$7,200 for incidental work by the railroad. After completion, the structures will be maintained by the Highway Department at no cost to the railroad.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the Report of the Examiner should be approved.

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

That public safety, convenience and necessity require construction of highway-railroad grade separation structures of the Interstate Freeway across the tracks and rights-of-way of The Denver and Rio Grande Western Railroad Company and the Colorado and Southern Railway Company as located within the eastern industrial area of Walsenburg, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner as submitted in the instant matter should be, and the same is hereby, approved.

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate

of public convenience and necessity to authorize and approve the construction and maintenance of highway-railroad grade separation structures of the Interstate Freeway across the tracks, and rights-of-way of The Denver and Rio Grande Western Railroad Company and The Colorado and Southern Railway Company, as located within the eastern industrial area of Walsenburg, Colorado.

That the work to be done, costs, construction and maintenance of the proposed structure shall be as indicated in the preceding Statement and Exhibits "A," "B," "C," and "D," all of which, by reference, are made a part hereof.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Bigio
Raymond C. Hutton
Paul J. Zullinger
Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLAIBORNE SALES COMPANY, INCORPORATED)
P. O. DRAWER 6161 PALESTINE, TEXAS.)
)
)
)
-----)

PERMIT NO. M-2536

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Claiborne Sales Company,
Inc., Palestine, Texas

requesting that Permit No. M-2536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2536, heretofore issued to Claiborne Sales Company,
Inc., Palestine, Texas be,

and the same is hereby, declared cancelled effective September 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Horton
Wm. E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CARL LOSASSO, 3538 BRYANT STREET,)
DENVER 11, COLORADO.)

PERMIT NO. M-2540

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl Losasso.

Denver 11, Colorado

requesting that Permit No. M-2540 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2540, heretofore issued to Carl Losasso,

Denver 11, Colorado

be,

and the same is hereby, declared cancelled effective September 30, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Woodard
Kurt E. Zurlinger
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 195/ 60.

he

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE BASIS FOR ONE-WAY AND ROUND-TRIP)
TAXICAB CHARGES IN THE CITY AND)
COUNTY OF DENVER, COLORADO, AND)
BETWEEN POINTS IN THE CITY AND)
COUNTY OF DENVER AND POINTS IN)
THE METROPOLITAN AREA OF DENVER,)
TOGETHER WITH RULES AND REGULATIONS.)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 435

September 16, 1960

Appearances: Walter M. Simon, Esq., Denver,
Colorado, and
Charles Graham, Esq., Denver,
Colorado, for Yellow Cab
Company, Inc.;
Brian H. Goral, Assistant City
Attorney, City and County
of Denver, Denver, Colorado,
appearing as an interested
party;
Thomas S. Wood, Denver, Colorado,
Henry E. Jobes, Denver, Colorado,
Samuel J. Philippon, Denver,
Colorado, and
A. J. Tait, Denver, Colorado,
appearing for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

In the title proceeding, by schedules filed to become effective July 8, 1960, identified as Yellow Cab, Inc., et al, Tariff Colo. P.U.C. No. 14, Cabs, Inc., etc., Tariff Colo. P.U.C. No. 11, and Ritz Cab Company, Tariff Colo. P.U.C. No. 12, respondents, Yellow Cab, Inc., and Yellow Cab, Inc., as lessee of Checker Cab, Inc., the Publix Corporation, the Aurora Corporation, the Englewood Transportation Company, Cabs, Inc., doing business as "Dollar Cab Line," operating Zone Cabs, and Ida Lewis, doing business as "Ritz Cab Company," hereinafter called "Yellow," "Zone," and "Ritz," respectively, proposed increases in taxicab charges for passengers in the City and County of Denver and the Metropolitan Area of Denver.

Upon the Commission's own initiative, the operation of the proposed schedules was suspended until the 26th day of October, 1960, unless otherwise ordered by the Commission.

The proceeding was assigned for hearing at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, on July 5, 1960, at ten o'clock A. M.

Respondents' testimony and exhibits were presented on July 5, 1960, with the hearing being recessed to July 15, 1960, at ten o'clock A. M., at Denver, Colorado. The matter was heard and taken under advisement on July 15, 1960.

Respondents have proposed a fare based on a fifty-cent flag drop for the first half mile traversed, plus ten cents for each third of a mile beyond. The present fare is based on a fifty-cent flag drop for the first half mile traversed, plus ten cents for each two-fifths of a mile beyond. The estimated fare increase, percentage-wise, is eleven per cent. The increases in cents run from no increase up to eighty cents per trip for distances of less than one-half mile to sixteen miles.

Eleven witnesses, in all, appeared and offered testimony. There were four drivers, three with Yellow and one with Zone; the Secretary-Treasurer of Chauffeurs and Taxicab Drivers Local Union No. 775; the General Manager and certified public accountant with Zone; the General Manager with Ritz; the President and Comptroller with Yellow, and the Cost and Transportation Analyst for the Colorado Public Utilities Commission.

The four drivers and the Secretary-Treasurer of Chauffeurs and Taxicab Drivers Local Union No. 775, hereinafter called "Union," appeared in support of the increased fares. It was their view that the increases were justified, because of increased living costs, and because present earnings do not provide for an adequate living. The average hourly rates for their operations, as independent contractors, ranged from \$.90 to \$1.09. No exhibits were offered in support of the

position taken by these witnesses. However, an exhibit was presented by the Secretary-Treasurer of the Union, such exhibit being a copy of the agreement between the Union and Zone.

Representatives of Zone and Ritz testified in substance that one of the factors impelling them to seek increased rates was to provide additional revenues for the drivers. The witness on behalf of Yellow Cab introduced exhibits designed to show the present position of Yellow, and to inject committed increases in costs into Yellow's operations for the six-month period ending May 31, 1960.

It is the position of Yellow that these proposed increases are extremely modest increases in rates, which rates have not been increased in Denver for a period of two years. The basis of future increased costs as advocated by Yellow, included probable increases in costs of Public Liability and Property Damage Insurance, probable increases in rates of pay to field operators, dispatchers, telephone operators, and increased costs of gasoline.

The Staff of the Commission likewise testified, reporting the results of its investigation of the books and records of the several companies seeking the increase.

There was testimony on the unusual situation that exists in the taxicab field in Denver. In the Metropolitan Area, the drivers operate under a so-called "Pay-off System," whereby the taxicabs are leased to the drivers, who, in turn, pay a specific rental to the company each shift for the cab. The drivers also purchase their gasoline from the company at retail prices. Thereafter, all fares taken in by the driver are his sole property. By virtue of this relationship, the driver becomes an independent contractor, and is treated as such by the company. As a result of this system, there is a great disparity in the earnings of the drivers. An analysis of the trip sheets submitted in evidence for Zone and Ritz for July, 1960, discloses that one driver grossed \$30.70, netting \$18.28 on one shift, while another grossed \$8.00, resulting in a loss of \$.63.

An analysis of the documentary evidence presented to the
Commission discloses the following:

Company	Cabs Authorized	Revenue	Expenses	Net Operating Income	Operating Ratio %	Passengers	Miles Run	Revenue in cents	Expense per mi.
City	22	\$255,031	\$249,077	\$5,936	97.67	234,253	975,286	26.15	25.54
Yellow (1)	248	3,042,693	3,037,686	5,007	99.84	2,990,163	14,100,414	21.58	21.54
Zone	67	620,187	592,509	27,678	95.53	615,975	3,180,348	19.50	18.63
Totals -	337	3,917,911	3,879,272	38,639	99.01	3,840,391	18,256,048	21.46	21.25

1) Affiliated Companies.

	Revenue	Expenses	Net Oper- ating Income	Operating Ratio %
Arora Corporation	\$58,804	\$39,147	\$19,656	66.57
Necker Cab, Inc.	56,656	30,432	26,223	53.71
Anglewood Trans.	57,121	30,348	26,772	53.13
Ablix Corp.	78,945	46,547	32,397	58.96
Totals -	\$251,526	\$146,474	\$105,048	58.23

Payoff charges agreed to between Yellow and the Union:

	<u>If increases granted</u>			<u>If increases denied</u>		
	Present	Per Shift	Proposed	Present	Per Shift	Proposed
Regular drivers	\$5.85		\$6.50	\$5.85		\$6.25
Extra drivers	6.50		7.15	6.50		6.90

Plus 5 cents per mile for each mile driven, gasoline and maintenance to be provided
by Yellow.

Payoff charges agreed to between Zone and the Union:

	<u>Present (1)</u> <u>Per Shift</u>	<u>If increase granted (2)</u> <u>Per Shift</u>
Regular drivers	\$8.50 (2)	\$8.75 (3)
Extra drivers	9.50 (2)	9.75 (3)
Drivers on Special Shifts	10.90 (2)	11.15 (3)

(1) July 5, 1960. Prior thereto payoff charges were 50 cents per shift less.

(2) Drivers pay, in addition to the payoff charges shown, one cent per mile
over 100 miles operated per shift.

(3) Drivers will pay, in addition to the payoff charges shown,
two cents per mile over 130 miles operated per shift.

Estimated annual increased revenue from fares or charges
proposed by respondents and proposed distribution of such revenue
between respondents and respondents' independent contractors (drivers).

<u>company</u>	<u>Amount of Proposed Increase</u>	<u>Payoff</u>	<u>Percent of the increase</u>	<u>Independent Contractors</u>	<u>Percent of the increase</u>
itz	\$22,000	0	0	\$22,000	100
ellow	335,264	\$87,168	26	248,096	74
one	<u>73,000</u>	<u>21,250</u>	<u>29.1</u>	<u>51,750</u>	<u>70.9</u>
totals -	\$430,264	\$108,418	25.2	\$321,846	74.8

The Manager of Ritz clearly indicated that if the increase was not granted, his company would not be affected as a company. The Zone representative indicated there would be some increased costs, but he did not know what the increase would be. Neither the General Manager nor Certified Accountant for Zone furnished any concrete information in support of the increased fares and charges.

With respect to Yellow, the Operating Statement of the combined companies of Yellow Cab, which includes all subsidiaries, for a six-months period ending May 31, 1960, showed a net operating revenue of \$84,907, and an operating ratio of 94.51%, as against net operating revenue of \$2,515, and an operating ratio of 99.84% for the same period for the parent, Yellow Cab Company, Inc.

In view of the complete ownership of the subsidiary companies by Yellow Cab Company, Inc., and the integrated operation conducted by Yellow Cab, entitles the Commission to disregard the corporate forms, and to view the substance of the situation -- thus treating the Yellow Cab Company operation as one.

Yellow's Exhibit No. 4 arrives at an operating ratio of 97.66% for the six-months period ending May 31, 1960, by pro forming specified committed increases, which results in a decline from \$93,415 of net income for the six-months period ending May 31, 1960, to \$44,722, pro forma, for the period. By virtue of an increase in the pay-off received by Yellow from its drivers, however, in the amount of 40¢ per shift, Yellow will receive an estimated \$26,821. This is based upon

the operation of 67,053 shifts, at 40¢ per shift, which will result in an enhanced net profit, pro forma, for the period of \$71,543.

We cannot help but take cognizance of the sharp increase in depreciation of Yellow, from \$75,375, to \$115,070, for the six-months period, which represents an increase of 52%. Although an attempted explanation was made, the sharp increase is nevertheless difficult to rationalize. Non-recurring radical shifts may occur in the operation of any utility. The great impact of these, however, may not be imposed upon the public. While the Commission does not seek to invade the province of managerial discretion, nevertheless, the public has the right to expect and to demand that it be charged with paying only for those aspects of service that are reasonable, and we earnestly feel that the company owes as much a duty to operate efficiently and at the lowest possible cost as it has to render adequate service.

As was so clearly demonstrated by the testimony of the President of Yellow Cab, Mr. Myron Emrich, this is an unusual type of rate case. Normally, an employee, or the Union, will seek to gain increases in income from the employer. This process of free and untrammelled collective bargaining, without interference of State Agencies, has become a sacred institution in our system, guaranteed both by law and by wide-spread acceptance of the citizenry.

In the case before the Commission, however, the employer must go to the independent contractor, who occupies a situation similar to an employee, and seek an increase in the pay-off to be received by the employer. The company then must come to the Commission to seek a wage increase, in part, for the employee or independent contractor.

The problem of remuneration for the drivers, however, in the situation here affected is a matter within the exclusive powers of the Union and Management.

In viewing the applications of Ritz and Zone, we must conclude that these two companies respectively have failed to bear the burden of proof imposed upon them to establish their cause. The Manager of Ritz concedes that the present rate would not affect his company, and that his operating ratio is reasonable. Zone presented evidence that, in our opinion, was vaporous and vague, and did not warrant the credibility sufficient to give the necessary probative value to establish their case.

With respect to Yellow, again the Commission was not completely satisfied with the quality and completeness of the evidence. Treating the company as a whole, at the present time, it is our opinion that Yellow is earning a reasonable return, and that its operating ratio produces a profit that is just and reasonable.

On the proposed increase, again the quality of the evidence leaves a great deal to be desired -- especially with reference to depreciation. Assuming even the pro forma expenses, by taking into consideration the increase in pay-off, the company, nevertheless, will still have a profit of \$75,000. We must say that we are not impressed by the evidence and the pro forma that increases are an actual, usual, normal, recurring part of their operation. In view of the fact that we so find that Yellow, at the present time, is making a reasonable return, and that the evidence on future operating expenses is of questionable probative value, and that the return thereon will still be within the range of reasonableness, we then must find that Yellow, likewise, has failed to prove its case.

We wish to emphasize that the duty and burden of proof is upon the utility to prove justness and reasonableness of its proposed rates. Utilities may not solicit increases in income, and thereby simply place the burden on the public of telling the utility why it should not have the increase. It is our view that the utility bears the burden to affirmatively prove its case.

We further wish to emphasize that it is not the burden of the public to bear the cost of unusual expenditures in operations,

or in method of operations. It is the duty of the utility -- with its broad managerial discretion -- to efficiently place its own house in order. Managerial efficiency and the lowest possible reasonable operating costs is not a remote virtue to be achieved as a distant goal; rather, it is an essential existing duty.

F I N D I N G S

THE COMMISSION FINDS:

That the existing earnings of applicants herein are just, reasonable, and non-confiscatory, and that the applicants have wholly failed to establish the need for increased fares, and that the proposed rates of applicants are not just, reasonable, and non-discriminatory.

That the proposed increases in fares herein sought should be denied.




O R D E R

THE COMMISSION ORDERS:

That rates herein proposed for one-way and round-trip taxicab charges in the City and County of Denver, Colorado, and between points within the City and County of Denver, Colorado, and points in the Metropolitan Area of Denver, be, and the same hereby are, 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 16th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS L. CORRIGAN, DOING BUSINESS)
AS, "PAGOSA GAS AND APPLIANCE",)
PAGOSA SPRINGS, COLORADO.)
-----)

PERMIT NO. M-1345

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Francis L. Corrigan,
doing business as, "Pagosa Gas & Appliance", Pagosa Springs, Colorado.
requesting that Permit No. M-1345 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1345, heretofore issued to Francis L. Corrigan,
doing business as, "Pagosa Gas & Appliance", Pagosa Springs, Colorado be,
and the same is hereby, declared cancelled effective August 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. Horton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY TO ABOLISH CROSSING)
AT MP 442 PLUS 3688 FEET AND TO IN-)
STALL AUTOMATIC CROSSING SIGNALS AT)
MP 442 PLUS 3037 FEET, AT CLIFTON,)
MESA COUNTY, COLORADO.)
-----)

APPLICATION NO. 15757

September 20, 1960

Appearances: M. R. Smyser, Esq., Denver,
Colorado, for The Denver
and Rio Grande Western
Railroad Company;
Charles L. Walker, County
Commissioner, and
Roe F. Saunders, County
Commissioner, for Mesa
County Commissioners;
Gene Hansen, Chairman, for
Mesa County Planning
Commission;
Roy George, County Surveyor,
Mesa County, for himself
and residents of the
Clifton area;
J. L. McNeill, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

Pursuant to notice to all interested parties, hearing in
the above matter was held on November 14, 1957, at the Mesa County
Court House, Grand Junction, Colorado. The purpose of the instant
application is to secure Commission approval for the closing of an
existing crossing and the opening of a new crossing to be protected
with automatic flashing light signals, all located at Clifton, Mesa
County, Colorado.

The crossing to be closed is located at Mile Post 442
plus 3688 feet; it is known as "32 $\frac{1}{2}$ Road," and designated herein as
the westerly crossing. At Mile Post 442 plus 3037 feet, a crossing

also exists at the Clifton Depot, known as "32 5/8 Road," and designated herein as the easterly crossing. Rio Grande proposes to improve the easterly crossing by the installation of automatic flashing light signals at a cost of \$5,840, and to therewith close the westerly crossing.

Various exhibits were received at the hearing and testimony offered in support of the proposal by: Kenneth Jacobsen, Rio Grande Office Engineer. Commissioner Charles Walker reported no objection to proposal by County Commissioners but noted that on the southward extension of "32 5/8 Road" from the easterly crossing, it would be necessary to have a 60-foot wide right-of-way where only 30 feet was available; hence, the traffic would be seriously congested.

Testimony of protestants related to personal inconvenience from the change of use involved by the new crossing. County Surveyor Roy George cited inconvenience to Fire Department in moving over added right-angle turns to the east crossing and a bad road intersection at some 1/4 mile to the south. Gene Hansen explained the function of the Planning Commission was to act as Advisory Group to the County Commissioners in the matters of zoning, maps and roads. He stated the instant matter had not been referred to the Planning Commission and it was his feeling that further study was required; that the closing was premature; that changes might be made by affected industries; that at least a year would be necessary to study effect on County planning, and that the signal application be denied by the Commission. Other residents in the area were concerned about:

- (a) Traffic congestion on a single road as proposed;
- (b) depreciation of property values by added traffic; and
- (c) routing for school bus.

At the close of the hearing, there was a general conclusion that a greater problem of traffic and safety existed on the roadways away from the crossing and that the Commission would be kept advised of further negotiations.

Further right-of-way investigation for added roadway width was had; surveys of street and property locations were made; and meetings held with the County Commissioners to develop ways and means to satisfy objections of the local residents.

In correspondence filed with the Commission on September 8, 1960, we are advised by Rio Grande Railroad, as follows:

"Further reference to our application for crossing and protection changes in Clifton, Colorado.

"In a public meeting on August 22, before the (Mesa County) Commissioners, this issue came up for consideration again. Several local residents appeared in opposition and presented a petition signed by 30 people protesting the proposal. The Commissioners then decided they would take no further action on this application.

"In view of the strong local opposition, our people now feel that it would be futile to further press the matter. We ask that you therefore show our application withdrawn and close the file."

On the basis of the above notification and recognizing that details of land acquisition and roadway location away from the point of crossing are beyond the scope of Commission jurisdiction, Applicant's request for withdrawal will be granted, and the matter dismissed without prejudice.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed, as requested by Applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Application No. 15757 be, and the same hereby is, dismissed without prejudice, upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Aron
Blair E. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 20th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT WEBSTER, DOING BUSINESS AS)
"CITY WIDE ASH & RUBBISH REMOVAL)
SERVICE," 3925 HIGH, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC) APPLICATION NO. 18074-Transfer
NO. 3728 TO ALLAN S. MC LEAN, DOING) SUPPLEMENTAL ORDER
BUSINESS AS "CITY WIDE RUBBISH RE-)
MOVAL SERVICE," 2565 SOUTH SYRACUSE,)
DENVER, COLORADO.)
-----)

September 20, 1960

Appearances: Robert Webster, Denver,
Colorado, pro se;
Allan S. McLean, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Robert Webster, doing business as "City Wide Ash & Rubbish Removal Service," Denver, Colorado, was authorized to transfer all his right, title and interest in and to PUC No. 3728 to Allan S. McLean, doing business as "City Wide Rubbish Removal Service," Denver, Colorado, who now requests authority to change the name under which he will operate, from "City Wide Rubbish Removal Service," to "All-City Rubbish Removal."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show:

"Allan S. McLean, doing business as
'All-City Rubbish Removal' "

to be the owner and operator of PUC No. 3728 in lieu of:

"Allan S. McLean, doing business as
'City Wide Rubbish Removal Service.' "

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. Norton

Henry E. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 20th day of September, 1960.

ea

original

(Decision No. 55094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) HARDIE W. JAMIESON, 225 SUNSET HILLS,) ROUTE 4, GRAND JUNCTION, COLORADO,) FOR AUTHORITY TO EXTEND OPERATIONS) UNDER PERMIT NO. B-5524.) -----)	APPLICATION NO. 18029-PP-Extension <u>Amended</u> <u>SUPPLEMENTAL ORDER</u>
---	---

September 20, 1960

Appearances: Eugene D. Lorig, Esq., Grand
Junction, Colorado, for
Applicant;
Edward T. Lyons, Esq., Denver,
Colorado, for Fairplay Motor
Company;
Ernest Porter, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc., and Larson
Transportation Co.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By Decision No. 55062, dated September 14, 1960, the above-styled applicant was authorized to extend operations under Permit No. B-5524.

It now appears that through inadvertence by mistake on Page 2 and Page 3 of said Decision the word "Alamosa," Colorado, appears in the wording describing the authority to be granted, and that the word "Alamosa," Colorado, appears in the Order, whereas, in fact, the said word should have been "Alma," Colorado, instead of "Alamosa," Colorado. Said error should be corrected nunc pro tunc as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 55062, dated September 14, 1960, be, and the same is hereby, amended, nunc pro tunc, as of said 14th day of

September, 1960, by striking therefrom the authority given in the second paragraph on Page 2 of said Decision, and inserting in lieu thereof the following:


"for authority to extend operations under Permit No. B-5524, to include the right to transport uranium and vanadium ores and fissionable materials, mining supplies of such nature as will not require special equipment in the loading or unloading of same on return movements only to mines from which ore is being hauled, such supplies not to exceed 1,000 pounds per return truck trip, from mines, mills, and ore stockpiles west of the Continental Divide of Colorado within a radius of 250 miles of Uravan, Colorado, except points within a radius of 20 miles of Alma, Colorado, to unloading points within said territory.",

and by striking therefrom the first paragraph of the Order on Page 3, and inserting in lieu thereof the following:

"That Hardie W. Jamieson, Grand Junction, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5524, to include the right to transport uranium and vanadium ores and fissionable materials, mining supplies of such nature as will not require special equipment in the loading or unloading of same on return movements only to mines from which ore is being hauled, such supplies not to exceed 1,000 pounds per return truck trip, from mines, mills, and ore stockpiles west of the Continental Divide of Colorado, within a radius of 250 miles of Uravan, Colorado, except points within a radius of 20 miles of Alam, Colorado, to unloading points within said territory."

That, except as herein amended, said Decision No. 55062 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph F. Nizio
Ralph C. Holman
Henry G. Zudewitz
Commissioners.

Dated at Denver, Colorado,
this 20th day of September, 1960.

original

(Decision No. 55095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EDWIN WELCH, 1120 WEST SEVENTH
STREET, WRAY, COLORADO, FOR A CER-
TIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY AUTHORIZING EXTENSION OF
OPERATIONS UNDER PUC NO. 1910.

APPLICATION NO. 18058-Extension

RE MOTOR VEHICLE OPERATIONS OF EDWIN
WELCH, 1120 WEST SEVENTH STREET,
WRAY, COLORADO.

PERMIT NO. B-3605

September 20, 1960

Appearances: Edwin Welch, Wray, Colo-
rado, pro se;
Doyle's House Moving, Den-
ver, Colorado, pro se;
Rehfeld House Movers, Den-
ver, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant, Edwin Welch, Wray, Colorado, is the owner of certificate of public convenience and necessity No. 1910, which authorizes transportation as a common carrier by motor vehicle, on call and demand, over irregular routes, of houses and other buildings, including railroad and trolley cars, between points in the Counties of Yuma and Washington, and between points and places in said Counties on the one hand and points and places in the State of Colorado on the other hand.

Applicant is also the owner of Private Carrier Permit No. B-3605, which authorizes the transportation of buildings between points in Yuma, Washington, Kit Carson and Phillips Counties, Colorado.

By the instant application, the applicant herein seeks authority to consolidate his private carrier authority with that of his cer-

tificate of public convenience and necessity, PUC No. 1910. He is not asking for any additional authority and if said consolidation is granted, Private Carrier Permit No. B-3605 will be cancelled out.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard in the District Court Room, Court House, Sterling, Colorado, on September 13, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is desirous of consolidating his authority under one certificate, and feels he would be in a better position to give service to the area which represents northeastern Colorado. The applicant stated he did not want to enlarge his authority in any degree, but that it was at present a duplication of authority between his private carrier permit and his certificate of public convenience and necessity.

Protestants, Doyle's House Moving and Rehfeld House Movers, stated they had no objection to the consolidation if applicant's service area was not enlarged, and would withdraw their protests to the application if there was no enlargement.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the record, the Commission is of the opinion, and so finds, that the public would be better served by the granting of the instant application.

It appears that it would eliminate one permit, making it possible for applicant to treat all his house moving business on one set of books and would otherwise clarify the situation for house moving in northeastern Colorado.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require that appli-

cant's authority under Private Carrier Permit No. B-3605 and his Certificate of Public Convenience and Necessity No. 1910 be, and the same is hereby consolidated, and his entire authority under said PUC No. 1910 shall henceforth be as follows:

Transportation as a common carrier by motor vehicle, on call and demand, over irregular routes, of houses and other buildings, including railroad and trolley cars, between points in the Counties of Yuma and Washington, and between points and places in said counties on the one hand, and points and places in the State of Colorado on the other hand;


transportation of buildings between points in Kit Carson and Phillips Counties, Colorado,

said authority to be designated as "PUC No. 1910."

That permit No. B-3605 shall be, and hereby is, cancelled.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph F. Nigro
Raymond Holton
Henry E. Paulings
Commissioners.

Dated at Denver, Colorado,
this 20th day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB HATFIELD, INC., 215 NORTH 7TH)
AVENUE, STERLING, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE)
-----)

APPLICATION NO. 17947-PP

September 20, 1960

Appearances: Wolvington and Carleton, Esqs.,
Sterling, Colorado, for
applicant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Stanton Trans-
portation Company; L. E.
Whitlock Truck Service, and
Neff Trucking Company;
John H. Lewis, Esq., Denver,
Colorado, for B. F. Walker,
Inc., L. C. Jones Trucking
Co., Inc., and E. L. Farmer
and Co.;
John P. Thompson, Esq., Denver,
Colorado, for Line-Haul Division,
Colorado Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On May 2, 1960, Bob Hatfield, Inc., a Colorado corporation, filed its application for a Class "B" private carrier permit, to operate as a private carrier by motor vehicle for hire, for the transportation of oilfield construction equipment (pipe, tanks, pumping units, connections, engines, etc.), from point to point within the State of Colorado.

Pursuant to prior setting, after appropriate notice to all parties in interest, the application was heard at the Court House, Sterling, Colorado, on September 13, 1960, and taken under advisement.

From the testimony of Bob Hatfield, it appears that applicant is a Colorado corporation which has entered into a contract with Gulf Oil Company of Casper, Wyoming, as a construction contractor,

serving Gulf Oil Company in Colorado and Nebraska. It appears that by virtue of his contract, he, at times, is required to transport supplies, materials, machinery, etc., in conjunction with and in furtherance of his contract. Applicant states his sole service will be for Gulf Oil Company and will be incidental to and in conjunction with his construction contract. The witness states he has a contract for building roads, erecting fences, erecting and moving buildings, and the installing and dismantling of machinery used in drilling and pumping oil; that in fulfillment of his contract it is necessary and convenient that he be authorized to render some auxiliary transportation service; that it is not his purpose or intent to go into the transportation business, generally, in competition with oilfield or other common carriers, and that his transportation service will be restricted to the transportation incidental to his other work. He presently uses in his construction business four trucks, two caterpillars, one motor grader, and two pickup trucks. It appears that the corporation has a net worth of approximately a quarter of a million dollars, and upon cross-examination, applicant stated he was not interested in the transportation of pipe from the mills in Pueblo.

Kenneth Owen, in charge of the eastern Colorado operations of Gulf Oil Company stationed at Sterling, Colorado, stated his company had entered into contracts with the applicant herein, wherein applicant agrees to take care of Gulf Oil Company's construction and dismantling at their oil well sites; that the company followed this procedure of awarding general contracts which requires, incidentally, some transportation service; that it has been the policy of his company, where new equipment or new pipe was used, to use the service of oilfield common carriers, and it was their plan to continue this policy in the future; that the authority herein sought by applicant is necessary for his company in its operations, and it is especially applicable in emergencies where they need equipment available on a few minutes notice. The witness states his company is here supporting the application, being presently under contract with applicant, which involves some transportation.

Several witnesses appeared on behalf of protestants, who described the service they render to oil drilling companies in Colorado under their respective certificates of public convenience and necessity. From their testimony, it appears these companies possess not only intrastate authority but are also interstate carriers, who, in addition, have intrastate authority in other neighboring states. Their testimony indicates that oil drilling in Colorado has declined during the past twelve months, and that these carriers now have some idle equipment on hand and, in addition, some of the protestants, due to the curtailment of business, have abandoned their terminals in northeastern Colorado, while one protestant carrier has abandoned all his terminals in Colorado.

An examination of the authority held by protestants discloses that all have Mercer Description (that is, transportation of oilfield equipment, etc.) covering the entire State of Colorado.

We have attempted to briefly summarize the record as disclosed by the testimony in an endeavor to point up the question confronting the Commission. There are other numerous facts disclosed by the evidence which we have considered but to not deem it advisable to comment further.

This is an application for a private carrier permit. Chapter 115-11-3, C. R. S. 1953, provides:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

F I N D I N G S

THE COMMISSION FINDS:

That the service proposed by applicant is in the nature of a special or contract service not ordinarily performed or offered by certificated oilfield common carriers.

While protestant Neff Trucking Company is located at Sterling, Colorado, that company does not and cannot economically afford to station equipment on the drilling site to promptly take care of Gulf Oil Company's immediate or emergency needs. Other protestant carriers are domiciled either in Denver, Pueblo, Craig, or outside the State of Colorado, and are not in a position to give this expedited service. We agree, and are of the opinion, that Gulf Oil Company is entitled to the type of service asked for in the application, and we so find.

After a careful review of the record and the evidence submitted, the Commission is of the opinion, and so finds, that the proposed service of applicant under a private carrier permit will not impair the efficient public service of protestants herein or other authorized motor vehicle common carriers now serving the oil field industry generally in Colorado.

Applicant, in his testimony, agreed to serve only one customer, that is, Gulf Oil Company, and that in conjunction with and incidental to the contract entered into between Gulf Oil Company and the applicant herein, protestants questioned the representative of Gulf Oil Company very closely as to their present operations in Colorado. Witness Owen stated their present drilling operations were in north-eastern Colorado, but that Gulf Oil Company held leases in other parts of Colorado and that if they drilled there they would need and would use applicant's service.

It would appear short-sighted on our part if we limited applicant to the immediate territory surrounding their present drilling sites. It was also suggested by the line-haul common carriers' attorney that we restrict town-to-town movement. In view of the restriction hereinafter made in our Order, we do not deem said restriction necessary.

We further find that applicant is fit, willing and able to perform the aforesaid transportation service properly and to conform to the provisions of the Private Carrier Act and the rules and regulations

thereunder; that applicant is qualified, both by experience and financial responsibility, to operate as a private carrier by motor vehicle for hire.

O R D E R

THE COMMISSION ORDERS:

That Bob Hatfield, Inc., 215 North 7th Avenue, Sterling, Colorado, be, and it is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of oilfield construction equipment (pipe, tanks, pumping units, connections, engines, etc.), from point to point within the State of Colorado, where said transportation is incidental to construction contracts held by applicant herein with Gulf Oil Company, only, excepting transportation of pipe from the plant and storage yard of The Colorado Fuel & Iron Company, located at Pueblo, 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



Dated at Denver, Colorado,
this 20th day of September, 1960.

Joseph F. Negro
Joseph C. Horton
Henry J. Zeleny
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLEON O. BOYES, 146 ELM, WRAY,)
COLORADO.)
)
)
)
)

PERMIT NO. M-10736

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cleon O. Boyes,
Wray, Colorado
requesting that Permit No. M-10736 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10736, heretofore issued to Cleon O. Boyes,
Wray, Colorado be,
and the same is hereby, declared cancelled effective September 16, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry L. Zerkow
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH E. STRYKER, 5200 STEELE)
STREET, DENVER 16, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-15087

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph E. Stryker,
Denver 16, Colorado
requesting that Permit No. M-15087 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15087, heretofore issued to Ralph C. Stryker,
Denver 16, Colorado be,
and the same is hereby, declared cancelled effective August 28, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD E. COX, ROUTE 1 BOX 112,)
KERSEY, COLORADO.)
)
)
)
-----)

PERMIT NO. M-14987

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward E. Cox,
Kersey, Colorado
requesting that Permit No. M-14987 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14987, heretofore issued to Edward E. Cox,
Kersey, Colorado be,
and the same is hereby, declared cancelled effective September 19, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
George C. Houtant
Wm. E. Zuley
Commissioners

Dated at Denver, Colorado,
this 22nd day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
N. B. AND MIKE BAKER, DOING BUSINESS)
AS, "N. B. BAKER AND SON", 1017)
NORTH PLUM STREET, HUTCHINSON,)
KANSAS.)
-----)

PERMIT NO. M-11470

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from N. B. and Mike Baker,
doing business as, "N. B. Baker and Son", Hutchinson, Kansas
requesting that Permit No. M-11470 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11470, heretofore issued to N. B. and Mike Baker,
doing business as, "N. B. Baker and Son", Hutchinson, Kansas be,
and the same is hereby, declared cancelled effective September 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,
this 22nd day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TOM O'BRIEN, 1700 SOUTH CHAMBERS)
ROAD, DENVER 22, COLORADO.)

PERMIT NO. M-7092

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tom O'Brien, Denver 22,
Colorado
requesting that Permit No. M-7092 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7092, heretofore issued to Tom O'Brien, Denver 22,
Colorado be,
and the same is hereby, declared cancelled effective September 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of September, 19~~6~~⁵ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MONA F. WILKINS, JESS EGURROLA AND)
JOHN VANDENBERG, DOING BUSINESS AS,)
"WILKINS AND COMPANY, LIMITED", 4677)
LAFAYETTE, DENVER 16, COLORADO.)

PERMIT NO. M-3073

September 22, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mona F. Wilkins, Jess Egurrola and John Vandenberg, dba "Wilkins and Company, Ltd." Denver 16, Colorado requesting that Permit No. M-3073 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3073, heretofore issued to Mona F. Wilkins, Jess Egurrola and John Vandenberg, dba "Wilkins and Company, Ltd.", Denver 16, Colorado be, and the same is hereby, declared cancelled effective September 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 22nd day of September, 1960.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY COMMISSION OF COLO-)
RADO, A BODY CORPORATE, FOR THE USE)
AND BENEFIT OF THE PEOPLE OF THE)
STATE OF COLORADO, FOR AUTHORITY TO)
CONSTRUCT HIGHWAY-RAILWAY GRADE SEP-)
ARATION ON STATE HIGHWAY NO. 1 (U. S.)
85 and 87) IN TRINIDAD, ON PROPERTIES)
OF THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY, A KANSAS CORPORATION,)
AT COMPANY MILE POST 636 + 4667; I.C.C.)
STATION 4295 + 22 IN LAS ANIMAS COUNTY,)
STATE OF COLORADO.)
-----)

APPLICATION NO. 13025

September 21, 1960

Appearances: George L. Zoellner, Assistant
Attorney General, for
Applicant, Department of
Highways;
Douglas McHendrie, Esq.,
Denver, Colorado, for
The Atchison, Topeka and
Santa Fe Railway Company;
J. L. McNeill, Denver, Colo-
rado, 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 principal parties and to adjacent property owners, was heard by the Commission, on November 8, 1954, at the District Court Room, in Trinidad, Colorado, and thereafter taken under advisement.

According to testimony presented by Mr. E. L. King, Assistant to the Plans and Surveys Engineer of the Department of Highways, the proposed work is to be a continuation of the Trinidad Freeway, wherein a four-lane bridge was built to span the Purgatoire River and provide an alternate traffic artery to relieve congestion within the central business area of the city. The instant work project involved grading stabilization, bituminous

surfacing and structures, all primarily on new alignment commencing at the north end of the Purgatoire River Bridge and extending northerly some 1780 feet to a point on Arizona Avenue near its intersection with Pine Street. A Major part of the construction consists of an eleven (11) span reinforced concrete and steel girder overpass structure, 550.6' in length, with 30' clear roadway, crossing over both College Avenue and University Street, and over and across the Atchison, Topeka and Santa Fe Railway Company properties at Mile Post 636 +4667'. Other work involved construction of ramps from University Street to connect with the new facility; a channelized intersection to be built at the junction of State and University Streets; and the State Street and University Street grade crossing of the AT&SF tracks to be rebuilt and proper protection devices installed.

Also received at the hearing in connection with the testimony of Mr. King were the following exhibits:

- Exhibit No. 1: Title Page for Federal Aid Project UI-FI 002-3 (8) with sketch map to show extent of Freeway project and general location of overpass bridge across Santa Fe main-line track.
- Exhibit No. 2: Combination Plan Sheet No. 7 to show general layout of the bridge with a profile section to show vertical clearances above Santa Fe tracks and the other street openings also being provided.
- Exhibit No. 3: Combination Plan Sheet No. 6 to show layout and profile of grades for connecting access ramps.
- Exhibit No. 4: Combination Plan Sheet No. 39 to show more detail of overpass location and line of future construction.
- Exhibit No. 5: Agreement dated December 15, 1947 between State Highway Department and City of Trinidad, together with revision of October 1, 1948, and map of proposed Freeway routing with location of access points to City Street System.
- Exhibit No. 6: Agreement dated March 10, 1954, between Department of Highways and

The Atchison, Topeka and Santa Fe Railway Company relating to proposed separation structure, new approaches and crossing work at University and State Streets.

In the course of the hearing, additional testimony and cross-examination established the following:

- a. Conformance with Commission clearance requirements as follows:

Vertical Clearance

<u>Location</u>	<u>Proposed</u>	<u>Commission Standard</u>
West Bound track	23' 1"	22' 6"
East Bound track	23' 2"	22' 6"
Track No. 42	23' 3"	22' 6"

Horizontal Clearance

West Bound track to #7 columns	12'	8' 6"
Track No. 42 to #8 columns	12'	8' 6"

- b. Overpass structure:

Collision wall inserts at columns adjacent to tracks. Approaches and structure lighted and a 3-foot wide walkway curb with hand rails provided at each side for pedestrians. Steel girder spans with reinforced concrete roadway on reinforced concrete columns.

- c. Crossing protection:

Through traffic will use the new overpass and not be exposed to rail movements. Construction of new ramps for access to overpass will result in a new crossing at the intersection of State and University Streets. Traffic will operate at reduced speeds under the City Traffic Code and through the channelization to be provided wherein all crossing approaches will be protected with short-arm gates. At this location, there are some 32 trains daily which are either stopping or departing from the nearby Santa Fe station or speed is otherwise limited to 25 miles per hour; hence, the necessity for the above traffic channelization and short-arm gates as a means of positive motorist control.

Also involved was an understanding as contained in the Agreement Revision of October 1, 1948, whereby the grade crossing at Nevada Street was to be closed.

Further testimony was given by Mr. William Reece, La Junta, Colorado, as District Engineer of Construction and Maintenance for the Santa Fe Railway Company. Mr. Reece stated the railroad concurred

in the highway request for approval of the project; that the new structure and grade crossing with short-arm gates were all satisfactory.

d. Insurance protection:

Insurance agreements contained in project plans to protect railroad traveling public during construction interval provide that contractors must carry insurance ranging from \$25,000 property damage to \$400,000 public liability coverage.

e. Costs:

Under terms of the Agreement dated March 10, 1954 (Exhibit No. 6) ten percent of the costs relating to the overpass structure and crossing work is paid by Santa Fe Railway.

f. Stage construction:

Instant project is a continuation of work already completed in connection with the new Purgatoire River Bridge and highway relocation extending southwesterly from Trinidad. Plans for future construction provide for continuation of the Freeway in a northeasterly direction in order to complete the highway between the portion already built on the north end and the temporary terminal of the instant project at Pine and Arizona Streets.

Shortly after the above hearing was held and when construction work was started on the new roadway, complaints were made to this Commission regarding the closure of Nevada Street by embankment fill for the new route. Upon our inquiry it was learned that the Department of Highways was making a series of traffic counts at the Nevada crossing to be further analyzed in relation to expected travel over the new access ramps to the Freeway.

Upon further inquiry regarding the Traffic Count Study, conclusive results were difficult to establish because of such unforeseen events as: the Purgatoire River Flood in 1955; development of Interstate Highway specifications in 1956; further right-of-way negotiations with the City in 1957, and additional construction work in 1958 and 1959. In correspondence directed to the Commission on August 30, 1960, from the Department of Highways, we now have the following:

" During the past year, the original embankment has been eliminated and a viaduct has been constructed across the entire area, and apparently the necessity for closure of the crossing at the present time is a matter of no further concern."

Hence, it appears that removal of the embankment in connection with the viaduct construction now permits full north-south movement along Nevada Street beneath the new Freeway and over the rail crossing at College Avenue so that crossing closure is no longer a topic for Commission consideration because full crossing protection is provided by automatic flashing signals.

As noted above, clearance specifications of the Commission have been exceeded; overpass structure offers separation protection to through traffic; short-arm gates and flashing lights are to protect ramp traffic and the construction project has approvals from the Bureau of Public Roads, in addition to the agreements submitted herein.

Preliminary cost estimates to be paid by Department of Highways include: Wire line adjustments; track and building relocations, \$7,637. Structure expense to be shared by Santa Fe Railroad on the basis of 10% of actual costs were estimated at:

Overpass structure	\$196,886
Overpass approaches	56,109
Timber Crossings and Signals	<u>25,917</u>

Total \$278,912

By Railroad: \$27,891 By Department: \$251,021

Maintenance of the new structure and drainage will be by Department of Highways with drainage and maintenance at the tracks, grade crossings and protection devices to be by the railroad at its expense.

No other testimony was presented at the hearing, and the completed construction status has now answered complaints appearing in the Commission files.

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 the public safety, convenience and necessity require the construction, use and maintenance of the proposed highway-rail-road grade separation structure and related crossing additions, as a part of the improvement of Colorado State Highway No. 1 over and across trackage of The Atchison, Topeka and Santa Fe Railway Company, in Trinidad, Las Animas County, Colorado.

O R D E R

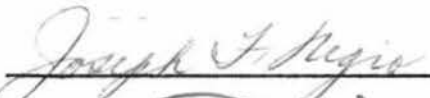


THE COMMISSION ORDERS:

That Applicant, the State Highway Commission and the Department of Highways of the State of Colorado, be, and hereby is, granted a certificate of public convenience and necessity to authorize and approve the construction, use and maintenance of:

- (a) new highway-railroad grade separation structure on Highway No. 1 (U. S. 85-87); and
- (b) the construction, installation, use and maintenance of a new grade crossing with short-arm gates and flashing light protection at the intersection of State Street and University Streets, all being over and across trackage of The Atchison, Topeka and Santa Fe Railway Company, in Trinidad, Las Animas County, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

ea

original

(Decision No. 55104)

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 ARKAN-)
SAS AVENUE, DENVER, COLORADO, FOR)
AUTHORITY TO ABANDON GRADE CROSSING,)
AND IN LIEU THEREOF TO CONSTRUCT,)
OPERATE, AND MAINTAIN RAILROAD-HIGH-)
WAY GRADE SEPARATION STRUCTURES, AT)
MILEPOST 1.08 OF THE NORTHWESTERN)
TERMINAL RAILROAD COMPANY, OPERATED)
BY THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY; ALSO, FOR AUTHORITY)
TO REMOVE AND ABANDON GRADE CROSSINGS)
AT MILEPOSTS 1.67, 1.70, AND 1.71 OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY'S JERSEY CUTOFF, ALL IN)
ADAMS COUNTY, ON INTERSTATE ROUTE)
NO. 25, STATE HIGHWAY NO. 185,)
STATE OF COLORADO.)
-----)

APPLICATION NO. 17779

September 21, 1960

Appearances: Adolph Zulian, Denver, Colo-
rado, for Colorado Department
of Highways.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Adolph Zulian, Engineer of Surveys and Plans of the Colorado Depart-
ment of Highways, Applicant herein, requesting dismissal of the
above-styled application, for the reason that negotiations with
The Colorado and Southern Railway Company appear to be stalemated.

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. 17779 be, and the same hereby is,
dismissed, upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Joseph F. Nigro
Joseph C. Anderson
Henry E. Zelenko
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

ea

original

(Decision No. 55105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
M. F. LYMAN, BLANDING, UTAH, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO TRANS-WESTERN)
EXPRESS, INC., BLANDING, UTAH.)

PUC NO. 722-I-Transfer

September 21, 1960

S T A T E M E N T

By the Commission:

Heretofore, M. F. Lyman, Blanding, Utah, was granted a certificate of public convenience and necessity (PUC No. 722-I), authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between Grand Junction, Colorado,
and the Colorado-Utah State Line, where U.
S. Highway No. 50 crosses same.

Said certificate-holder now seeks authority to transfer said PUC No. 722-I to Trans-Western Express, Inc., Blanding, Utah.

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 M. F. Lyman, Blanding, Utah, be, and he hereby is,

authorized to transfer all right, title, and interest in and to PUC No. 722-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Trans-Western Express, Inc., Blanding, Utah, 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
Robert C. Horton
Samuel E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

mls

original

(Decision No. 55106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED L. KIRSCHBAUM AND MARJORIE B.)
KIRSCHBAUM, CO-PARTNERS, DOING)
BUSINESS AS "UNITED MOTOR WAYS,")
409 NORTH WALNUT, GRAND ISLAND,)
NEBRASKA, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO)
UNITED MOTOR WAYS, INC., 409 NORTH)
WALNUT, GRAND ISLAND, NEBRASKA.)

PUC NO. 2376-I-Transfer

September 21, 1960

S T A T E M E N T

By the Commission:

Heretofore, Fred L. Kirschbaum and Marjorie B. Kirschbaum, co-partners, doing business as "United Motor Ways," Grand Island, Nebraska, were granted a certificate of public convenience and necessity, viz., PUC No. 2376-I, authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in Colorado and
the Colorado State Boundary Lines, where
all highways cross same.

Said certificate-holders now seek authority to transfer said PUC No. 2376-I to United Motor Ways, Inc., Grand Island, Nebraska.

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 Fred L. Kirschbaum and Marjorie B. Kirschbaum, co-partners, doing business as "United Motor Ways," Grand Island, Nebraska, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2376-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to United Motor Ways, Inc., Grand Island, Nebraska, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Ralph C. Horton
Henry J. Hurling
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

mls

original

(Decision No. 55107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
COMMERCIAL OIL TRANSPORT, 1030,)
STAYTON STREET, FORT WORTH,)
TEXAS.)

PUC NO. 3206
PUC NO. 3206-I

September 21, 1960

S T A T E M E N T

By the Commission:

Heretofore, Commercial Oil Transport, Fort Worth, Texas, was granted a certificate of public convenience and necessity, being PUC No. 3206 and PUC No. 3206-I, authorizing operation as a common carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from K. C. Elliott, on behalf of said certificate-holder, requesting that the name of said certificate-holder be changed to "Commercial Oil Transport, Inc."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show PUC No. 3206 and PUC No. 3206-I to be owned and operated by:

"Commercial Oil Transport, Inc.,"

in lieu of:

"Commercial Oil Transport."

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. Holton
Alvin E. Mung
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ORLEY M. WHITAKER, MINNEOLA,)
KANSAS.)

PUC NO. 3029-I
PERMIT NO. M-8148
CASE NO. 1201-INS.

September 21, 1960

S T A T E M E N T

By the Commission:

On July 6, 1960, the Commission entered its Order in Case No. 1201-Ins., revoking PUC No. 3029-I and Permit No. M-8148 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing, without lapse, has now been made with the Commission covering operations under said operating rights,

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. 3029-I and Permit No. M-8148 be, and the same hereby are, reinstated, as of July 6, 1960, revocation order entered by the Commission on said date, in Case No. 1201-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Stanton
Henry E. Zalusky
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
U. S. COFFEE AND TEA CO., INC.,)
1000 CAMP STREET, DALLAS, TEXAS.)

PERMIT NO. M-13633
CASE NO. 2105-INS.

September 21, 1960

S T A T E M E N T

By the Commission:

On September 2, 1960, the Commission entered its Order in the above-styled case, cancelling Permit No. M-13633 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 this 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-13633 be, and the same hereby is, reinstated, as of September 2, 1960, revocation order entered by the Commission on said date in Case No. 2105-Ins. being hereby vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro
Ralph C. Horton
Philip S. Mendenhall
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
COLORADO AND SOUTHERN RAILWAY COM-
PANY AND RAILWAY EXPRESS AGENCY FOR
AUTHORITY TO DISCONTINUE AGENCY AT
WELLINGTON, LARIMER COUNTY, COLO-
RADO, AND TO CLOSE THE SAME AS AN
AGENCY STATION.

APPLICATION NO. 18060

September 22, 1960

S T A T E M E N T

By the Commission:

Pursuant to the Rules and Regulations of this Commission Pertaining to Railroads and Express Companies Operating in the State of Colorado, The Colorado and Southern Railway Company (C & S) and Railway Express Agency (Railway Express), by their Attorneys, did, on August 22, 1960, file a petition requesting authority to discontinue agency service and close the station at Wellington, Larimer County, Colorado, said abandonment to be effective September 22, 1960.

Wellington is located on the C & S main line serving between Denver, Colorado, and Cheyenne, Wyoming; being also some 13 miles north from Fort Collins, Colorado.

In the instant application, it is proposed that the services of an agent at Wellington should be withdrawn because the railroad business has declined to such a low level that there is no longer sufficient need or justification to maintain the agent; principal business consists of outgoing carload shipments of grain from two elevators, inbound carload movements and less-than carload shipments are minor. No other changes in service are proposed, carload handling will be maintained and agent services will be available at Fort Collins on a 24-hour basis.

Investigation by the Commission reveals the following:

Principal occupation in the area is both dryland and irrigated farming; crops are grains and sugar beets with corn and alfalfa for livestock feeding; estimated population is 600 persons. The Town is served by U. S. Highway No. 87, which is a paved north-south road and by Colorado Highway No. 1 that is asphalt surfaced to Fort Collins at 13 miles to the south.

Facilities at Wellington consist of a combination depot and freight-house on the main-line, a passing track of 78 cars capacity and two yard tracks serving a stockyards, the two grain elevators and a lumber yard. Hours of service by the agent are 8:00 A. M. to 5:00 P. M.

Two passenger trains operate on the main-line, one train moves north at 12:36 A. M. and the train southbound is at 4:54 A. M.; passengers now flag the train and ticket sale is handled with the conductor. Two freight trains also pass the station, a north-bound train in the early morning and south-bound movement at night. Local switching service is provided by an engine and crew from Fort Collins. Extra trains move during beet season but no beet billings are handled at Wellington.

Principal duty of the agent is to be on call for train orders from the Denver dispatcher; actual station labor for revenue business averages thirty minutes per day. These duties will be handled at Fort Collins where the day time crew consists of: Rail Agent, Express Agent, Cashier, Yard Clerk and Telegraph Operator. Night duties are handled by two regular operators and a relief man.

Following is a review of Wellington business:

ANALYSIS OF FREIGHT BUSINESS

Year 1958

CARLOAD FREIGHT

<u>Forwarded</u>			<u>Received</u>		
<u>Item</u>	<u>No.</u>	<u>Revenue</u>	<u>Item</u>	<u>No.</u>	<u>Revenue</u>
Grain	68	\$13,522	Livestock	13	\$ 400
			Lumber	2	166
			Fertilizer	1	86
			Coal	1	55
				17	\$ 707

LESS CARLOAD SHIPMENTS

Mdse.	4	\$ 4.31	Mdse.	31	\$ 78.52
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Year 1959

CARLOADS

Grain	47	\$10,656	Livestock	8	\$ 446
			Lumber	1	123
			Feed	7	663
			Fertilizer	2	200
				18	\$1,432

LESS CARLOAD SHIPMENTS

Mdse.	4	\$ 3.95	Mdse.	4	\$ 48.66
-------	---	---------	-------	---	----------

OTHER STATION REVENUE AND EXPENSE

<u>Item</u>	<u>1958</u>	<u>1959</u>
Ticket Sales	\$ 49.96	\$ 28.76
Milk & Cream Revenue	-	-
Miscellaneous, demurrage, etc.	6.41	5.47
Station Expense	145.48	128.98
Wages and Taxes	5,363.01	5,614.68

RAILWAY EXPRESS SHIPMENTS

	<u>1958(11 Mos.)</u>	<u>1959</u>	<u>1960(7 Mos.)</u>
Total No. of Shipments	90	80	38
Monthly Average	8	7	5
Gross Revenue	\$ 442.41	\$410.54	\$ 237.00
Monthly Average	44.22	34.21	33.85

Further study of the above station business reveals how little public service is offered or required on a year-around basis at the Wellington station. Less car load shipments offer the greatest public contact and average fewer than one shipment per week. It is to be noted that carload shipments of grain offer the major source of

revenue; in this regard, the Commission is aware that it is common railroad practice to handle routine billing operations at a station other than the point of origin or destination. With the requested removal of the agent, it is proposed that agency services will be available at the adjacent station of Fort Collins.

It appears now that further maintenance of the agent cannot be rightfully justified from any standpoint of public benefit or contribution to safe railroad operation and that alternate agency facilities will be available.

As a matter of public information, a notice of the proposed agent removal was posted in a conspicuous location on the bulletin board in the station at Wellington on August 18, 1960, wherein it was indicated that any protests to the proposal should be forwarded to the Commission.

No protests having been submitted and none appearing in the Commission's files, the Commission determined to hear, and has heard, said matter forthwith and 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 Wellington station, Wellington, Colorado.

That public convenience and necessity in the Wellington area can be adequately served by the Fort Collins station.

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

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Colorado and Southern Railway Company, and Railway Express Agency, be, and are hereby, authorized to withdraw the joint agent at Wellington, Larimer County, Colorado, and to thereafter maintain same as a prepay 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 closing.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Harold C. Holcomb
Arthur E. Zuluaga

Dated at Denver, Colorado,
this 22nd day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FLEXORE, INCORPORATED, 1445 WEST)
QUINCY, ENGLEWOOD, COLORADO.)

PERMIT NO. M-14004

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Flexore, Inc.
Englewood, Colorado
requesting that Permit No. M-14004 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14004, heretofore issued to Flexore, Inc.
Englewood, Colorado be,
and the same is hereby, declared cancelled effective September 24, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Boston
Wm. E. Zaulings
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM VOLKER AND COMPANY OF COLO-)
RADO, INCORPORATED, P. O. BOX 5430)
TERMINAL ANNEX, DENVER 17, COLORADO.)
-----)

PERMIT NO. M-591

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William Volker and Com-
pany of Colorado, Inc., Denver 17, Colorado
requesting that Permit No. M-591 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-591, heretofore issued to William Volker and Com-
pany of Colorado, Inc., Denver 17, Colorado be,
and the same is hereby, declared cancelled effective September 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 29th day of September, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ERIC EHRLIN, ROUTE 1 BOX 19, LARAMIE,)
WYOMING.)

PERMIT NO. B-4884-I

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eric Ehlin, Route 1
Box 19, Laramie, Wyoming
requesting that Permit No. B-4884-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4884-I, heretofore issued to Eric Ehlin, Route 1 Box
19, Laramie, Wyoming be,
and the same is hereby, declared cancelled effective March 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Houston
Wm. E. Zurlinger
Commissioners

Dated at Denver, Colorado,

this 29th day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED L. KRAMER, 1128 WEST 10TH)
AVENUE, DENVER 4, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-8045

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred L. Kramer,
Denver 4, Colorado
requesting that Permit No. M-8045 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8045, heretofore issued to Fred L. Kramer,
Denver 4, Colorado be,
and the same is hereby, declared cancelled effective August 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Wood
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,

this 29th day of September, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. VAN MATRE, OTIS, COLORADO.)

PERMIT NO. M-15277

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert C. Van Matre,
Otis, Colorado
requesting that Permit No. M-15277 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15277, heretofore issued to Robert C. Van Matre,
Otis, Colorado be,
and the same is hereby, declared cancelled effective September 17, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Robert C. Van Matre
Henry E. Zaulings
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHNNY BOUCHARD, INC., 702 WEST)
TOMICHI STREET, GUNNISON, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1068 AND PUC NO. 1068-I TO JACK K.) APPLICATION NO. 17924-Transfer
COLEMAN AND T. GENE COLEMAN, CO-)
PARTNERS, DOING BUSINESS AS "COLE-)
MAN BROTHERS," 111 SOUTH WISCONSIN,)
GUNNISON, COLORADO.)
-----)

September 27, 1960

Appearances: E. L. Dutcher, Esq., Gunnison,
Colorado, for Transferee;
Johnny Bouchard, Gunnison,
Colorado, for Transferor;
R. E. Turano, Denver, Colo-
rado, and
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Johnny Bouchard, Inc., Gunnison, Colorado, was
granted a certificate of public convenience and necessity, being PUC
No. 1068 and PUC No. 1068-I, authorizing operation as a common carrier
by motor vehicle for hire, for the transportation of:

Transportation of livestock between points within
a radius of 35 miles of Gunnison, and all points
within the State of Colorado, but excluding that
portion of said 35-mile radius lying east of the
Continental Divide; transportation, not on schedule,
of farm produce (farm produce does not include
livestock), farm supplies (including coal, feed,
lumber, farm machinery, farm equipment and furni-
ture) from farm to farm, farm to town, and town
to farm within a 50-mile radius of Montrose ;
mine props and timber, telephone poles, brick,
heavy machinery, farm products in bulk (does not
include livestock) and used household goods and
furniture between, from and to points in said 50-
mile radius of Montrose, Colorado; said certificate
shall be limited to one office in Gunnison, Colo-
rado, for the solicitation of business. It is
definitely understood that the livestock authority
under this certificate will be as set forth in the

first paragraph of this Order.

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.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 1068 and PUC No. 1068-I to Jack K. Coleman and T. Gene Coleman, co-partners, doing business as "Coleman Brothers," Gunnison, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Gunnison, Colorado, July 19, 1960, due notice thereof being forwarded to all parties in interest.

On July 14, 1960, 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, Johnny Bouchard appeared and testified he is President of Transferor corporation; that he has continuously operated under PUC No. 1068 and PUC No. 1068-I since being granted by the Commission; that the consideration for transfer of said operating rights is the sum of \$22,000, copy of Contract of Sale being on file with the Commission; that there is no outstanding indebtedness against said operating rights.

T. Gene Coleman, co-partner of transferee partnership herein, also appeared and testified in support of the instant application, stating that transferee partnership has been in the trucking business for ten years; that said partnership has sufficient net worth and equipment to continue operations under said PUC No. 1068 and PUC No. 1068-I; that the consideration for transfer of said operating rights is the sum of \$22,000.

Protestants did not produce any evidence 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.

Findings of the Examiner are that transferees are fit and proper persons, have sufficient equipment and operating experience, and are financially able to render and continue operations under PUC No. 1068 and PUC No. 1068-I; that there is no outstanding indebtedness against said certificate; and that the granting of authority herein sought is in the public interest.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That transferees herein are qualified, financially and by experience, to conduct operations under PUC No. 1068 and PUC No. 1068-I.
2. 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 be, and the same hereby is, approved.

That Johnny Bouchard, Inc., Gunnison, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1068 and PUC No. 1068-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Jack K. Coleman and T. Gene Coleman, co-partners, doing business as "Coleman Brothers," Gunnison, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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. Negro
Raymond C. Hinton
Henry E. Raden
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1960.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. E. ENSMINGER, P. O. BOX 206,)	
HOLYOKE, COLORADO, FOR AUTHORITY)	
TO TRANSFER PUC NO. 571 AND PUC)	APPLICATION NO. 17941-Transfer
NO. 571-I TO R. E. ENSMINGER, INC.,)	
P.O.BOX 206, HOLYOKE, COLORADO.)	
-----)	

September 23, 1960

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, R. E. Ensminger, Holyoke, Colorado, owner and operator of PUC No. 571 and PUC No. 571-I, seeks authority to transfer said operating rights to R. E Ensminger, Inc., Holyoke, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, July 28, 1960, due notice thereof being forwarded to all parties in interest.

On July 27, 1960, 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, R. E. Ensminger appeared and testified in support of the instant application, stating he is owner and operator of PUC No. 571 and PUC No. 571-I;

that he has operated under said certificates continuously since granted by this Commission; that there are no outstanding unpaid operating obligations against said operating rights; that the consideration for transfer herein is all the capital stock of the corporation; that Articles of Incorporation are on file with the Commission; that a financial statement of the transferee corporation is on file with the Commission; that the Interstate Commerce Commission has granted authority to transfer interstate operating rights as granted by that Commission; that he incorporated his company on or about March 24, 1960; that he filed the instant application with the Commission on April 11, 1960, that subsequent to that time he entered into an agreement, subject to approval of this Commission, to sell all capital stock of said corporation to his present foreman, Wayne Chandler; that on June 1, 1960, the Commission adopted a new rule and regulation -- specifically, Rule No. 5 -- which, in effect, provides that when a transfer is sought of capital stock of a corporation which will effectuate control of said corporation, and indirectly the certificate held by it, such transfer shall be void and of no effect, without prior approval of The Public Utilities Commission of the State of Colorado; that pursuant to Rule No. 5 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle, he is seeking, in addition to transfer approval, Commission approval of transfer of all capital stock of said corporation to Wayne Chandler; that his reason for transferring said stock is due to the fact that he desires to retire from the trucking business; that the consideration herein involved for all capital stock of his corporation will be \$10,500; that Chandler is very well acquainted with said operation, because he has worked for, and has been actively associated with, his operation for eight years; that the Balance Sheet, as filed by transferee corporation, equipment and operational pattern all will remain exactly the same if transfer of the capital stock is approved by the Commission; that,

in general, the only change will be in specific ownership of the capital stock of the corporation herein involved.

Although the issue of the stock transfer, as herein referred to, was not specifically raised by the pleadings, this issue was, however, tried by the implied consent of the parties herein, and accordingly the same was treated in all respects as if it had been raised in the pleadings.

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 Examiner.

Findings of the Examiner are that PUC No. 1615 was transferred from C. O. Boggs to R. E. Ensminger, by Decision No. 25336, of date December 29, 1945, and in the same Order, made a part of PUC No. 571 and PUC No. 571-I; that on February 17, 1947, by Decision No. 27596, the Commission granted an extension of authority to R. E. Ensminger under PUC No. 1615, which was not then in force; that said extension granted should have been an extension to PUC No. 571 and PUC No. 571-I; that the proposed transfer is compatible with the public interest, and should be authorized; that transferee corporation has sufficient equipment, experience, and financial net worth to render and continue operations under PUC No. 571 and PUC No. 571-I; that transfer of all capital stock of transferee corporation would be compatible with the public interest.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That transferor herein is owner and operator of PUC No. 571 and PUC No. 571-I.
2. That transferee herein is qualified, financially and by experience, to conduct operations under said PUC No. 571 and PUC No. 571-I.
3. That the proposed transfer is compatible with the public interest, and should be authorized.
4. That transfer of all capital stock of transferee corporation to Wayne Chandler, Holyoke, Colorado, should be approved.
5. That operating rights under said PUC No. 571 and PUC No. 571-I shall in the future be 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 be, and the same hereby is, approved.

That R. E. Ensminger, Holyoke, Colorado, be, and he hereby is, authorized to transfer all right, title and interest in and to PUC No. 571 and PUC No. 571-I to R. E. Ensminger, Inc., Holyoke, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That authority under said PUC No. 571 and PUC No. 571-I shall, in the future, be as follows:

"Transportation of livestock in less than rail carload lots from an area bounded by the Phillips-Sedgwick County Line on the north, Colorado-Nebraska state line on the east, a line 2 miles south of Holyoke on the south, and on the west by a line 13 miles west of Holyoke to Denver; transportation of freight in general, from point to point within said territory and between said territory and Denver; subject to the following conditions: The applicant shall not transport C.O.D. as a carrier. The applicant shall not operate on schedule between any points. The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Holyoke for the purpose of developing business.

"Dec. 25336 - Transferred from C. O. Boggs:
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. Transportation of petroleum products from point to point within the territory bounded on the north by the county line between the counties of Phillips and Sedgwick, on the east by the Colorado-Nebraska State Line; on the south by a line running east and west 2 miles south of Holyoke, and on the west by a line running north and south 13 miles west of the town of Holyoke, and between points in said area and Denver, with the proviso that between points served singly or in combination by scheduled carriers, transferee shall not operate on schedule between any points. He shall not be required to charge rates 20% in excess of those charged by said carriers operating on schedule, but shall charge rates prescribed by the Commission for such service; he is authorized to establish an office in Sterling, Colorado, without the right to maintain branch offices or agents in any town other than Sterling.

"Dec. 27596 - Extended to: Transportation of petroleum products, in bulk, by motor vehicle, between Denver and points within a 5 mile radius thereof, on the one hand, and on the other hand, points and places in the counties of Phillips and Sedgwick, and points on U. S. Highways 6 and 34 between Brush and the points on intersections on west Washington County Line, with the right to serve Brush, Colorado."

That transfer of interstate operating rights herein authorized is 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 certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

That sale and transfer of all capital stock of transferee corporation herein to Wayne Chandler, Holyoke, Colorado, be, and the same hereby is, approved.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Holton
Henry E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 23rd day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SERVAIR, INC., 502 MILE HIGH CENTER,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) APPLICATION NO. 18091
TO OPERATE AS A COMMON CARRIER, BY)
AIRPLANE.)
-----)

September 27, 1960

Appearances: Warren E. White, Denver,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Servair, Inc., Denver, Colorado, sought authority to operate as a common carrier by airplane, for the transportation of persons and property, in intrastate commerce, in the State of Colorado, between the Jefferson County Airport and other airports within the State of Colorado.

The Commission is now in receipt of a communication from Warren E. White, President of Applicant herein, stating said corporation no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 18091 be, and the same hereby is, dismissed, upon request of applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Meyer
Ralph C. Holman
Samuel S. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1960.

ea

original

(Decision No. 55119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PIKES PEAK AUTOMOBILE COMPANY,
EL POMAR BUILDING, BROADMOOR,
COLORADO SPRINGS, COLORADO,

Complainant,

vs.

COLORADO SPRINGS TRANSIT COMPANY,
515 SOUTH CASCADE AVENUE,
COLORADO SPRINGS, COLORADO,

Defendant.

CASE NO. 5166

September 26, 1960

Appearances: Murray, Baker and Wendelken,
Esqs., Colorado Springs,
Colorado, for Complainant.

S T A T E M E N T

By the Commission:

The Commission has been advised by Attorneys for Complainant herein that said Complainant no longer desires to prosecute the above-styled case:

"due to lapse of time and the uncertainty
as to the limitations on charter authori-
ties."

Request for dismissal of said case has been made by said Attorneys for Complainant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled case should be dismissed, upon request of Attorneys for Complainant.

O R D E R

THE COMMISSION ORDERS:

That Case No. 5166 be, and the same hereby is, dismissed,

upon request of Attorneys for Complainant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Hutton
Henry E. Zilinger
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.

mls

original

(Decision No. 55120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLBURN MOTOR TOURS, INC., 32 SOUTH)
NEVADA AVENUE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 1265 TO BESSEMER BUS COR-)
PORATION, 501 MINING EXCHANGE BUILD-)
ING, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 17754-Transfer

SUPPLEMENTAL ORDER

September 26, 1960

Appearances: Horn, Anderson and Johnson, Esqs.,
Colorado Springs, Colorado, by
Louis Johnson, Esq., Colorado
Springs, Colorado, for Applicants;
K. B. Charlesworth, Colorado Springs,
Colorado, pro se;
Bernard L. Trott, Esq., Colorado
Springs, Colorado, for Colburn
Motor Tours, Inc.;
Murray, Baker and Wendelken, Esqs.,
Colorado Springs, Colorado, by
William A. Baker, Esq., Colorado
Springs, Colorado, for Pikes Peak
Automobile Company;
Barry and Boyle, Esqs., Denver, Colo-
rado, for Denver-Colorado Springs-
Pueblo Motorway, Inc., Continental
Bus System, Inc., Transcontinental
Bus System.

S T A T E M E N T

By the Commission:

On August 3, 1960, the Commission entered its Decision No.
54793 in the above-styled matter.

On August 23, 1960, "Petition for Rehearing" was filed with
the Commission in said matter, by Barry and Boyle, Attorneys for Den-
ver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System,
Inc., and Transcontinental Bus System.

Inasmuch as formal Order was not entered by the Commission
within twenty days from the 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 August 23, 1960, in the above-styled application, by Barry and Boyle, Attorneys for Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc., and Transcontinental Bus System, 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. Nigro
Stephen C. Hutton
Henry E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.

mls

original

(Decision No. 55121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD J. LAFFERTY AND THOMAS A.)
RICHARDSON, ADMINISTRATOR OF THE)
ESTATE OF HAROLD J. LAFFERTY, DE-)
CEASED, DOING BUSINESS AS "LAFFERTY)
MOVING & STORAGE," 517 13TH STREET,)
GREELEY, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 560 AND PUC NO.)
560-I TO HOWARD J. LAFFERTY, DOING)
BUSINESS AS "LAFFERTY MOVING & STOR-)
AGE," 517 13TH STREET, GREELEY,)
COLORADO.)

APPLICATION NO. 17907-Transfer

September 26, 1960

Appearances: John W. O'Hagan, Esq., Greeley,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Howard Lafferty and Harold Lafferty, co-partners,
doing business as "Lafferty Moving & Storage," Greeley, Colorado, were
granted a certificate of public convenience and necessity (PUC No. 560
and PUC No. 560-I), authorizing operations as a common carrier by motor
vehicle for hire, for the transportation of:

household goods, farm produce, except live-
stock, heavy machinery, tools, etc., between
points in the counties of Weld, Larimer,
Boulder, Morgan and Adams and the City and
County of Denver and intermediate points, and
occasionally between points in the counties
above named and points in the other counties
of the State of Colorado, subject to the
following conditions: (a) For the trans-
portation of commodities other than household
goods between points served singly or in com-
bination by scheduled carriers, the appli-
cants shall charge rates which in all cases
shall be at least twenty per cent (20%) in
excess of those charged by the scheduled car-
riers. (b) The applicants shall not operate
on schedule between any points. (c) The

applicants shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Greeley for the purpose of developing business.

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.

Harold J. Lafferty has now departed this life, and by the above-styled application, Howard J. Lafferty and Thomas A. Richardson, Administrator of the Estate of Harold J. Lafferty, Deceased, doing business as "Lafferty Moving & Storage," Greeley, Colorado, seek authority to transfer said PUC No. 560 and PUC No. 569-I to Howard J. Lafferty, doing business as "Lafferty Moving & Storage," Greeley, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Greeley, Colorado, July 15, 1960, due notice thereof being forwarded to all parties in interest.

On July 14, 1960, 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, Howard J. Lafferty, transferee herein, appeared and testified that he is the son of Harold J. Lafferty, Deceased; that since his father's death, he has been the active Manager of operations conducted under said PUC No. 560 and 560-I; that all said operations will be carried on in the same manner as existed prior to his father's death; that appropriate Court Orders have been entered, authorizing transfer of said operating rights

to him; that the consideration for transfer of said operating rights is the sum of \$5,000 -- all of which will be paid to the Estate of said Harold J. Lafferty, Deceased; that he has sufficient equipment, net worth, and operating experience to continue to conduct operations under said certificates; that there are no outstanding unpaid operating obligations against said operations.

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 Examiner.

Findings of the Examiner are that the proposed transfer is compatible with the public interest, and should be authorized.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That transferee herein is qualified, financially and by experience, to conduct operations under PUC No. 560 and PUC No. 560-I.
2. 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 be, and the same hereby is, approved.

That Howard J. Lafferty and Thomas A. Richardson, Adminis-

trator of the Estate of Harold J. Lafferty, Deceased, doing business as "Lafferty Moving & Storage," Greeley, Colorado, be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 560 and PUC No. 560-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 "Lafferty Moving & Storage," 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 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 transferors 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

Joseph F. Negro
Ralph C. Hutton
Henry B. Pauling
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.

mls

original

(Decision No. 55122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. MYRON NIBLACK, 225 MAIN STREET,)
BROOMFIELD HEIGHTS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18092-Extension

September 26, 1960

Appearances: Robert E. McLean, Esq.,
Denver, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

By application filed with the Commission on July 18, 1960,
by C. Myron Niblack, Broomfield Heights, Colorado, owner and operator
of PUC No. 4493, said applicant sought authority to extend operations
under said certificate, to include the right to transport ashes, trash,
and other debris, from point to point within an area described in said
application, and from said area, to and from properly-designated dumps
in Adams, Jefferson, Denver, and Boulder Counties.

The Commission now has been advised by Robert E. McLean,
Attorney for Applicant herein, that said Applicant no longer desires
to prosecute said application, and dismissal thereof is requested.

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. 18092-Extension be, and the same hereby

is, dismissed, upon 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

Joseph F. Nigro
Robert C. Kohn
Alvin J. Farley
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY D. CHAMBERLAIN, 2520 17TH)
AVENUE, GREELEY, COLORADO, AND)
CHARLES B. RUGH, 2441 14TH AVENUE,)
GREELEY, COLORADO, DOING BUSINESS)
AS "C & R HAULING SERVICE," FOR)
AUTHORITY TO TRANSFER PUC NO. 4615)
TO WALTER N. BICKELL AND RALPH J.)
COOPER, DOING BUSINESS AS "RED &)
WHITE TRASH SERVICE," 418 11TH)
STREET, GREELEY, COLORADO.)

APPLICATION NO. 17910-Transfer

September 26, 1960

Appearances: Walter N. Bickell, Greeley,
Colorado, pro se;
George Downing, Greeley,
Colorado, for George Down-
ing Rubbish Removal;
John Kline, Greeley, Colo-
rado, for Kline Rubbish
Removal.

S T A T E M E N T

By the Commission:

Heretofore, Gary D. Chamberlain and Charles B. Rugh, co-
partners, doing business as "C & R Hauling Service," Greeley, Colorado,
were granted a certificate of public convenience and necessity (PUC No.
4615), to operate as a common carrier by motor vehicle for hire, for the
transportation of:

ashes, trash, and rubbish, to the Greeley City
Dump, from points within the City of Greeley,
Colorado, and from points within a radius of
ten miles thereof.

Said certificate-holders now seek authority to transfer said
PUC No. 4615 to Walter N. Bickell and Ralph J. Cooper, doing business
as "Red & White Trash Service," Greeley, Colorado.

Said application was regularly set for hearing before the
Commission, at the Court House, Greeley, Colorado, July 15, 1960, due

notice thereof being forwarded to all parties in interest.

On July 14, 1960, 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, Walter N. Bickell, one of transferees herein, appeared and testified in support of the application, stating that transferee partnership has ample and suitable equipment, sufficient net worth and operating experience to continue operations under said certificate; that the consideration for transfer of said operating rights is the sum of \$450, as evidenced by Agreement of Purchase and Sale on file with the Commission; that it was impossible for transferors to be present at the hearing, but that he knew, of his own personal knowledge, that there are no outstanding unpaid operating obligations against said operating rights, and that transferors have continuously operated said certificate since being granted by the Commission.

George Downing and John Kline appeared as protestants, but offered no evidence whatsoever in opposition to the granting of authority herein sought.

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

Findings of the Examiner are that transferees herein are fit and proper persons, have sufficient equipment, and are financially able to render and continue operations under PUC No. 4615; that there is no outstanding operating indebtedness against said certificate; that transfer herein sought is in the public interest.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That transferees herein are qualified, financially and by experience, to conduct operations under PUC No. 4615.
2. 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 be, and the same hereby is, approved.

That Gary D. Chamberlain and Charles B. Rugh, co-partners, doing business as "C & R Hauling Service," Greeley, Colorado, be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 4615 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Walter N. Bickell and Ralph J. Cooper, doing business as "Red & White Trash Service," 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 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


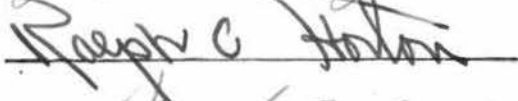
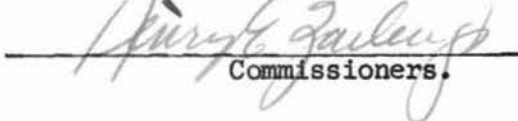
either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless 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.

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 26th day of September, 1960.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES A. POLSTON AND JOHN R. CONOUR,)	
CO-PARTNERS, DOING BUSINESS AS "C &)	
P WATER SERVICE," BOX 1380, STERLING,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 17945-PP-Transfer
PERMIT NO. B-4988 TO J. R. CONOUR,)	
DOING BUSINESS AS "C & P WATER SER-)	
VICE," 1010 NORTH 7TH STREET, BOX)	
1499, STERLING, COLORADO.)	
- - - - -)	

- - - - -
September 26, 1960
- - - - -

Appearances: John R. Conour, Sterling,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, James A. Polston and John R. Conour, co-partners, doing business as "C & P Water Service," Sterling, Colorado, were authorized to operate as a Class "B" private carrier (Permit No. B-4988), by motor vehicle for hire, for the transportation of:

water, to oil rigs within a radius of one hundred miles of Sterling, Colorado.

Said permit-holders now seek authority to transfer said Permit No. B-4988 to J. R. Conour, said James A. Polston being desirous of withdrawing from said partnership.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, July 28, 1960, due notice thereof being forwarded to all parties in interest.

On July 27, 1960, 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, John R. Conour appeared and testified he is one of the co-partners of transferor partnership, and is also the transferee herein; that he and his partner have dissolved their partnership, which is the motivating reason for the transfer herein sought; that there is no consideration for said transfer; that he will operate under said permit as a sole proprietor, under the name and style of "C & P Water Service;" that he has had operating experience, and has sufficient net worth and and equipment to continue operations under said Permit No. B-4988; that there is no outstanding indebtedness against said operating rights.

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 Examiner.

Findings of the Examiner are that transferee herein is a fit and proper person, has sufficient equipment and experience, and is financially able to render and continue operations under Permit No. B-4988; that there is no outstanding indebtedness against said permit; that transfer herein sought is in the public interest.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That transferee herein is qualified, financially and by experience, to conduct operations under Permit No. B-4988.
2. 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 be, and the same hereby is, approved.

That James A. Polston and John R. Conour, co-partners, doing business as "C & P Water Service," Sterling, Colorado, be, and they hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-4988 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to J. R. Conour, doing business as "C & P Water Service," Sterling, Colorado, said James A. Polston being herein authorized to withdraw from said co-partnership.

The transfer herein authorized is subject to payment of outstanding indebtedness against said permit, 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 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 applications.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Thomas C. Hutton
Henry S. Perkins
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GUS GUSTA, ROUTE 2 BOX 2297, MESA,)
ARIZONA.)

PERMIT NO. M-7500

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gus Custa,
Mesa, Arizona
requesting that Permit No. M-7500 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7500, heretofore issued to Gus Gusta,
Mesa, Arizona be,
and the same is hereby, declared cancelled effective September 17, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Kings E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 29th day of September, 197 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY J. AND HELEN R. SELF, DOING)
BUSINESS AS, "Y POULTRY RANCH", 614)
16TH STREET, GREELEY, COLORADO.)
-----)

PERMIT NO. M-14144

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harvey J. and Helen R. Self, doing business as, "Y Poultry Ranch", Greeley, Colorado requesting that Permit No. M-14144 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14144, heretofore issued to Harvey J. and Helen M. Self, doing business as, "Y Poultry Ranch", Greeley, Colorado be, and the same is hereby, declared cancelled effective August 26, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Woodmont
Wm. E. Zurlungo
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MICHAEL D. LYONS, DOING BUSINESS AS,)
"BERYL ORES COMPANY", ROUTE 1 BOX 409)
ARVADA, COLORADO.)
_____))
_____)

PERMIT NO. M-6904

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Michael D. Lyons,
doing business as, "Beryl Ores Company", Arvada, Colorado
requesting that Permit No. M-6904 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6904, heretofore issued to Michael D. Lyons,
doing business as "Beryl Ores Company", Arvada, Colorado be,
and the same is hereby, declared cancelled effective September 19, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 29th day of September, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEO PEREZ, 2892 WEST 64TH AVENUE,)
DENVER 21, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-4750

September 29, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo Perez,
Denver 21, Colorado
requesting that Permit No. M-4750 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4750, heretofore issued to Leo Perez, Denver 21,
Colorado be,
and the same is hereby, declared cancelled effective August 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zalkner
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EPHRAIM FREIGHTWAYS, INC., 2909)
WEST SEVENTH AVENUE, DENVER,)
COLORADO.)
-----)

PERMIT NO. A-494

September 27, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of an application from Ephraim Freightways, Inc., owner and operator of Permit No. A-494, requesting a written waiver from the Commission in lieu of filing a bond covering payment of C. O. D. collections to shippers, in operations under said Permit No. A-494.

Rule 25 (a) of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 1, 1960, provides that:

"No Private Carrier shall accept any C. O. D. shipments or otherwise collect money from any consignee to be paid to the consignor, unless such carrier shall have on file with the Commission cash or a Surety Bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C.O.D. or other collections by the carrier to the consignor. Said Surety Bond shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C.O.D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof."

Inasmuch as the financial statement of applicant is satisfactory,

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 Ephraim Freightways, Inc., Denver, Colorado, be, and hereby is, granted a written waiver of the provisions of Section (a)

of Rule 24 of the Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire, effective June 1, 1960, and shall not be required to file with the Commission cash or surety bond referred to in said Rule, in operations under Permit No. A-494.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Raymond C. Hordant

Henry E. Zalusko
Commissioners

Dated at Denver, Colorado,
this 27th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANDREW BOSMAN, CLARENCE BOSMAN,)
CHARLES A. BOSMAN, WILLIAM BUIKEMA,)
ANDREW BOSMAN, JR., DOING BUSINESS)
AS "BEST WAY DISPOSAL," 2519 WEST)
11TH AVENUE, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY, AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 3270.)
- - - - -)

APPLICATION NO. 18093-Extension

- - - - -
September 27, 1960
- - - - -

Appearances: Robert E. McLean, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein, owners and operators of PUC No. 3270, sought a certificate of public convenience and necessity, authorizing extension of operations under said PUC No. 3270, to include the right to transport ashes, trash, and other debris, from point to point within an area described in said application, and from said area, to and from properly designated dumps in Adams, Jefferson, and Boulder Counties.

The Commission is now in receipt of a communication from Robert E. McLean, Attorney for Applicants herein, stating said applicants no longer desire to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 18093-Extension be, and the same hereby

is, dismissed, upon request of Attorney for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hutton
Henry E. Zullings
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, REGULA-)
TIONS AND RULES BY THE COLORADO MOTOR)
CARRIERS' ASSOCIATION, AGENT, PUB-)
LISHED OF LOCAL AND JOINT FREIGHT)
TARIFFS NOS. 12-A AND 14, COLORADO)
P.U.C. NOS. 11 and 13, RESPECTIVELY.)

CASE NO. 1585

September 26, 1960

S T A T E M E N T

By the Commission:

On August 25, 1960, there was filed with the Commission, by the Colorado Motor Carriers' Association, Agent, the following changes in its local and Joint Freight Tariff No. 12-A, Colorado P. U. C. No. 11, advertised to become effective on September 30, 1960:

10th Revised Page No. 92, cancels 9th Revised Page No. 92.

Item No. 930 - Minimum Charge:

EXCEPTIONS:

(K) On shipments weighing less than 100 pounds, where the class 100 rate exceeds \$3.00, the minimum charge will be the amount determined by multiplying the actual weight times the class 100 rate but in no case less than \$3.00 per shipment. (This exception applies by Garrett Freight Lines, Inc., Larson Transportation Company and the Rio Grande Motor Way, Inc., in connection with traffic transported locally between points on their own lines or jointly with other carriers.)

8th Revised Page No. 195 cancels the 7th Revised Page No. 195.

Item No. 1375, viz.:

Boxes, Fiberboard, Corrugated, or Pulpboard, corrugated, From Boise, Cascade Container Corp. Plant near Golden, Colorado, To Arvada, Colorado, (1) 23, (2) 17, (3) 14, (5) 10; Aurora, Colorado, (1) 30,

(2) 22, (3) 18, (5) 15; Denver, Colorado, (1) 23, (2) 17, (3) 14,
(4) 13, (5) 12.

(1) Min. Wt. - 5,000 Lbs.)	
(2) Min. Wt. - 10,000 Lbs.)	
(3) Min. Wt. - 15,000 Lbs.)	Subject to Item No. 770
(4) Min. Wt. - 20,000 Lbs.)	
(5) Min. Wt. - 24,000 Lbs.)	

Rates are in cents per 100 pounds.

Colorado Motor Carriers' Association, Agent

Motor Freight Tariff No. 14, Colo. P. U. C. No. 13, advertised to become effective September 29, 1960.

13th Revised Page No. 44 cancels 12th Revised Page No. 44.

Item No. 335 - Cement, in bulk, in hopper type vehicles, Min. Wt.. 50,000 pounds, from Boettcher, Colorado, to Wray, Colorado, 30 cents per 100 pounds. This item to expire with December 31, 1960, unless sooner cancelled, changed or extended.

The change in the exception to the minimum charge rule in Item 930 is a clarification of the application of the present exception which does not express the intention of the involved Motor Carriers.

The item relating to the boxes is a new item and reflect in part the rates requested by the Boise Cascade Corporation of Boise, Idaho, who recently began the operation of the plant near Golden.

The 30 cents rate on the cement to Wray will produce a minimum of 85.7 cents per loaded mile from a distance of 175 miles, which is on a relative basis with other bulk cement rates in this area, e.g. Boettcher to Sterling, $22\frac{1}{2}$ cents, minimum weight 45,000 pounds; 109 miles, revenue 92.89 cents per loaded mile; to a site 8 miles east of Akron, 24 cents, minimum weight 45,000 pounds; 129 miles, revenue 83.72 cents per loaded mile.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in the Statement appear to repre-

sent just, fair and reasonable rates and charges; that an order should be entered prescribing same.

O R D E R

THE COMMISSION ORDERS, THAT:

1. The Statement and Findings be, and the same are hereby, made a part hereof.
2. This Order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in the Statement shall, on September 29 and 30, 1960, be the prescribed rates, rules, regulations and provisions of the Commission.
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 herein prescribed.
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 September 29 and 30, 1960, 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 connection with Items Nos. 930 (K) and 1375.
7. On and after September 29 and 30, 1960, 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 connection with Items Nos. 930 (K) and 1375.

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 Orders of the Commission.

10. Jurisdiction is retained to make such further Order as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nye
Robert C. Holman
Alvin E. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1960.

mls

Original

(Decision No. 55132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD SCHNORR, DOING BUSINESS AS)
"IDEAL DISPOSAL COMPANY," 4700 NEW-)
LAND, WHEATRIDGE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 17965-PP
SUPPLEMENTAL ORDER

September 27, 1960.

Appearances: Richard Kaylor, Esq., Denver,
Colorado, for Applicant;
George W. Harper, Esq., Denver,
Colorado, for Mountain View
Rubbish Removal, Lakewood
Disposal Company, Sam's
Ash and Trash;
Robert Murray, Golden, Colorado,
for Board of County Commis-
sioners of Jefferson County,
and Tri-County Health Depart-
ment.

S T A T E M E N T

By the Commission:

By Decision No. 55033, of date September 6, 1960, the Commission granted to Applicant herein authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

ashes, trash, rubbish, and other debris, from
May-D & F, only, in Westland Shopping Center,
Jefferson County, Colorado, to properly-
designated dumping places.

On September 21, 1960, "Petition for Rehearing" was filed in said matter, by George W. Harper, Attorney for Protestants herein.

The Commission has reviewed the evidence adduced at the hearing on said application, 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 denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing, filed herein by George W. Harper, Attorney for Protestants, on September 21, 1960, should be denied.




O R D E R

THE COMMISSION ORDERS:

That Petition for Rhearing in the above-styled matter, filed on September 21, 1960, by George W. Harper, Attorney for Protestants herein, 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




Commissioners

Dated at Denver, Colorado,
this 27th day of September, 1960.

HW

original

(Decision No. 55133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BYERLY AVIATION, INC., DOING BUSI-
NESS AS "BYERLY AIRLINES," PUEBLO
MEMORIAL AIRPORT, PUEBLO, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

APPLICATION NO. 18002
SUPPLEMENTAL ORDER

September 27, 1960

Appearances: Harry S. Petersen, Esq.,
Pueblo, Colorado,
for applicant;
Joe R. Botleman, Esq.,
Pueblo, Colorado, for
Martin V. Young, d/b/a
VIAir.

S T A T E M E N T

By the Commission:

By Decision No. 55027, of date September 6, 1960, the Commission denied the application of Byerly Aviation, Inc., doing business as "Byerly Airlines," Pueblo, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by airplane, for the transportation of passengers and property, not on schedule, but on call and demand, between all points within the State of Colorado.

On September 27, 1960, Petition for Rehearing was filed in said matter by attorney for applicant.

The Commission has reviewed the evidence adduced at the hearing on said application, 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 by attorney for applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter,
filed by attorney for applicant, should be, and the same hereby
is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Weston
Henry G. Jenkins
Commissioners.

CHAIRMAN JOSEPH F. NIGRO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 27th day of September, 1960.

ea

original

(Decision No. 55134)

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 AUTH-)	
ORITY TO EXTEND FACILITIES IN SEC-)	APPLICATION NO. 18090-Extension
TIONS 27 AND 28, TOWNSHIP 1-SOUTH,)	
RANGE 71-WEST.)	
-----)	

September 29, 1960

S T A T E M E N T

By the Commission:

On September 16, 1960, Union Rural Electric Association, Inc., filed an application with this Commission for authority to extend its facilities by building a total of 1,098 feet of primary line to two railroad switch heaters, one extension to be made in the Southwest Quarter of Section 27, and the other to be made in the Southeast Quarter of Section 28, both in Township 1-South, Range 71-West. The two extensions are for The Denver and Rio Grande Western Railroad Company, and the cost of the proposed construction is estimated at \$1,474.57.

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 September 19, 1960, and a letter from Colorado Central Power Company,

dated September 16, 1960, stating, in effect, that there is no objection to the granting of the authority sought by Union in the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

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

That public convenience and necessity require the rendering of electric service to the two railroad switch heaters for The Denver and Rio Grande Western Railroad Company, one extension to be made in the Southwest Quarter of Section 27, and the other to be made in the Southeast Quarter of Section 28, both in Township 1-South, Range 71-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 two railroad switch heaters for The Denver and Rio Grande Western Railroad Company, one extension to be made in the Southwest Quarter of Section 27, and the other to be made in the Southeast Quarter of Section 28, both in Township 1-South, Range 71-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 application shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Ralph C. Nolan
Don S. Pauling
Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1960.
ea

* * *

APPLICATION NO. 18058-Extension

PERMIT NO. B-3605

September 29, 1960

S T A T E M E N T

By Decision No. 55095, dated September 20, 1960, the Commission consolidated the authority under PUC No. 1910 and Permit No. B-3605, so that applicant's entire authority is as follows:

said authority to be designated as "PUC No. 1910," and Permit No. B-3605 was cancelled.

-1-

The Commission has reviewed the evidence adduced at the hearing on said application. The applicant stated he did not want to enlarge his authority in any degree but that there was at present a duplication of authority between his private carrier permit and his certificate of public convenience and necessity. Protestants Doyle House Moving and Rehfeld House Movers stated they had no objection to the consolidation if applicant's service area was not enlarged, and would withdraw their protests to the application if there was no enlargement.

In Applicant's motion for rehearing he now takes the position that the Commission, by its Decision No. 55095, has restricted his original authority. That is true of the private carrier permit. The Commission has, for many years, frowned upon duplication of authority. We can see no restriction in this authority. We deleted the authority in Yuma and Washington Counties from his private carrier authority because he presently holds that authority under Certificate No. 1910, and he is now in a position to serve identically the same territory he had prior to the application.

It is our best judgment that Applicant Welch, by his Motion for Rehearing, asked to enlarge his authority by giving service between Kit Carson and Phillips Counties and other points in the State of Colorado. This, in our judgment, is a definite enlargement, which would be contrary to his evidence given at the hearing.

After carefully considering the Petition for Rehearing and the record filed herein, the Commission is of the opinion that said petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by attorney for applicant should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled application,

filed by attorney for applicant, 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. Nigro
Ralph C. Holton
Ray E. Hurling
Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1960.

ea

original

(Decision No. 55136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM G. BOWSER, DOING BUSINESS)
AS "DENVER REPOSSESSION BUREAU,")
1410 SIXTEENTH STREET, DENVER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18014-PP

September 30, 1960

Appearances: William G. Bowser, Denver,
Colorado, pro se;
R. B. Danks, Esq., Denver,
Colorado, for Colorado
Transfer & Warehousemen's
Association.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of automobiles, furniture, and tires, between points within a radius of fifteen miles of Colfax and Broadway, in Denver, Colorado, and from and to points within said radius, to and from points within the State of Colorado, commodities to consist of items to be repossessed in the ordinary course of business of Denver Repossession Bureau.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, September 23, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of the application.

The Commission finds that the applicant has two tow trucks; has been engaged in the transportation of repossessed automobiles for

some six years; that he has a net worth of approximately \$10,000; that he is qualified to make repossessions as a duly appointed Constable; that he desires to transport furniture and tires by the use of a two wheel trailer only and will be able to use the authority with such restriction.

The protestant explained that there would be no protest to the authority if there is incorporated therein a restriction to towing automobiles and to transportation of furniture and tires by use of a two wheel trailer, only.

The Commission finds that the applicant has sufficient experience and is financially able to carry on the operation under the authority sought, and that the same should be granted, as restricted in the Order following.

O R D E R

THE COMMISSION ORDERS:

That William G. Bowser, doing business as "Denver Repossession Bureau," Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of automobiles by towing, only, and the transportation of furniture and tires by the use of a two wheel trailer, only, such commodities to consist of items to be repossessed in the ordinary course of business of Denver Repossession Bureau, between points within a radius of fifteen miles of Colfax and Broadway, in Denver, Colorado, and from and to points within said radius, to and from 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

Joseph F. Nigro
Ralph C. Anton
Paul E. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

mls

original

(Decision No. 55137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., 241 WEST 56TH)
AVENUE, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER PUC NO. 2177)
AND PUC NO. 2177-I TO DON WARD,)
INC., 241 WEST 56TH AVENUE, DENVER,)
COLORADO.)
-----)

APPLICATION NO. 18020-Transfer

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., DOING BUSINESS AS)
"DON WARD AND COMPANY," 241 WEST)
56TH AVENUE, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-5507 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)
-----)

APPLICATION NO. 18017-PP-Transfer

September 30, 1960

Appearances: Charles H. Haines, Jr., Esq.,
and Peter J. Crouse, Esq.,
Denver, Colorado, for
Transferor and Transferee;
Albert B. Dawkins, Esq., Denver,
Colorado, for Verl Harvey.

S T A T E M E N T

By the Commission:

Verl Harvey, Inc., doing business as "Don Ward & Co.," is
the owner of PUC Certificates Nos. 2177 and 2177-I, authorizing:

transportation of freight between all points
in Colorado and the Colorado state boundary
lines where all highways cross same in inter-
state commerce, only, subject to the provisions
of the Federal Motor Carrier Act of 1935, as
amended.

transportation of cement, in bulk, from and to,
to and from, and between, all points in the
State of Colorado.

Verl Harvey, Inc. is also the owner of PUC Permit No. B-5507,
authorizing it to operate as a Class "B" private carrier by motor
vehicle for hire, for:

transportation of crushed or powdered lime-
stone in bulk, from and to, to and from, and
between, all points within the State of Colorado.

By the instant applications, Verl Harvey, Inc. and Don Ward, Inc. seek authority for the transfer of the above described operating rights from Verl Harvey, Inc. to Don Ward, Inc.

The applications were assigned for hearing before Commissioner Ralph C. Horton, in the office of The Public Utilities Commission, 532 State Services Building, Denver, Colorado, on August 24, 1960, with due notice to all interested parties, and were there heard and taken under advisement.

Upon motion of applicant transferor and transferee, applications for transfer Nos. 18020-Transfer and 18017-PP-Transfer were consolidated at the hearing.

Don Ward testified that he is the President of Don Ward, Inc., of Wardco, Inc., and of Verl Harvey, Inc., doing business as "Don Ward & Co.," and that each of said companies is a Colorado corporation. He is also the Vice President of Boyd E. Richner, Inc. Boyd E. Richner, Inc. and Don Ward, Inc. both operate as common carriers in interstate and intrastate commerce in the State of Colorado. Mr. Ward is the owner of 60% of the stock of each and Boyd E. Richner is the owner of 40%. The joint control of the two companies by Mr. Ward and Mr. Richner has been specifically approved by the Interstate Commerce Commission. Wardco, Inc. and Verl Harvey, Inc., doing business as "Don Ward & Co.," are respectively first and second tier subsidiaries of Don Ward, Inc.

Prior to December 1958, Mr. Verl Harvey was the owner of all the capital stock of Verl Harvey, Inc. In the late fall of 1958, Mr. Ward and Mr. Harvey discussed the possibility of a sale of Mr. Harvey's business operations to Mr. Ward or to one of his controlled companies. Mr. Ward suggested that the transaction take the form of a sale of the operating rights of Verl Harvey, Inc. and of its revenue equipment and facilities. Upon advice of his attorneys and accountants, Mr. Harvey declined to approve the sale of the assets of his company and required negotiations to be based on the sale of the capital stock of the Harvey corporation. For business reasons, Mr. Ward elected to

have the capital stock of Verl Harvey, Inc. acquired by Wardco, Inc. and the transaction was closed on this basis. Mr. Ward was advised by qualified attorneys representing him and Mr. Harvey that under the rules of the Commission as then established, it was not necessary to submit the stock transaction for the approval of this Commission. It was nevertheless Mr. Ward's intention that as soon as business affairs made it practicable, application would be made for the transfer of the operating authority from the subsidiary to Don Ward, Inc. as the parent company and that the entire transaction would be fully disclosed to the Commission at that time.

Don Ward, Inc. has terminal and maintenance facilities at Durango, Colorado, and Durango is the base of its operations under existing inter- and intrastate authority. The financial condition of Don Ward, Inc. is good. The principal terminal facilities of Verl Harvey, Inc., doing business as "Don Ward & Co.," is at Denver, Colorado. Secondary facilities are maintained at Boettcher and Penrose, Colorado, and at Laramie, Wyoming. In the event of transfer of the authority to the parent company, the Durango operations would be handled as one division of the company and the Denver operations as a separate division. The transfer would provide substantial additional financial resources in the parent company for the support of the Denver division and its cement operations.

At the time of the sale of Mr. Harvey's stock to Wardco, Inc., the transferred stock was deposited in escrow at the Central Bank & Trust Company as a pledge to protect Mr. Harvey in the payment of a purchase money obligation originally in the principal amount of \$209,500.00, now reduced to \$184,273.94. It was also agreed that the assets of Verl Harvey, Inc. would not be transferred to that corporation without the consent of Mr. Harvey as pledgee of the Harvey stock. Mr. Harvey desires that the nature of his purchase money lien be continued in the form of a chattel mortgage upon the authority which is the subject of this application. It is entirely agreeable to Don Ward, Inc. that the authority be so mortgaged.

Seven exhibits were introduced and received in evidence without objection. They disclose the financial condition of the transferor and transferee and the extent of the revenue equipment now available to Verl Harvey, Inc., which will continue to be available to the parent company in the performance of the transportation service under the transferred authorities. The transfer has been formally approved by the directors of both companies. The employment practices of the Denver division of Don Ward, Inc. will continue to be those of Verl Harvey, Inc. in the past and no employees will be adversely affected by the transfer.

Paul S. Barnett, General Traffic Manager of Ideal Cement Company, testified on behalf of applicants. Ideal is the only producer of cement within the State of Colorado, and by virtue of that fact, has a substantial interest in available transportation facilities, including those of Verl Harvey, Inc., doing business as "Don Ward & Co." Ideal has utilized the services of Verl Harvey, Inc. both before and since the sale of the corporate stock by Mr. Harvey to Wardco, Inc. Ideal has been well satisfied with the service it has received. Ideal does not have any objection to the transfer, and in view of the greater financial strength of Don Ward, Inc., believes that the transfer will result in greater financial stability for the carrier and good transportation service for the public.

F I N D I N G S

THE COMMISSION FINDS:

This proceeding concerns the application of a subsidiary corporation, Verl Harvey, Inc., doing business as "Don Ward & Co.," for the transfer of the certificates described above to the parent company, Don Ward, Inc. The parent company is itself an authorized carrier. The parent is in sound financial condition and the transfer would tend to provide better financial support for operating the authority.

That Verl Harvey, individually, is the pledgee of the capital stock of Verl Harvey, Inc., doing business as "Don Ward & Co."

He is entitled to have a mortgage in the nature of a purchase money lien upon the authorities transferred in this proceeding from Verl Harvey, Inc., doing business as "Don Ward & C.," to the parent company, Don Ward, Inc. Such mortgage is consistent with the public interest and the desires of all parties hereto.

The public interest requires that the application for the transfer of the above described permits should be granted.

O R D E R

THE COMMISSION ORDERS:

That Verl Harvey, Inc. should be, and is hereby, authorized to transfer to Don Ward, Inc. all of its right, title and interest in and to PUC Certificate No. 2177 and PUC Certificate No. 2177-I, and PUC Permit No. B-5507, being the operating rights set forth in the preceding Statement, which is made a part hereof by reference, and that upon completion of the transfer of the authority, Don Ward, Inc. be, and hereby is, authorized to execute and deliver to Verl Harvey a mortgage on the said authority in the form of the mortgage which was received in evidence as an exhibit to these proceedings, said mortgage would secure the principal sum of \$184,273.94, which is the remaining principal balance of a promissory note in the original principal amount of \$209,500.00, originally executed by Wardco, Inc., on December 30, 1958, to the order of Verl Harvey.

That the transfer of interstate operating rights authorized herein is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said common carrier operations and private carrier operations of Don Ward, Inc., the transferee herein, shall be separately conducted, and said transferee shall not directly or indirectly combine same.

That in no event shall this transfer be construed as an enlargement of the aforesaid operating authorities.

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 permit 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.

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 certificates and permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 30th day of September, 1960.

ea

Joseph F. Negro
Raymond C. Hutton
Henry S. Paulsen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., DOING BUSINESS AS)
"DON WARD AND COMPANY," 241 WEST 56TH)
AVENUE, DENVER, COLORADO, FOR AUTH-) APPLICATION NO. 18021-Transfer
ORITY TO TRANSFER PUC NO. 3902 TO)
DON WARD, INC., 241 WEST 56TH AVENUE,)
DENVER, COLORADO.)
-----)

September 30, 1960

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for
Transferor and Transferee;
Albert B. Dawkins, Esq.,
Denver, Colorado, for
Verl Harvey.

S T A T E M E N T

By the Commission:

Verl Harvey, Inc., doing business as "Don Ward and Company,"
is the owner of Certificate of Public Convenience and Necessity No.
3902, authorizing:

Transportation of cement, in bulk, in tank
vehicles, only, from Portland, Colorado, to
all points in the State of Colorado; cement
in sacks, from Portland, Colorado, to all
points within the State of Colorado.

On August 4, 1960, the transferor herein filed its applica-
tion for authority to transfer the above certificate to Don Ward, Inc.

The above application was regularly set for hearing pur-
suant to prior notice to all parties in interest, and heard, at 532
State Services Building, Denver, Colorado, on August 24, 1960, and
taken under advisement.

The record discloses that on April 21, 1960, by Decision
No. 54141, the above certificate was transferred from Southwestern
Transportation Company of Canon City, Colorado, to Verl Harvey, Inc.,
doing business as "Don Ward & Company," the transferor herein.

It further appears that transferor is transferring several operating authorities for the principal sum of \$21,702.49, Certificate No. 3902 being among the authorities.

The record discloses that transferee has gross assets totaling \$361,309.23; current liabilities, \$14,368.87; and non-current liabilities, \$86,134.95. The evidence further discloses that transferee is well qualified by experience, and has ample and suitable equipment.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Verl Harvey, Inc., doing business as "Don Ward and Company," be, and it hereby is, authorized to transfer PUC No. 3902 -- with authority as set forth in the Statement preceding, which Statement is made a part hereof by reference -- to Don Ward, Inc., a Colorado corporation, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That in no event shall this transfer be construed as an enlargement of the aforesaid operating authority.

That the common carrier operations and private carrier operations of Don Ward, Inc., the transferee herein, shall be separately conducted, and said transferee shall not directly or indirectly combine the same.

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 and conditions 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. Negro
Raymond C. Hinton
Herbert E. Zuckerman
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

ea

original

(Decision No. 55139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., DOING BUSINESS AS)
"DON WARD AND COMPANY," 241 WEST 56TH)
AVENUE, DENVER, COLORADO, FOR AUTH-) APPLICATION NO. 18019-PP-Transfer
ORITY TO TRANSFER PERMIT NO. A-509)
TO DON WARD, INC., 241 WEST 56TH)
AVENUE, DENVER, COLORADO.)
-----)

September 30, 1960

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for
Transferor and Transferee;
Albert B. Dawkins, Esq.,
Denver, Colorado, for
Verl Harvey.

S T A T E M E N T

By the Commission:

Verl Harvey, Inc., doing business as "Don Ward and Company,"
is the owner of Private Carrier Permit No. A-509, authorizing:

Transportation of freight between the Wyoming
state line, through Fort Collins and Denver,
and intermediate points, in intrastate commerce.

On August 4, 1960, the transferor herein filed its applica-
tion for authority to transfer the above permit to Don Ward, Inc.

The above application was regularly set for hearing pursuant
to prior notice to all parties in interest, and heard at 532 State
Services Building, Denver, Colorado, on August 24, 1960, and taken
under advisement.

The record discloses that on April 21, 1960, by Decision No.
54141, the above permit was transferred from Kerk Trucking Company to
Verl Harvey, Inc., doing business as "Don Ward & Company," the trans-
feror herein.

It further appears that the transferor is transferring
several operating authorities for the principal sum of \$21,702.49,
this permit (A-509) being included among said authorities.

The record discloses that transferee has gross assets totaling \$361,309.23; current liabilities, \$14,368.87; and non-current liabilities, \$86,134.95. The evidence further discloses that the transferee is well qualified by experience, and has ample and suitable equipment.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Verl Harvey, Inc., doing business as "Don Ward and Company," be, and it hereby is, authorized to transfer Permit No. A-509 -- with authority as set forth in the Statement preceding, which Statement is made a part hereof by reference -- to Don Ward, Inc., a Colorado corporation, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That in no event shall this transfer be construed as an enlargement of the aforesaid operating authority.

That the said common carrier operations and private carrier operations of Don Ward, Inc., the transferee herein, shall be separately conducted, and said transferee shall not directly or indirectly combine the same.

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 its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Rueben C. Stanton
Alvin E. Zuckerman
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., DOING BUSINESS AS)
"DON WARD AND COMPANY," 241 WEST 56TH)
AVENUE, DENVER, COLORADO, FOR AUTH-) APPLICATION NO. 18016-PP-Transfer
ORITY TO TRANSFER PERMITS NOS.B-1770)
AND B-1770-I TO DON WARD, INC., 241)
WEST 56TH AVENUE, DENVER, COLORADO.)
-----)

September 30, 1960

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for
Transferor and Transferee;
Albert B. Dawkins, Esq.,
Denver, Colorado, for
Verl Harvey.

S T A T E M E N T

By the Commission:

Verl Harvey, Inc., doing business as "Don Ward and Company,"
is the owner of Private Carrier Permit No. B-1770 and B-1770-I,
authorizing:

Transportation of (a) plaster from Loveland,
cement from Boettcher and coal from mines in
the northern Colorado coal fields to all points
in the State of Colorado; (b) farm products
(except livestock), used farm machinery and
oil well machinery and equipment and elevator
products between, from, and to points within
a radius of 30 miles of Berthoud, excluding,
however, the right to serve under this permit
between Denver and Eaton and intermediate points
over U. S. Highway No. 85, and between the
Colorado-Wyoming state line and Denver over
U. S. Highway No. 287 and intermediate points,
he already having been authorized to serve
said points on U. S. Highway No. 287 under
Permit No. A-509; transportation of plaster
and cement from a point on the Colorado-Wyoming
State Line where it is intersected by U. S.
Highway No. 287 to all points in the State of
Colorado, and the transportation of coal from
mines in the northern Colorado coal fields to
said points on the Colorado-Wyoming State Line
in interstate commerce, subject to the pro-
visions of the Federal Motor Carrier Act of 1935,
as amended; transportation of building brick and
supplies manufactured by The Mountain Brick and
Supply Company, from brick plant or storage yard

of brick plant of said The Mountain Brick and Supply Company, located six and one-half miles south of Fort Collins, Colorado, on the Shield Street Road, to all points within the State of Colorado, for The Mountain Brick and Supply Company, only.

On August 4, 1960, transferor herein filed its application for authority to transfer the above permit to Don Ward, Inc.

The above application was regularly set for hearing, pursuant to prior notice to all parties in interest, and heard at 532 State Services Building, Denver, Colorado, on August 24, 1960, and taken under advisement.

The record discloses that on April 21, 1960, by Decision No. 54141, the above permits were transferred from Kerk Trucking Company to Verl Harvey, Inc., doing business as "Don Ward & Company," the transferor herein.

It further appears that transferor is transferring several operating authorities for the principal sum of \$21,702.49, among which authorities these permits are included.

The record further discloses that transferee has gross assets totaling \$361,309.23; current liabilities, \$14,368.87; and non-current liabilities, \$86,134.95. The evidence further discloses that transferee is well qualified by experience, and has ample and suitable equipment.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Verl Harvey, Inc., doing business as "Don Ward and Company," be, and it hereby is, authorized to transfer Permits Nos. B-1770 and B-1770-I -- with authority as set forth in the Statement preceeding, which Statement is made a part hereof by reference -- to Don Ward, Inc., a Colorado corporation, subject to outstanding

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

That in no event shall this transfer be construed as an enlargement of the aforesaid operating authority.

That the said common carrier operation and private carrier operation of Don Ward, Inc., the transferee herein, shall be separately conducted, and said transferee shall not directly or indirectly combine the same.

The transfer of interstate operating rights authorized herein is 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 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.

The right of transferee to operate under this order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permits up to time of transfer of said permits.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Harris
Ralph C. Horton
Henry J. Fairbanks
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERL HARVEY, INC., DOING BUSINESS)
AS "DON WARD AND COMPANY," 241 WEST)
56TH AVENUE, DENVER, COLORADO, FOR) APPLICATION NO. 18018-PP-Transfer
AUTHORITY TO TRANSFER PERMIT NO.)
B-5529 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)
-----)

September 30, 1960

Appearances: Charles H. Haines, Jr., Esq.,
Denver, Colorado, for
Transferor and Transferee;
Albert B. Dawkins, Esq.,
Denver, Colorado, for
Verl Harvey.

S T A T E M E N T

By the Commission:

Verl Harvey, Inc., doing business as "Don Ward and Company,"
is the owner of Private Carrier Permit No. B-5529, authorizing:

Transportation of crushed or pulverized
limestone, in bulk, in tank-type vehicles,
between all points within the State of Colo-
rado, and burned lime, including hydrated
lime and quick lime, in sacks and in bulk,
in tank-type vehicles, from plant of Colo-
rado Lime Company at Pikeview, Colorado, to
all points within the State of Colorado;
transportation of sand, gravel, and other
road-surfacing materials used in the con-
struction 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 sup-
ply points; sand and gravel, from pits and
supply points in the State of Colorado, to
railroad loading points, and to home and
small construction jobs within 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; crushed or pulverized
limestone, in bulk, in dump trucks, from plant
of Colorado Lime Company, at Pikeview, Colo-
rado, to all points within the State of Colo-
rado, transportation of road-surfacing materials
to be limited to the use of dump trucks, only.

On August 4, 1960, the transferor herein filed its application for authority to transfer the above permit to Don Ward, Inc.

The above application was regularly set for hearing, pursuant to prior notice to all parties in interest, and heard at 532 State Services Building, Denver, Colorado, on August 24, 1960, and taken under advisement.

The record discloses that on April 21, 1960, by Decision No. 54141, the above permit was transferred from Southwestern Transportation Company, of Canon City, Colorado, to Verl Harvey, Inc., doing business as "Don Ward & Company," Denver, Colorado, the transferor herein.

It further appears that the transferor is transferring several operating authorities for the principal sum of \$21,702.49, and Permit No. B-5529 is among those authorities.

The record discloses that transferee has gross assets totaling \$361,309.23; current liabilities, \$14,368.87; and non-current liabilities, \$86,134.95. The evidence further discloses that the transferee is well qualified by experience, and has ample and suitable equipment.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is in the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Verl Harvey, Inc., doing business as "Don Ward and Company," be, and it hereby is, authorized to transfer Permit No. B-5529 -- with authority as set forth in the Statement preceding, which Statement is made a part hereof by reference -- to Don Ward, Inc., a Colorado corporation, subject to outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That in no event shall this transfer be construed as an enlargement of the aforesaid operating authority.

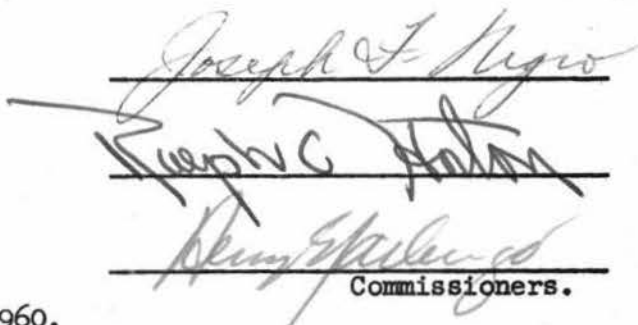
That the said common carrier operations and private carrier operations of Don Ward, Inc., the transferee herein, shall be separately conducted, and said transferee shall not directly or indirectly combine the same.

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 applications.

The right of transferee to operate under this order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

ea

original

(Decision No. 55142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANDREW KUCERIK AND JOHN KUCERIK, CO-)
PARTNERS, DOING BUSINESS AS "KUCERIK)
BROTHERS," CALHAN, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3019)
TO EDWARD J. GOODING AND RONALD D.)
O'NEAL, CO-PARTNERS, DOING BUSINESS)
AS "O'NEAL'S MILK LINE," 712 LA)
SALLE, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 18063-Transfer

September 30, 1960

Appearances: John Kucerik, Calhan, Colo-
rado, for Transferors;
Edward J. Gooding, Colorado
Springs, Colorado, pro se;
Ronald D. O'Neal, Colorado
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Andrew Kucerik and John Kucerik, co-partners, do-
ing business as "Kucerik Brothers," Calhan, Colorado, were authorized
to operate as a common carrier by motor vehicle for hire (PUC No. 3019),
authorizing transportation of:

milk and dairy products in the following terri-
tory: Southerly limits to be easterly from the
intersection of Colorado State Highway #94 and
U. S. Highway #24 east of Colorado Springs,
Colorado, following Colorado State Highway #94
to Ellicott; thence south ten miles; thence
east to a point ten miles south of Rush; thence
north twenty-four miles, more or less, through
Rush to the intersection with County Road #48;
thence westerly approximately eleven miles to
the intersection with U. S. Highway #24; thence
southwesterly along U. S. Highway #24 to its
intersection with Colorado State Highway #94,
the place of beginning; also the area included
within a distance of three miles on each side
of County Road #521 from Calhan north to the El
Paso County Line;

milk and dairy products, in cans and in bulk,

in tank vehicles, within the following-described territory: Beginning at the intersection of Highway No. 94 and Highway No. 24 east of Colorado Springs, Colorado, following Highway No. 94 to the northwest corner of Section 16, Township 14 South, Range 65 West, 6th P. M.; thence south ten miles; thence east to the northeast corner of Section 3, Township 15 South, Range 60 West; thence north to the southeast corner of Section 34, Township 11 South, Range 60 West, located on El Paso County Road No. 48; thence east on said road one mile; thence north to intersect U. S. Highway No. 24 at Simla, Colorado; thence following said highway southwesterly to the Town of Ramah, Colorado; thence north to a point five miles north of the El Paso County line; thence west fourteen miles; thence south to intersect U. S. Highway No. 24 at a point three miles east of Peyton, Colorado; thence following U. S. Highway No. 24 to the place of beginning.

Said certificate-holders now seek to transfer said PUC No. 3019 to Edward J. Gooding and Ronald D. O'Neal, co-partners, doing business as "O'Neal's Milk Line," Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Little Theatre, City Auditorium, Colorado Springs, Colorado, September 22, 1960, due notice thereof being forwarded to all parties in interest.

On September 21, 1960, 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, John Kucerik, one of transferors herein, appeared and testified in support of the application, stating he and his brother, Andrew Kucerik, are co-owners of PUC No. 3019; that they have entered into a contract to sell said operating rights to transferees herein, subject to contract

on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate.

Edward J. Gooding, one of transferees herein, also appeared at the hearing and testified he is presently transporting milk under Permit No. B-3905; that he has filed a financial statement of transferees herein, which was made a part of the record, by reference; that he has had experience in hauling milk; that he and his partner, Ronald D. O'Neal, had entered into a contract to purchase PUC No. 3019.

Ronald D. O'Neal, the other transferee herein, also appeared at the hearing and testified in support of the application, stating he is twenty years of age, and is a partner in transferee co-partnership; that he will drive a vehicle in the conduct of operations under said certificate; 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 transferees were established to the satisfaction of the Examiner.

Findings of the Examiner are that transferees herein are fit and proper persons, have sufficient equipment, and are financially able to render and continue operations under PUC No. 3019; that there is no outstanding indebtedness against said operating rights; that the transfer herein sought is in the public interest.

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 after reviewing the evidence adduced at the hearing, as

reported by the Examiner herein, we find:

1. That transferors herein are the owners of PUC No. 3019.
2. That transferees herein are qualified, financially and by experience, to continue the conduct of operations under said PUC No. 3019.
3. 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 be, and the same hereby is, approved.

That Andrew Kucerik and John Kucerik, co-partners, doing business as "Kucerik Brothers," Calhan, Colorado, be, and they hereby are, authorized to transfer PUC No. 3019 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Edward J. Gooding and Ronald D. O'Neal, co-partners, doing business as "O'Neal's Milk Line," Colorado Springs, Colorado, subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Samuel E. Spalding
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

mls

original

(Decision No. 55143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD K. CUMLEY, DOING BUSINESS AS)
"F. K. (BUD) CUMLEY," 211 EAST 4TH)
STREET, WRAY, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PERMIT NO. B-5483)
TO DALE M. HOFMEISTER, DOING BUSI-)
NESS AS "HOFMEISTER'S," 400 CLAY)
STREET, WRAY, COLORADO.)

APPLICATION NO. 18077-PP-Transfer

September 30, 1960

Appearances: James T. Callahan, Esq., Wray,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Floyd K. Cumley, doing business as "F. K. (Bud) Cumley," Wray, Colorado, owner and operator of Permit No. B-5483, sought authority to transfer said operating rights to Dale M. Hofmeister, doing business as "Hofmeister's," Wray, Colorado.

Said application was regularly set for hearing at the Court House, Sterling, Colorado, September 13, 1960, at nine o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, Attorney for Applicants herein requested that said matter be continued, to be re-set for hearing before the Commission at a later date.

Thereupon, on September 16, 1960, the Commission entered its Decision No. 55081, continuing said matter, to be re-set for hearing before the Commission at a later date to be determined by the Commission, with notice to all parties in interest.

The Commission is now in receipt of a communication from James T. Callahan, Attorney for Applicants herein, stating Applicants

no longer desire to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.




O R D E R

THE COMMISSION ORDERS:

That Application No. 18077-PP-Transfer be, and the same hereby is, dismissed, upon request of Attorney for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES STROSNIDER, 806 EAST BASELINE,)
LAFAYETTE, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO OPERATE AS A COMMON CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 18078

October 3, 1960

Appearances: James O. Thorvilson, Esq.,
Boulder, Colorado, for
Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of rubbish and trash within the City Limits of Lafayette, Colorado, and Louisville, Colorado, and to approved dumping grounds in the Lafayette, Colorado, and Louisville, Colorado, areas.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, September 23, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared in opposition to the application.

The applicant and three customer witnesses testified in support of the application to the effect, and the Commission so finds, that there is no one providing the services which the applicant seeks to provide under the certificate, if granted; that neighbors expressed the desire that the applicant should go into business to provide the services; that the applicant's services rendered under a Temporary Cer-

tificate have been very satisfactory; that the applicant has served under said temporary authority some 47 customers, and the number of customers will expand.

O R D E R

THE COMMISSION ORDERS:

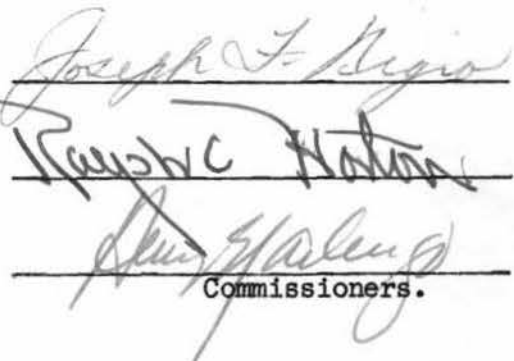
That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of James Strosnider, Lafayette, Colorado, for the transportation of rubbish and trash within the City Limits of Lafayette, Colorado, and Louisville, Colorado, and to approved dumping grounds in the Lafayette, Colorado, and Louisville, Colorado, areas, 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


Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. RAE, DOING BUSINESS AS)
"JERSEY MILK LINES," 9125 WEST 35TH)
AVENUE, WHEATRIDGE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 18079-PP
Amended

October 3, 1960

Appearances: Thomas B. Wilkins, Esq.,
Denver, Colorado, for
Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, Robert G. Rae, doing business as "Jersey Milk Lines," Wheatridge, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of fluid milk in bulk, from farms located in that area of Colorado lying north of U. S. Highway 36, and east of U. S. Highway 287, to McLagan Brothers Creamery, in Brush, Colorado, restricted to bona fide members of the northeastern all Jersey Association; also from farms located in Grand County, Colorado, to processing plants in 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, 532 State Services Building, Denver, Colorado, September 23, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared to protest the application.

A motion was made to amend the authority requested by strik-

ing therefrom the word "northeastern" and substituting therefor the word "northeast" and by adding the word "milk" between the words "Jersey" and "Association," to which motion there was no objection.

The Commission finds that said motion should be granted.

The applicant and the Office Manager of the Denver Milk Producers Association testified in support of the application in effect, and the Commission so finds, that the authority sought in the application will be used by the applicant; that the services to be rendered thereunder are needed and will be in the public interest; that the applicant has sufficient experience and is financially able to carry on the operation under the authority sought and has sufficient equipment; and that the application should be granted.

No evidence was submitted that the granting of the application would impair the efficient public service of any carrier or carriers adequately serving the same territory, or that there is adequate service.

O R D E R

THE COMMISSION ORDERS:

That Robert G. Rae, doing business as "Jersey Milk Lines," Wheatridge, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of fluid milk in bulk, from farms located in that area of Colorado lying north of U. S. Highway 36, and east of U. S. Highway 287, to McLagan Brothers Creamery in Brush, Colorado, restricted to bona fide members of the northeast all Jersey Milk Association; also from farms located in Grand County, Colorado, to processing plants in Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it

shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hutton
Philip Zuley
Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM A. SEIWALD, 4315 UTICA)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO EXTEND OPERATING RIGHTS)
UNDER PERMIT NO. A-2476.)

APPLICATION NO. 18080-PP-Extension

October 3, 1960

Appearances: William A. Seiwald, Denver,
Colorado, pro se;
John R. Barry, Esq., Denver,
Colorado, for copy of Order.

STATEMENT AND FINDINGS OF FACT

By the Commission:

William A. Seiwald, Denver, Colorado, is the owner and
operator of Permit No. A-2476, authorizing him to operate as a pri-
vate carrier by motor vehicle for hire, for the transportation of:

newspapers between Denver and Ault and in-
termediate points on U. S. Highway No. 85;
between Fort Collins and Denver and inter-
mediate points, on U. S. Highway No. 87;
using Colorado Highway No. 14 in passing
from Ault to Fort Collins, and serving as
off-line points, on Sundays only, Boulder,
Timnath, Windsor, Johnstown, and Milliken,
Colorado; bakery goods, between Denver and
Fort Collins, Colorado; bakery goods, only,
from Denver to Loveland and Longmont, on U.
S. Highway No. 87, provided, however, that
under the extension herein granted, appli-
cant shall not maintain any schedule that
leaves Denver at either 2:00 o'clock P. M.
or 6:00 o'clock P. M., in conflict with the
operations of Denver-Loveland Transportation
Company; bakery goods, from Denver to
Greeley, provided, however, that his
schedule leaving Denver shall not be later
than 2:00 o'clock A. M.; newspapers, only,
from Denver to Julesburg, and from Sterling
to Holyoke and Wray and return to Brush,
Colorado, including all intermediate points;
milk, from Fort Morgan to Brush; sweet milk
and cream in cans and in tank trucks from

Farmers Creamery, its successors or assigns, at Fort Morgan to Denver; milk and cream in cans, from Fort Collins to Denver; bakery goods, from Denver to Fort Morgan and Sterling and intermediate points, with the return of empty containers over the routes named; fresh milk and cream and frozen fruits and juices, from Denver, Colorado, to Brush, Colorado, and intermediate points; newspapers, in pick-up and delivery service, between Denver, Colorado, and Craig, Colorado, and all intermediate points.

By the instant application, said permit-holder seeks authority to extend operations under Permit No. A-2476 to include the right to transport cream in cans, from Loveland, Colorado, to Denver, Colorado, with return of empty cans; and newspapers, from Denver, Colorado, to Walden, Colorado, and to all intermediate points between Granby and Walden, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Service Building, Denver, Colorado, September 23, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant and an official of Beatrice Creamery and one from Rocky Mountain News testified in support of the application to the effect, and the Commission so finds, that the services of common carriers provided to serve Beatrice Creamery is inadequate in that such common carriers cannot meet the time schedule of the creamery; that there is no available service for the transportation of newspapers for which authority is sought by the applicant; that the applicant has had many years of experience in the transportation business and has a net worth of approximately \$25,000; that the public interest will be served by granting the extension sought.

No evidence was submitted as to the adequacy of the common carrier service available, or as to impairment of the efficient public service of any common carriers serving the same territory, excepting as hereinabove stated.

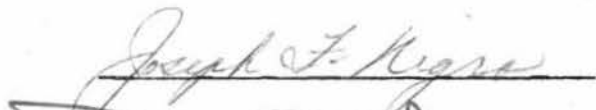
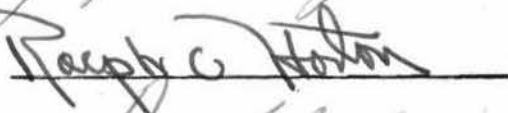
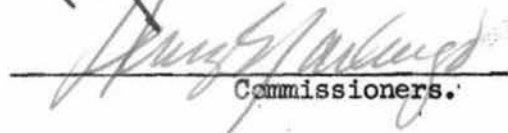
O R D E R

THE COMMISSION ORDERS:

That William A. Seiwald, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. A-2476 to include the right to transport cream in cans, from Loveland, Colorado, to Denver, Colorado, with return of empty cans; and newspapers, from Denver, Colorado, to Walden, Colorado, and to all intermediate points between Granby and Walden, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.

mls

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. L. VAIL, ELBERT, COLORADO.)

PERMIT NO. A-72

October 6, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. A-72 be suspended for six months from September 25, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That G. L. Vail, Elbert, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. A-72 until March 25, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
George C. Horton
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GORDON B. IRVINE, EGNAR, COLO-)
RADO.)

PERMIT NO. B-5683

October 6, 1960

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-5683 be suspended for six months from September 27, 1960.

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 Gordon B. Irvine, Egnar, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5683 until March 27, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
George C. Gordon
Henry E. Zalusky
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED E. BENSCH AND WILLIAM A. LYDAY,)
JR., DOING BUSINESS AS, "BENSCH)
AND LYDAY", 1436 SOUTH CLAY, DENVER)
19, COLORADO.)
-----)

PERMIT NO. M-14478

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred E. Bensch and
William A. Lyday, Jr., dba "Bensch & Lyday", Denver 19, Colorado
requesting that Permit No. M-14478 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14478, heretofore issued to Fred E. Bensch and William
A. Lyday, Jr., dba "Bensch & Lyday", Denver 19, Colorado be,
and the same is hereby, declared cancelled effective August 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Zank
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED E. BENSCH AND WILLIAM A.)
LYDAY, JR., DOING BUSINESS AS,)
"BENSCH AND LYDAY", 1436 SOUTH)
CLAY, DENVER 19, COLORADO.)

PUC NO. 3974-I

October 6, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred E. Bensch and William A. Lyday, Jr., doing business as, "Bensch and Lyday", Denver 19, Colorado

requesting that Certificate of Public Convenience and Necessity No. 3974-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. 3974-I heretofore issued to Fred E. Bensch and William A. Lyday, Jr., doing business as, "Bensch and Lyday", Denver 19, Colorado

be, and the same is hereby, declared cancelled effective August 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Horton
Wm. E. Zwickler
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. O. AND MARIE BOOTHE, 298 MOUNT)
VIEW STREET, GRAND JUNCTION, COLO-)
RADO.)
-----)

PERMIT NO. B-5939-I

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. O. and Marie Boothe,
Grand Junction, Colorado
requesting that Permit No. B-5939-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5939-I, heretofore issued to W. O. and Marie Boothe,
Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective September 18, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zullinger
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. W. DILLINGHAM, INCORPORATED, 512)
MINING EXCHANGE BUILDING, COLORADO)
SPRINGS, COLORADO.)
-----)

PERMIT NO. B-5893

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. W. Dillingham, Inc.,
Colorado Springs, Colorado
requesting that Permit No. B-5893 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5893, heretofore issued to W. W. Dillingham, Inc.,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective March 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. Gordon
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RONALD EGGER, ROUTE 2 BOX 267, MENA,)
ARKANSAS.)
)
)
)
-----)

PERMIT NO. B-5887

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ronald Egger,
Mena, Arkansas
requesting that Permit No. B-5887 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5887, heretofore issued to Ronald Egger,
Mena, Arkansas be,
and the same is hereby, declared cancelled effective July 17, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Henry E. Zaitsev
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1957 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER MADISON, 220 SOUTH)
CONEJOS, COLORADO SPRINGS, COLO-)
RADO.)
-----)

PUC NO. 2194

October 6, 1960

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. 2194 be suspended for six months from August 12, 1960.

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 Lester Madison, Colorado Springs, Colorado

_____, be, and is hereby, authorized to suspend operations under PUC No. 2194 until February 12, 1961.

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. Niara
Commissioner
Henry E. Zuercher
Commissioners

Dated at Denver, Colorado,
this 6th day of October 1960.

original

(Decision No. 55155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
JOE R. GUERRERO, c/o MONTGOMERY)	PERMIT NO. B-5859
WARD COMPANY, LA JUNTA, COLORADO.)	CASE NO. 2031-INS.
-----)	

October 3, 1960

S T A T E M E N T

By the Commission:

On September 2, 1960, the Commission entered its Order in Case No. 2031-Ins., revoking Permit No. B-5859 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 permit should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5859 be, and the same hereby is, reinstated, as of September 2, 1960, revocation order entered by the Commission on said date, in Case No. 2031-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver,
this 3rd day of October, 1960.

ea

Joseph L. Nigro
Ralph C. Hutton
Blum G. Ailing
Commissioners.

original

(Decision No. 55156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN AUTO TRANSPORTS, INC.,)
490 SOUTH NAVAJO STREET, DENVER,)
COLORADO.)
-----)

PUC NO.1005,
PUC NO.1005-I

October 3, 1960

S T A T E M E N T

By the Commission:

On February 24, 1960, the Commission entered its Decision No. 53884, cancelling the above-styled operating rights as of November 1, 1959, due to misinterpretation of letter received from D. J. Thomas, of Hoyt-Semour Inc., General Insurance, Detroit, Michigan.

It now appears that it was not the intention of the above-captioned certificate-holder to have said operating rights cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53884, of date February 24, 1960, should be set aside, and PUC No. 1005 and PUC No. 1005-I reinstated.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53884, of date February 24, 1960, be, and the same hereby is, vacated, set aside, and held for naught, PUC No. 1005 and PUC No. 1005-I being hereby reinstated, nunc pro tunc, as of November 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hutton
Henry J. Wilcox
Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.
ea

original

(Decision No. 55157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. A. GRIFFITH, URAVAN, COLORADO.) PERMIT NO. A-792
-----)

October 3, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of an application from L. A. Griffith, Uravan, Colorado, owner and operator of Permit No. A-792, requesting a written waiver from the Commission in lieu of filing a bond covering payment of C.O.D. collections to shippers, in operations under said Permit No. A-792.

Rule 25 (a) of the Rules and Regulations Governing Private Carriers by Motor Vehicle, effective June 1, 1960, provides that:

"No Private Carrier shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to the consignor, unless such carrier shall have on file with the Commission cash or a Surety Bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C.O.D. or other collections by the carrier to the consignor. Said Surety Bond shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C.O.D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof."

Inasmuch as said permit-holder does not handle C.O.D. collections in operations under said Permit No. A-792,

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 L. A. Griffith, Uravan, Colorado, be, and hereby is,

granted a written waiver of the provisions of Section (a) of Rule 24 of the Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire, effective June 1, 1960, and shall not be required to file with the Commission cash or surety bond referred to in said Rule, in operations under Permit No. A-792.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Holman
Clay G. Huley
Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM H. CONTER, 5605 EAST 56TH)
AVENUE, DENVER, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 14730

September 30, 1960

Appearances: E. A. Small, Jr., Esq.,
Denver, Colorado, and
Albert Latham, Jr., Esq.,
Denver, Colorado, for
Applicant.

S T A T E M E N T

By the Commission:

On July 13, 1956, applicant herein filed his application with the Commission, seeking a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of garbage, from points in Aurora, Englewood, Littleton, Lowry Air Base, Brookridge Heights, and Denver, Colorado, to points of disposal in Adams County, 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 26, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 24, 1956, 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 hearing of the above-captioned matter was held at the time and place designated in the Notice

of Hearing, but inasmuch as the files herein were mislaid, no Report was made to the Commission by said Examiner, and no Order was issued in said matter; that at this time and files have been found, and the Examiner has reviewed the notice of the Reporter of said hearing, and thereafter submitted said Report of the Commission.

Report of said Examiner further states that at the hearing, applicant herein appeared and testified in support of his application, stating he was in the garbage disposal business, and had contracts with the Cities and Towns of Aurora, Englewood, Littleton, Brookridge Heights, and Denver, and with authorities at Lowry Air Base, for pick-up and disposal of garbage; that he has had experience in this type of transportation since 1929, and had been performing said service herein sought since January 1, 1955; that he had a business of feeding hogs for development of "hog serum"; that he has \$250,000 invested in said business; that he has a daily service and the necessary equipment with which to render said service.

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the services herein sought to be performed; that there is a need for said service, and that no one appeared in opposition to the granting of said application.

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 after reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That applicant herein is qualified, financially and by experience, to conduct his proposed operations.

2. 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 Findings be, and hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of William H. Conter, Denver, Colorado, for the transportation of garbage, from points in Aurora, Englewood, Littleton, Lowry Air Base, Brookridge Heights, and Denver, Colorado, to points of disposal in Adams County, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Negro
Ralph C. Hobbs
Henry E. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.
mls

original

(Decision No. 55159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY J. SEABORN, JR., 622 JOLLETTE,)
COLORADO SPRINGS, COLORADO, FOR AU-)
THORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-5630.)

APPLICATION NO. 18064-PP-Extension

October 3, 1960

Appearances: Henry J. Seaborn, Jr., Colo-
rado Springs, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-5630, to include the right to transport logs, poles, and rough lumber, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of fifty miles of said forests, he presently being authorized to transport, under said Permit No. B-5630:

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 home and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; operations hereunder to be limited to the use of dump trucks, only.

Said application was regularly set for hearing before the Commission, at the Little Theatre, City Auditorium, Colorado Springs,

Colorado, September 22, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On September 21, 1960, 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 and testified in support of his application, stating he is owner and operator of Permit No. B-5630, and, by the instant application, is seeking authority to extend operations thereunder; that he has received numerous requests for his said extended services; that he is presently operating under Temporary Authority issued by this Commission; that he has a net worth of \$8,000; that he is the owner of a 1940 International three-ton truck, a 1955 Ford two-ton truck, and a 1947 winch truck; that he is familiar with, and 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 Examiner.

Findings of the Examiner are that applicant herein is a fit and proper person, has sufficient equipment, and is financially able to render services herein proposed; that there is presently a need for said service; that the granting of authority herein sought will not impair the efficient public service of any authorized motor vehicle common carrier operating in the territory sought to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

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

That after reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That applicant herein is qualified, financially and by experience, to conduct his proposed extended operations under Permit No. B-5630.
2. That said extended operations of applicant herein will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.
3. That authority herein sought should be granted.

O R D E R

THE COMMISSION ORDERS:

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

That Henry J. Seaborn, Jr., Colorado Springs, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5630, to include the right to transport logs, poles, and rough lumber, within the State of Colorado, from forests to sawmills and railroad loading points within a radius of fifty miles of said forests.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hutton
Commissioners.

1384-6
ATTACHED
EXHIBIT
10/12/60

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 3rd day of October, 1960.
mls

original

(Decision No. 55160)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION PACIFIC RAILROAD COMPANY TO)
DISCONTINUE AGENCY STATION AT) APPLICATION NO. 18023
WELDONA, MORGAN COUNTY, COLORADO.)
-----)

September 30, 1960

S T A T E M E N T

By the Commission:

By the instant application, Union Pacific Railroad Company, a corporation of the State of Utah, duly authorized as a common carrier and so doing business in the State of Colorado, seeks authority from this Commission to close its agency station at Weldona, Morgan County, Colorado.

Weldona is a station on the Julesburg-Denver line of said railroad and located 10.4 miles west from the Agency station of Fort Morgan, Colorado. Weldona is on State Highway No. 144, an all-weather hardtop road. Estimated population for the town area is 50 people. Petitioner maintains a one-man agency station, the hours being Monday through Friday, from 8:00 A. M. until 5:00 P. M.

In the instant application, it is proposed that since the principal agency activity has been handling carload shipments, there is no longer a general public demand that will justify the continued expense of keeping an agent at Weldona; nor is there any necessity for an agent to transmit train orders, or for any other purpose connected with the operations of the railroad. Very little station work is involved since LCL shipments, railway express, milk and cream, and baggage are now handled in and out of Weldona on Union Pacific supplemental truck service; there will be no change in this service as it is presently constituted. Shipments will be picked up or left at the depot building,

the consignees being notified by the agent at Fort Morgan. Mail is not handled by trains into or out of Weldona but by Government Star Route served by trucks. No passenger trains stop at Weldona and tickets are readily available at Fort Morgan.

Pursuant to the Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in Colorado, and under Rule No. 6 thereof, the Union Pacific Railroad Company posted proper public notice at Weldona station, describing the proposed withdrawal of agency service and indicating that public protests should be forwarded to the Public Utilities Commission. No complaints or protests have been received by the Commission.

Meanwhile, investigation by the Commission reveals the following: Facilities at Weldona consist of (a) Combination depot building and L.C.L. freight warehouse, (b) passing track, (c) industry track serving two grain elevators (one closed), car loading stock pens, beet dump and oil rig, and (d) yard capacity is 79 cars. Agent reports that his station work can be done in about thirty minutes each day.

Principal occupation of the region is irrigated farming with beets as the main crop, with other production of grains and corn for livestock feeding. Businesses at Weldona consist of one filling station, a small grocery store, the Post Office, a pool hall, a tavern and liquor store.

With reference to the instant application, it appears that L.C.L. shipments for the above businesses are handled by The Northeastern Truck Line, an unscheduled common carrier, and by private carrier distribution trucks. In addition, supplemental rail service is offered by Union Pacific truck line so that no change in L.C.L. handling is contemplated.

Concerning carload movements, we have the following summary:

WELDONA - CARLOAD MOVEMENTS

<u>Commodity</u>	<u>1956</u>		<u>1957</u>		<u>1958</u>		<u>1959</u>		<u>1960</u> <u>2 Mos.</u>	
	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>
Sugar Beets	51		107		109		93			
Grain	1	5								
Livestock		10		7		7	2	17		
Feed	2									
Coal		2								
Miscellaneous		2						2		
Totals -	54	19	107	7	109	7	95	19	--	--

It is to be noted in the above data that the large volume shipments consist of sugar beets which move during the fall season of the year -- October and November. Here we have a movement that is largely routine, cars are loaded by Great Western Sugar Company employees, and handling by the train crews is very often at times when the agent is not on duty. Exclusive of sugar beets, the total of all other carloads handled at Weldona station was:

1956, 22; 1957, 7; 1958, 7; 1959, 21, or about two cars per month as a maximum. Hence, we see that service to the public is quite minor. Meanwhile, the rising trend in station costs is shown as follows:

<u>TOTAL OPERATING EXPENSES</u> <u>Weldona, Colorado</u>					
<u>Item</u>	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u>	<u>1960 (2 mos.)</u>
Wages	\$4,458	\$4,477	\$4,999	\$5,081	\$794
Payroll taxes	338	353	385	466	83
Fuel	59	61	63	65	17
Electricity	29	29	29	29	5
Telephone	132	131	131	132	22
Miscellaneous	24	24	24	24	4
Totals -	\$5,040	\$5,075	\$5,631	\$5,797	\$925

It appears now we have the proposal that withdrawal of the Agent services at Weldona will eliminate an increasing expense item which cannot be justified by the small public need. Elimination of the expense will afford a saving to the railroad, and thereby offer a greater public benefit. In the instant matter, no reduction in switching or carload rail service is proposed; there is no passenger service now offered; L.C.L. freight and mail will continue to be handled by Union Pacific Motor Freight Company, and agency service will be available at

the Fort Morgan Station. Relative to the handling of carload shipments, we have long been aware that it is common railroad practice to handle routine billing operations at a station other than the point of origin or destination. We do not believe that withdrawal of the agent will unduly inconvenience railroad patrons in the Weldona area since essential switching and related rail services will be maintained and alternate agency service is readily available. Absence of customer protests has shown the lack of public interest in maintenance of the station, since twenty-seven patrons were mailed individual notice of the proposed change of service.

It is therefore the belief of the Commission that the proposed change is compatible with the public interest, and the Commission has therefore 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 Weldona station, Weldona, Colorado.

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

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

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Union Pacific Railroad Company, be, and it hereby is, authorized to withdraw its agent at Weldona, Morgan County, Colorado, and to thereafter maintain same as a prepay 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hobson
Philip E. Paulson
Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ELVIN T. GOODSON, DOING BUSINESS AS,)
"GOODSON PLUMBING AND HEATING", 1114)
NORRIS AVENUE, MC COOK, NEBRASKA.)
-----)

PERMIT NO. M-13590

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elvin T. Goodson,
doing business as, "Goodson Plumbing & Heating", Mc Cook, Nebraska
requesting that Permit No. M-13590 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13590, heretofore issued to Elvin T. Goodson, doing
business as, "Goodson Plumbing & Heating", Mc Cook, Nebraska be,
and the same is hereby, declared cancelled effective September 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TONY JIRON, ROUTE 3 BOX 42, MONTROSE,)
COLORADO.)
)
)
)
-----)

PERMIT NO. M-8926

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tony Jiron,
Montrose, Colorado
requesting that Permit No. M-8926 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8926, heretofore issued to Tony Jiron,
Montrose, Colorado be,
and the same is hereby, declared cancelled effective September 24, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CECIL WAYNE PLOUCH, GENERAL DELIVERY,)
EVERGREEN, COLORADO.)
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PERMIT NO. M-7640

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cecil Wayne Plouch,
Evergreen, Colorado

requesting that Permit No. M-7640 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7640, heretofore issued to Cecil Wayne Plouch,
Evergreen, Colorado be,
and the same is hereby, declared cancelled effective September 28, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Henry E. Zullinger
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

CARL J. ROWAN, DOING BUSINESS AS,
"ROWAN CARPENTER SHOP", ROUTE #3,
STERLING, COLORADO.

PERMIT NO. M-13544

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl J. Rowan,
doing business as, "Rowan Carpenter Shop", Sterling, Colorado
requesting that Permit No. M-13544 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13544, heretofore issued to Carl J. Rowan,
doing business as, "Rowan Carpenter Shop", Sterling, Colorado be,
and the same is hereby, declared cancelled effective September 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOSE A. CATILLEJA, P. O. BOX 69,)
FREDERICK, COLORADO.)
)
)
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-----)

PERMIT NO. M-8611

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jose A. Catilleja,
Frederick, Colorado

requesting that Permit No. M-8611 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8611, heretofore issued to Jose A. Catilleja,
Frederick, Colorado be,
and the same is hereby, declared cancelled effective September 5, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm E. Zuley
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 197 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEONA H. LEGGETT, P. O. BOX 103,)
CASCADE, COLORADO.)
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PERMIT NO. M-7695

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leona H. Leggett,
Cascade, Colorado

requesting that Permit No. M-7695 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7695, heretofore issued to Leona H. Leggett,
Cascade, Colorado be,
and the same is hereby, declared cancelled effective August 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 195/ 60.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GORDON L. GILBERTSON, 1111 SOUTH)
SHERIDAN, DENVER 26, COLORADO.)
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-----)

PERMIT NO. M-7263

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gordon L. Gilbertson,
Denver 26, Colorado
requesting that Permit No. M-7263 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7263, heretofore issued to Gordon L. Gilbertson,
Denver 26, Colorado be,
and the same is hereby, declared cancelled effective September 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Wm. E. Zullinger
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK J. REHM, 902 DENVER AVENUE,)
FORT LUPTON, COLORADO.)
)
)
)
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-----)

PERMIT NO. M-4597

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank J. Rehm,
Fort Lupton, Colorado

requesting that Permit No. M-4597 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4597, heretofore issued to Frank J. Rehm,
Fort Lupton, Colorado be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RICHARD A. DURANT, 7090 RUTH WAY,)
DENVER 21, COLORADO.)
)
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)
)
-----)

PERMIT NO. M-2597

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Richard A. Durant,
Denver 21, Colorado
requesting that Permit No. M-2597 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2597, heretofore issued to Richard A. Durant,
Denver 21, Colorado be,
and the same is hereby, declared cancelled effective August 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
Wm. E. Zerk
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
OLGA H. TOWNER, 1430 SOUTH TEJON)
STREET, COLORADO SPRINGS, COLORADO.)
)
)
)
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-----)

PERMIT NO. M-2233

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Olga H. Towner,
Colorado Springs, Colorado
requesting that Permit No. M-2233 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2233, heretofore issued to Olga H. Towner,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective October 4, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEE WRIGHT, 805 NORTH BOULEVARD,)
GUNNISON, COLORADO.)

PERMIT NO. M-1719

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dee Wright,
Gunnison, Colorado
requesting that Permit No. M-1719 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1719, heretofore issued to Dee Wright,
Gunnison, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
 Ralph C. Fortson
 Henry E. Zerkow
 Commissioners

Dated at Denver, Colorado,

this 6th day of October, 1957 60.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT C. OVERTON, ALBERT B. CAMP-)
BELL, JR., AND BUD W. LIONBERGER,)
CO-PARTNERS, DOING BUSINESS AS)
"WESTERN FURNITURE & SUPPLY COMPANY,")
121 NORTH MAIN STREET, GUNNISON,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 17927-PP

October 3, 1960

Appearances: Phillip C. Klingsmith, Esq.,
Gunnison, Colorado, for
Applicant;
Jack Coleman, Gunnison, Colo-
rado, for Gunnison Truck
Line;
R. E. Turano, Denver, Colo-
rado, and
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, filed with the Commission on March 11, 1960, applicants herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of furniture, fixtures, appliances, and household furnishings, from any point within the State of Colorado, to the City of Gunnison, Colorado, and from the City of Gunnison, Colorado, to any point within the State of Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Gunnison, Colorado, July 19, 1960, due notice thereof being forwarded to all parties in interest.

On July 14, 1960, the Commission, as provided by law, desig-

nated 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 commencement of the hearing, applicants herein moved to amend their application, so that authority sought would be as follows:

"transportation of uncrated, used household goods and personal effects from any point within the State of Colorado, to the City of Gunnison, Colorado, and from the City of Gunnison, Colorado, to any point within the State of Colorado."

In view of said unopposed amendment, which was allowed, protestants withdrew their protests to the granting of authority herein sought.

Report of said Examiner further states that at the hearing, Albert B. Campbell, Jr., a co-partner of applicant partnership, appeared and testified in support of said amended application, stating that said partnership has been in the furniture and appliance business for four years; that applicants have the equipment necessary for moving of household goods; that they have a warehouse, and now store commodities herein involved; that there is no carrier in the area who maintains warehouse facilities, and who has all necessary equipment with which to render services herein proposed; that said partnership has sufficient net worth and experience to render said proposed service; that he has had numerous requests for said proposed service.

Four shipper witnesses appeared at the hearing in support of the instant application; however, in view of the amendment of said application, it was agreed not to present testimony of supporting witnesses, as some would only be cumulative in nature.

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

Findings of the Examiner are that applicant partnership has sufficient equipment, operating experience and financial net worth to render the proposed service, as sought by said amended application; that there is presently a need for such service; that the granting of authority as hereinafter set forth would not impair the efficient public service of any authorized motor vehicle common carrier operating in the territory sought to be served by applicants herein.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That applicants are qualified, financially and by experience to conduct their operations herein proposed, and that the granting of the instant application will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicants herein.

2. 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 be, and the same hereby is, approved.

That Robert C. Overton, Albert B. Campbell, Jr., and Bud W. Lionberger, co-partners, doing business as "Western Furniture & Supply Company," Gunnison, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uncrated, used household goods and personal effects, from any point within the State of Colorado, to the City of Gunnison, Colorado, and from the City of Gunnison, Colorado, to any point 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 applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured authority sheets.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,
this 3rd day of October, 1960.

mls

original

(Decision No. 55173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF)
VARIOUS CORPORATIONS, PARTNERSHIPS,)
AND/OR PERSONS TO COMPLETE APPLICA-)
TIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL (PRIVATE) CARRIERS BY)
MOTOR VEHICLE IN THE STATE OF COLO-)
RADO.)

October 4, 1960

S T A T E M E N T

By the Commission:

The records of the Commission show that the corporations, partnerships, and/or persons listed in the Order part of this decision have paid to the Commission a filing fee for a Commercial (private) Carrier Permit to operate over the highways of the State of Colorado.

The records of the Commission further show that said applicants have failed to complete their applications in one or more of the following particulars as required by the Rules and Regulations Governing Commercial Carriers by Motor Vehicle in Colorado:

- (a) Failure to file completed application.
- (b) Failure to file request for cab cards.
- (c) Failure to file, or have filed, certificate of insurance.

The records of the Commission further show that all of the applicants listed in the Order part of this decision have been duly notified by the Commission of their failure to comply with one or more of the above particulars.

F I N D I N G S

THE COMMISSION FINDS:

That the Statement should be made a part of these Findings.

That all of said proceedings heretofore instituted by the corporations, partnerships, and/or persons listed in the Order part of this decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That each of the application proceedings heretofore commenced by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial (private) carrier by motor vehicle over the highways of the State of Colorado, be, and the same hereby are, dismissed:

Carl W. Alvis	General Delivery, Greeley, Colo.
Anderson & Associates	Box 92A, Star Route, Littleton, Colo.
A. T. Bagley	Chesterfield Club, 4718 S. W. Central, Albuquerque, New Mexico
Caprock Fertilizer	Littlefield, Texas
George D. Crow	Box 351, Eads, Colo.
J. M. Crow Implement	Haxtun, Colo.
Davis Ranch Sales	Box 323, Ft. Morgan, Colo.
A. L. Emmerling	Hugo, Colo.
Empire Produce	175 Grape St., Denver 20, Colo.
Firestone Store #6732	3rd & Chestnut, Sterling, Colo.
Gate City Distributing Co.	Pocatello, Idaho
Ira Geter	126 Grove, Denver 19, Colo.
Herbert C. Gibson	2552 W. 56th, Denver 21, Colo.
Gus Golobe	11800 Wadsworth Blvd., Broomfield, Colo.
Nick Golobe	11800 Wadsworth Blvd., Broomfield, Colo.
Lydia Gregory	5750 Everett Ct., Arvada, Colo.
Travis R. Hannah	2024 Ross Ave., Dallas, Texas
Home Service Beverage Co.	126 E. Colorado Ave., Colo. Springs, Colo.
Hott Heating & Ventilating Service	2095 Hoyt St., Denver 15, Colo.
J & J Salvage	702 Rose Ct., Craig, Colo.
Clarence Scott Kelso	Box 701, Climax, Colo.
Kimball Produce	Kimball, Nebraska
James R. MacKay	Steamboat Springs, Colo.
George W. Manson & Son Trucking	5550 San Mateo Rd., Grants, New Mexico
J. C. McDonald	608 Miller St., Bowie, Texas
James L. McMahon	Box 313, Sidney, Nebraska
Mike's Plow Shop	Box 360, Center, Colo.
Monte Vista Furniture Mart	118 Adams, Monte Vista, Colo.
R. C. Morgan	2336 S. W. 33rd, Oklahoma City, Oklahoma
Nance Company Ltd.	Red Deer, Alberta, Canada
Northrup King & Co.	1621 W. 12th Ave., Denver 4, Colo.
Norton's Marina	Lake Granby, Colo.

Perk Dog Food Co.
Pierce Arrow Mobile Homes

L. R. Pittman
Rawson Distributing Co.
Red Top Drilling Co.
Robert C. Rider
Riverview Sales Co.
Benancio Rodriguez
Sampson Motor Co.
Wayne Schaeffer
Sioux City Dressed Beef Co.
Roy Stonesifer
Travel Queen Coaches, Inc.
Sam Webb's Auto Parts
L. D. Williams
W. H. Williams

1749 Chapain Rd., Los Angeles, Calif.
1310 Sheppard Access Rd., Wichita
Falls, Texas
4101 E. 11th St., Amarillo, Texas
494 Delaware Way, Sterling, Colo.
Box 666, Winfield, Kansas
2465 W. Argyle Place, Denver 11, Colo.
9759 St. Clair River Dr., Algonac, Mich.
Rt. 2, Box 172A, Loveland
Burley, Idaho
1416 E. 5th St. Loveland, Colo.
1911 Warrington Rd., Sioux City, Iowa
Box 1591, Vernon, Texas
1316 Railroad St., Corona, California
Box 708, Denver City, Texas
9444 Woodvine Ave., Baton Rouge, La.
Box 59, Walsh, Colo.

This Order shall become effective ten days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Ralph C. Hinton
August E. Helms
Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAY C. JOHNSON, DOING BUSINESS AS,)
"JOHNSONS SMOKE WAGON", 314 EAST 3RD)
STREET, JULESBURG, COLORADO.)
-----)

PERMIT NO. M-6627

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ray C. Johnson, doing
business as, "Johnsons Smoke Wagon", Julesburg, Colorado
requesting that Permit No. M-6627 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6627, heretofore issued to Ray C. Johnson, doing
business as, "Johnsons Smoke Wagon", Julesburg, Colorado be,
and the same is hereby, declared cancelled effective September 28, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ray C. Johnson
Wm. E. Zaulig
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
D AND J URANIUM AND EXPLORATION,)
CORPORATION, SUITE 219 BON DURANT)
BUILDING, PUEBLO, COLORADO.)
-----)

PERMIT NO. M-9916

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from D & J Uranium & Exploration, (Corporation), Pueblo, Colorado
requesting that Permit No. M-9916 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9916, heretofore issued to D & J Uranium & Exploration, (Corporation), Pueblo, Colorado be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zepher
Commissioners

Dated at Denver, Colorado,

this 6th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DAVID W. HAMM, P. O. BOX 449, ROCKY)
FORD, COLORADO.)

PERMIT NO. M-4262

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from David W. Hamm,
Rocky Ford, Colorado
requesting that Permit No. M-4262 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4262, heretofore issued to David W. Hamm,
Rocky Ford, Colorado be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Franklin C. Horton
Henry E. Zuckers
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1957 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES H. BURCH, DOING BUSINESS AS,)
"OILWELL OPERATING SERVICE", P. O.)
BOX 347, ALBION, MICHIGAN.)
-----)

PERMIT NO. M-8063

October 6, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James H. Burch, doing
business as, "Oilwell Operating Service", Albion, Michigan
requesting that Permit No. M-8063 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8063, heretofore issued to James H. Burch, doing
business as, "Oilwell Operating Service", Albion, Michigan be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD L. BERG, 7770 OLIVE)
STREET, DERBY, COLORADO.)

PERMIT NO. B-5557

October 6, 1960

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-5557 be suspended for six months from September 1, 1960.

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 Donald L. Berg, Derby, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5557 until March 1, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Horton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 19 60.

original

(Decision No. 55179)

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 INSTALL HIGHWAY-)
RAILWAY GRADE CROSSING PROTECTION)
DEVICES ON STATE HIGHWAY NO. 6 (U. S.)
50), AT TWO EXISTING CROSSINGS OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY TRACKS BETWEEN)
GRANADA AND HOLLY, PROWERS COUNTY,)
STATE OF COLORADO.)

APPLICATION NO. 17874

October 6, 1960

Appearances: Joseph M. Montano, Assistant
Attorney General, Denver,
Colorado, for Applicant;
J. L. McNeill, Denver, Colo-
rado, 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 parties in interest, to the owners of adjacent property and to the Chairman of the Board of Prowers County Commissioners, was set for hearing in the County Court Room, Court House, Pueblo, Colorado, on July 11, 1960. Said application was there heard by Edwin R. Lundborg, as a duly appointed Examiner for the Commission. Evidence was received, testimony taken, and the files, together with Examiner's Report and recommendations, were all submitted to the Commission, and the matter taken under advisement.

Purpose of the instant application is to secure Commission approval for the proposed rebuilding of two existing grade crossings and the installation of automatic flashing light signals as captioned

above. At the hearing, the following exhibits were received after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways at Denver, Colorado:

Exhibit A: Title page of project plans and sketch map to show extent of highway project and location of Santa Fe rail lines between Granada and Holly, Colorado.

Exhibit B: Plan sheet to show layout of crossing and wiring diagram for new flashing signal lights at Santa Fe Mile Post 1 plus 3205 feet.

Exhibit C: Plan sheet to show layout of crossing and wiring diagram for new flashing signal lights at Santa Fe Track No. 4, Station 11 + 89 feet.

Exhibit D: Prepared statement of Mr. King to further explain the items of location, agreements and approvals, need and statement of cost.

In the instant project, it is the intent of the Department of Highways to provide a better surface for U. S. Highway No. 50 between Granada and Holly, Colorado. Near the west City limits of Holly, a Santa Fe industry track No. 4 is crossed at grade by the present roadway. At approximately one mile west from Holly, the highway also crosses over Santa Fe Branch line track extending between Holly and Hartman. As a part of the highway improvement, it is proposed to widen the crossings and place automatic flashing light signals at each location to meet protection demands for constantly increasing traffic speeds and volumes. Rail traffic over the industry track amounts to two switching movements daily at low speeds; over the branch line track crossing, there is one scheduled train daily at 30 miles per hour maximum speed.

In the agreement relating to proposed construction, Santa Fe Railway will be reimbursed for all costs incidental to the crossing work and for 90% of the flashing signal costs. Maintenance, repair and operation of the crossings and automatic signals will be the re-

sponsibility of the Railway Company. Preliminary cost estimates are as follows:

1. Flashing light signals - Milepost 11+3205	- \$ 6,130
2. Flashing light signals - I.C.C. Station 11+89	- <u>4,990</u>
Sub-total	\$11,120
Less 10% Railway contribution	<u>1,112</u>
Estimated Cost to Department	\$10,008
Estimated Cost of Replanking Crossing	<u>2,976</u>
Total Cost to Department	\$12,984

In addition to the above agreement, approvals of the proposed work have been given by the Bureau of Public Roads and by the Chief Engineer, Colorado Department of Highways. Report of the Examiner also recommends that the requested authority be granted by appropriate Order of this Commission.

It appears further that no public utilities or adjacent property owners will be adversely affected; the files of the Commission indicate no protests to the proposed work, and no objections were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the Report of the Examiner should be approved.

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

That public safety, convenience and necessity will require the rebuilding of two existing highway-railroad grade crossings and the installation thereat of automatic flashing light signals on State Highway No. 6 (U. S. No. 50) at Second District Branch Line Mile Post 1 plus 3205 feet, and First District Industry Track No. 4, Station 11 plus 89 feet, near the east side of the City of Holly, Prowers County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner as submitted in the instant matter should be, and the same is hereby, approved.

That Applicant, The Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the rebuilding of two existing highway-railroad grade crossings and the installation thereof of automatic flashing light signals on State Highway No. 6 (U. S. No. 50) at Second District Branch Line Mile Post 1 plus 3205 feet, and First District Industry Track No. 4, Station 11 plus 89 feet, near the east side of the City of Holly, Prowers County, Colorado.

That the work to be done, costs, installation, and maintenance of the protection devices and improvement of the crossings, shall be as indicated in the preceding Statement; said Statement and Exhibits "A", "B", "C", and "D" are, by reference, made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Joseph C. Hutton
Alvin E. Paulsen
Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DARALD L. KNAPP AND VICTOR M.)
CASTLE, CO-PARTNERS, DOING BUSINESS)
AS "KNAPP AND CASTLE," 1088 SOUTH)
PATTON COURT, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-5720 TO VICTOR M. CASTLE, 1088)
SOUTH PATTON COURT, DENVER, COLORADO.)

APPLICATION NO. 18094-PP-Transfer

October 7, 1960

Appearances: Victor M. Castle, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Darald L. Knapp and Victor M. Castle, co-partners, doing
business as "Knapp and Castle," Denver, Colorado, are the owners and
operators of Permit No. B-5720, authorizing:

transportation of baled hay, baled straw, and
small grains, from point to point within a ra-
dius of one hundred and fifty miles of Denver,
Colorado;

transportation of feed, for Dannen Mills, Inc.,
Denver, Colorado, to and from points designated
by it, within applicants' presently-designated
radius of 150 miles of Denver, Colorado.

By the instant application, said permit-holder seeks author-
ity to transfer said Permit No. B-5720 to Victor M. Castle, Denver,
Colorado.

Said application was regularly set for hearing, and heard,
at the Hearing Room of the Commission, 532 State Services Building,
Denver, Colorado, October 3, 1960, with notice to all interested
parties, and was there taken under advisement.

It appears from the evidence that there are no debts in

the operation; that the net worth of the transferee is approximately \$15,000; that he is well qualified by experience, and is financially able to carry on the operations under said permit.

No one appeared in opposition to the proposed transfer.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Darald L. Knapp and Victor M. Castle, co-partners, doing business as "Knapp and Castle," Denver, Colorado, be, and they hereby are, authorized to transfer Permit No. B-5720 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Victor M. Castle, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said 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 transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Myers
Ralph C. Hutton
Henry E. Adams
Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT J. BURROUGHS AND HARRY)
BURROUGHS, CO-PARTNERS, DOING BUSI-)
NESS AS "BURROUGHS AND SON ASH AND)
RUBBISH REMOVAL," 1367 SOUTH DALE)
COURT, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 3483 TO)
DUANE KNAUS, 4435 UMATILLA STREET,)
DENVER, COLORADO.)

APPLICATION NO. 18095-Transfer

October 7, 1960

Appearances: McLean and McLean, Esqs.,
Denver, Colorado, for
Transferors and Trans-
feree.

S T A T E M E N T

By the Commission:

Robert J. Burroughs and Harry Burroughs, co-partners, doing
business as "Burroughs and Son Ash and Rubbish Removal," Denver, Colo-
rado, are the owners and operators of PUC No. 3483, authorizing:

transportation of ashes, trash, and other
refuse, between points within the City and
County of Denver, and from points within
the City and County of Denver, to regular-
ly-designated and approved dumps and dis-
posal places in the Counties of Adams,
Arapahoe, and Jefferson, State of Colorado.

By the instant application, said certificate-holders seek
authority to transfer said PUC No. 3483 to Duane Knaus, Denver, Colo-
rado.

Said application was regularly set for hearing, and heard,
at the Hearing Room of the Commission, 532 State Services Building,
Denver, Colorado, October 3, 1960, with notice to all interested
parties, and was there taken under advisement.

It appears from the evidence that the purchase price of

said certificate is \$7,500, \$1,500 of which has been paid, the balance to be paid at the rate of \$150.00 per month, or more, and bear interest at the rate of 6% per annum, the first payment to commence on September 15, 1960; that the transferee is well qualified by experience, and is financially able to carry on the operations under said certificate.

No one appeared in opposition to the proposed transfer.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Robert J. Burroughs and Harry Burroughs, co-partners, doing business as "Burroughs and Son Ash and Rubbish Removal," Denver, Colorado, be and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3483 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Duane Knaus, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

part of the Commission, 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. Regis
Ralph C. Horton
Henry E. Zulengo
Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. D. KISNER, 1430 SOUTH NAVAJO)
STREET, DENVER, COLORADO, FOR AUTHOR-) APPLICATION NO. 18096-Transfer
ITY TO TRANSFER PUC NO. 3690 TO JOE)
P. MITCHELL, 8700 EAST MISSISSIPPI,)
DENVER, COLORADO.)

October 7, 1960

Appearances: E. D. Kisner, Denver,
Colorado, pro se;
Joe P. Mitchell, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

E. D. Kisner, Denver, Colorado, is the owner and operator
of PUC No. 3690, authorizing:

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

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 3690 to Joe P. Mitchell, Denver,
Colorado.

Said application was regularly set for hearing, and heard,
at the Hearing Room of the Commission, 532 State Services Building,
Denver, Colorado, October 3, 1960, with notice to all interested
parties, and was there taken under advisement.

It appears from the evidence that the transferee is well
qualified by experience; that he has a net worth of approximately
\$2,700; that the consideration for the certificate is \$715, of which

\$25.00 has been paid, and that the balance of \$690.00 is to be paid if and when the transfer is approved by the Commission.

No one appeared in opposition to the proposed transfer.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That E. D. Kisner, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3690 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Joe P. Mitchell, 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 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 F. Negro
Robert C. Hohn
Paul G. Adams
Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THERON B. HOOKER, DOING BUSINESS AS
"DERBY CAB COMPANY," 380 NORTH SIXTH
AVENUE, BRIGHTON, COLORADO, FOR AU-
THORITY TO TRANSFER PUC NO. 3079 TO
EDNA L. HOOKER, 7360 ONEIDA, DERBY,
COLORADO.

APPLICATION NO. 18097-Transfer

October 7, 1960

Appearances: Walter M. Simon, Esq., Denver,
Colorado, for Transferee.

S T A T E M E N T

By the Commission:

Theron B. Hooker, doing business as "Derby Cab Company,"
Brighton, Colorado, is the owner and operator of PUC No. 3079,
authorizing:

transportation of passengers from point to
point within an area bounded on the south
by East 56th Avenue; Colorado Boulevard on
the west, East 80th Avenue on the north and
Quebec Street on the east, and from and to
points within said area to and from points
within a zone ten miles wide surrounding
said area, within the specific exclusion of
business originating within the boundaries
of the City and County of Denver.

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 3079 to Edna L. Hooker, Derby,
Colorado.

Said application was regularly set for hearing, and heard,
at the Hearing Room of the Commission, 532 State Services Building,
Denver, Colorado, October 3, 1960, with notice to all interested
parties, and was there taken under advisement.

It appears that Theron B. Hooker, owner of PUC No. 3079,

was sued for divorce by his wife, Edna L. Hooker, and the Court awarded said certificate to Edna L. Hooker, the transferee herein, as a settlement.

It also appears that the transferee is well qualified by experience and is financially able to carry on the operations under said certificate.

No one appeared in opposition to the proposed transfer.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Theron B. Hooker, doing business as "Derby Cab Company," Brighton, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3079 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Edna L. Hooker, Derby, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said 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 Com-

mission, 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. Nigro
Ralph C. Stanton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 7th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED DAVIS FURNITURE COMPANY, 1501)
LARIMER STREET, DENVER 2, COLORADO.)
)
)
)
-----)

PERMIT NO. M-2435

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred Davis Furniture
Company, Denver 2, Colorado
requesting that Permit No. M-2435 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2435, heretofore issued to Fred Davis Furniture
Company, Denver 2, Colorado be,
and the same is hereby, declared cancelled effective October, 31, 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 13th day of October, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SOUTH DENVER RADIO AND TELEVISION)
SERVICE, INCORPORATED, 2376 SOUTH)
DOWNING STREET, DENVER 10, COLORADO.)
_____))
_____)

PERMIT NO. M-544

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from South Denver Radio
and Television, Inc., Denver 10, Colorado
requesting that Permit No. M-544 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-544, heretofore issued to South Denver Radio and
Television, Inc., Denver 10, Colorado be,
and the same is hereby, declared cancelled effective September 21, 1960.,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 13th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

UNITED FRYER AND STILLMAN, INC-)
CORPORATED, 5300 FRANKLIN STREET,)
DENVER 16, COLORADO.)
-----)

PERMIT NO. M-9606

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from United Fryer and Stillman, Inc., Denver 16, Colorado
requesting that Permit No. M-9606 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9606, heretofore issued to United Fryer and Stillman, Inc., Denver 16, Colorado be,
and the same is hereby, declared cancelled effective July 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Johnson
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 13th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
UNITED FRYER AND STILLMAN,)
INCORPORATED, 5300 FRANKLIN)
STREET, DENVER 16, COLORADO.)

PUC NO. 4503-I

October 13, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from United Fryer and Stillman, Inc., Denver 16, Colorado

requesting that Certificate of Public Convenience and Necessity No. 4503-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. 4503-I heretofore issued to United Fryer and Stillman, Inc., Denver 16, Colorado

be, and the same is hereby, declared cancelled effective July 25, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Wm. E. Zulauf
Commissioners

Dated at Denver, Colorado,

this 13th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLEN, KEN AND PAUL S. GRAMLICH,)
DOING BUSINESS AS, "SKYLINE DEVELOP-)
MENT COMPANY", 164 EAST CENTER STREET,)
MOAB, UTAH.)
-----)

PERMIT NO. M-13391

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen, Ken and Paul S. Gramlich, doing business as, "Skyline Development Company", Moab, Utah requesting that Permit No. M-13391 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13391, heretofore issued to Glen, Ken and Paul S. Gramlich, doing business as, "Skyline Development Company", Moab, Utah be, and the same is hereby, declared cancelled effective September 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Gordon
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,
this 13th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BOISE PAYETTE LUMBER COMPANY, DOING)
BUSINESS AS, "TRI STATE LUMBER COM-)
PANY", HAYDEN, COLORADO.)
-----)

PERMIT NO. M-395

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Boise Payette Lumber Company, doing business as, "Tri State Lumber Company", Hayden, Colorado requesting that Permit No. M-395 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-395, heretofore issued to Boise Payette Lumber Company, doing business as, "Tri State Lumber Company", Hayden, Colorado be, and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
James C. Hobart
Wm. E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 13th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

GLENN WESTWOOD, 609 YORK AVENUE,)
YORK, NEBRASKA.)

PUC NO. 3326-I

October 13, 1960

S T A T E M E N T

By the Commission:

On April 18, 1960, the Commission authorized Glenn Westwood to suspend operations under his Certificate No. 3326-I, until October 18, 1960.

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

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3326-I, should be, and the same hereby is, reinstated as of October 3, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Henry E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 13th day of October, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY PANARISO, 1900 NORWOOD,)
PUEBLO, COLORADO.)
)
)
-----)

PERMIT NO. B-5754

October 13, 1960

S T A T E M E N T

By the Commission:

On April 28, 1960, the Commission authorized Tony Panariso to suspend operations under his Permit No. B-5754, until October 28, 1960.

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

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-5754, should be, and the same hereby is reinstated as of October 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Wm. E. Zurlungo
Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
SAM SMITH, DOING BUSINESS AS,)
"PEOPLE'S HARDWARE COMPANY", P. O.)
BOX 106, CENTER, COLORADO.)
-----)

PERMIT NO. M-11283

October 13, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sam Smith, doing
business as, "People's Hardware Company", Center, Colorado
requesting that Permit No. M-11283 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11283, heretofore issued to Sam Smith, doing bus-
iness as, "People's Hardware Company", Center, Colorado be,
and the same is hereby, declared cancelled effective October 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. BEAUFORD, 200 LAWTON,)
HEREFORD, TEXAS.)

PUC NO. 2051-I

October 13, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. E. Beauford,
Hereford, Texas

requesting that Certificate of Public Convenience and Necessity No. 2051-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. 2051-I heretofore issued to C. E. Beauford,
Hereford, Texas

be, and the same is hereby, declared cancelled effective September 30, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Wm. E. Zerkow
Commissioners

Dated at Denver, Colorado,

this 13th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
D. E. LANHAM, DALE E. LANHAM AND EARL)
DEAN LANHAM, DOING BUSINESS AS,)
"LANHAM AND SONS", GRAINFIELD,)
KANSAS.)
-----)

PERMIT NO. M-11276

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from D. E. Lanham, Dale E. Lanham and Earl Dean Lanham, doing business as, "Lanham and Sons", Grainfield, Kansas requesting that Permit No. M-11276 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11276, heretofore issued to D. E. Lanham, Dale E. Lanham and Earl Dean Lanham, dba "Lanham and Sons", Grainfield, Kansas be, and the same is hereby, declared cancelled effective September 18, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zepher
Commissioners

Dated at Denver, Colorado,

this 20th day of October, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HARRY W. HARDING, DOING BUSINESS AS,)
"HARRIS WATER SERVICE", P. O. BOX 2,)
FORT COLLINS, COLORADO.)
-----)

PERMIT NO. M-11205

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry W. Harding,
doing business as, "Harris Water Service", Fort Collins, Colorado
requesting that Permit No. M-11205 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11205, heretofore issued to Harry W. Harding,
doing business as, "Harris Water Service", Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective October 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zalusky
Commissioners

Dated at Denver, Colorado,

this 20th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MALLARD COACH CORPORATION, P. O. BOX)
313, WEST BEND, WISCONSIN.)

PERMIT NO. M-1998

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mallard Coach Corp.,
West Bend, Wisconsin

requesting that Permit No. M-1998 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1998, heretofore issued to Mallard Coach Corporation,
West Bend, Wisconsin be,
and the same is hereby, declared cancelled effective October 2, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Woodson
Wm. E. Zarling
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TROY CARR, DOING BUSINESS AS,
"COLLEGE MARKETERIA", 650 SOUTH
COLLEGE, FORT COLLINS, COLORADO.
-----)

PERMIT NO. M-14330

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Troy Carr, doing
business as, "College Marketeria", Fort Collins, Colorado
requesting that Permit No. M-14330 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14330, heretofore issued to Troy Carr, doing business
as, "College Marketeria", Fort Collins, Colorado be,
and the same is hereby, declared cancelled effective October 8, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Wood
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 20th day of October, 1960.

original

(Decision No. 55198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE BASIS FOR ONE-WAY AND ROUND-TRIP)
TAXICAB CHARGES IN THE CITY AND)
COUNTY OF DENVER, COLORADO, AND BE-)
TWEEN POINTS IN THE CITY AND COUNTY)
OF DENVER AND POINTS IN THE METRO-)
POLITAN AREA OF DENVER, TOGETHER)
WITH RULES AND REGULATIONS.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 435
SUPPLEMENTAL ORDER

October 10, 1960

Appearances: Walter M. Simon, Esq., Denver,
Colorado, and
Charles Graham, Esq., Denver,
Colorado, for Yellow Cab
Company, Inc.;
Brian H. Goral, Assistant City
Attorney, City and County of
Denver, Denver, Colorado,
appearing as an interested
party;
Thomas S. Wood, Denver, Colo-
rado,
Henry E. Jobes, Denver, Colo-
rado,
Samuel J. Philippone, Denver,
Colorado, and
A. J. Tait, Denver, Colorado,
for the Staff of the Commis-
sion.

S T A T E M E N T

By the Commission:

On the 16th day of September, 1960, the Commission issued
its Decision No. 55090 in the above-styled matter, denying the appli-
cation of the several taxicab companies in the City and County of Den-
ver for an increase in rates for passenger service.

On the 3rd day of October, 1960, Applicant, Yellow Cab, Inc.,
filed its "Petition for Rehearing," alleging, inter alia, that this
Commission failed to make a finding as to the adequacy of driver earn-
ings, and for rehearing on the general grounds of abuse and discretion.

After carefully reviewing the files of the Commission and the evidence adduced at the hearing, and our Decision No. 55090, we note that this Commission stated, on Page 6 of said Decision:

"The problem of remuneration for the drivers, however, in the situation here affected is a matter within the exclusive powers of the Union and Management."

It is the opinion of this Commission that this statement fully and completely disposes of the question of adequacy of the earnings of the drivers, who are independent contractors.

In other respects, this Commission is of the opinion that there is sufficient evidence to support its Findings, and that the Petition for Rehearing should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing, filed with the Commission on October 3, 1960, by Applicant, Yellow Cab, Inc., in the above-styled matter, should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing, filed in the above-styled matter on October 3, 1960, by Applicant, Yellow Cab, Inc., by its Attorneys, 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 L. Nigro
Ralph C. Norton
Demetrius Zarkov
Commissioners.

Dated at Denver, Colorado,
this 10th day of October, 1960.

mls

original

(Decision No. 55199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE ISSUANCE OF)
TEMPORARY CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY, UNDER)
CHAPTER 115, SESSION LAWS OF)
COLORADO, 1953, FOR EMERGENCY)
MOVEMENT OF ONIONS AND VINE CROPS,)
IN THE STATE OF COLORADO.)

APPLICATION NO. 18072
SUPPLEMENTAL ORDER

October 3, 1960

S T A T E M E N T

By the Commission:

On September 1, 1960, the Commission entered its Decision No. 55022, authorizing issuance of temporary certificates of public convenience and necessity for the operation of motor vehicles for transportation of onions and vine crops, to markets or places of storage, in the Counties of Baca, Prowers, Bent, Otero, Crowley, and Pueblo, State of Colorado, said certificates to be effective September 2, 1960, and to continue in force up to and including October 2, 1960.

Report has now been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of the Commission, to the effect that said emergency will continue to exist in the matter of trucks for transportation of said crops in said Counties in the State of Colorado, for an additional month, to and including November 2, 1960.

Request is made for an Order of this Commission relative to the continued issuance of temporary certificates of public convenience and necessity for seasonal transportation of onions and vine crops in the counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

That an emergency continues to exist because of the shortage in certificated trucks for transportation of onions and vine crops in the Counties of Baca, Prowers, Bent, Otero, Crowley, and Pueblo, Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of said crops, to market or places of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective October 3, 1960, and to continue in force up to and including November 2, 1960.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to continue to be issued for the operation of motor vehicles, for transportation of onions and vine crops, to markets or places of storage in the Counties of Baca, Prowers, Bent, Otero, Crowley, and Pueblo, Colorado, said certificates to be effective October 3, 1960, and to continue in force up to and including November 2, 1960, no such certificate to issue for transportation of such crops by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Harold C. Holton
Henry G. Mulvey
Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1960.
mls

original

(Decision No. 55200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION,)
INC., 316 WEST 15TH STREET, PUEBLO,)
COLORADO, FOR AN ORDER CONSOLIDATING)
AND CHANGING ITS RATE SCHEDULES TO)
BE CHARGED FOR THE SALE OF ELECTRI-)
CAL ENERGY.)

APPLICATION NO. 17750
SUPPLEMENTAL ORDER

October 13, 1960

Appearances: Preston and Altman, Esqs.,
Pueblo, Colorado, by
Leo S. Altman, Esq., for
Applicant;
Ivan M. Denton, Harriet B.
Denton, and
George Marquardt, Cuchara,
Colorado, pro se, and
for Cuchara Association;
John Boccacio, Aguilar,
Colorado, for Aguilar
Booster Club;
Howard Melvin, Aguilar,
Colorado, pro se;
P. M. Brown, Denver, Colo-
rado, for the Staff of
the Commission.

S T A T E M E N T

By the Commission:

On September 16, 1960, the Commission entered its Decision
No. 55085 in the above-styled application.

On October 5, 1960, "Petition for Rehearing" was filed with
the Commission by Albert J. Tomsic, Attorney for Ivan M. Denton and
Harriet B. Denton, individually, and representing Cuchara Association.

The Commission has re-examined the record and evidence in
said matter, and is unable to find anything therein to justify the
granting of said Petition for Rehearing.

The attention of the Commission has been directed to the

fact that two typographical errors appear on Page 9 of said Decision No. 55085.

F I N D I N G S

THE COMMISSION FINDS:

That no useful purpose would be served by granting rehearing herein, and that said Petition for Rehearing filed on October 5, 1960, should be denied.

That Decision No. 55085 should be amended, nunc pro tunc, as of the 16th day of September, 1960, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:


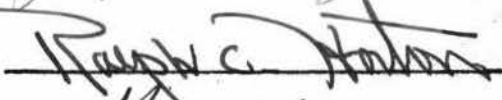

That Petition for Rehearing filed with the Commission in the above-styled matter on October 5, 1960, by Albert J. Tomsic, Attorney for Ivan M. Denton and Harriet B. Denton, individually, and representing Cuchara Association, be, and the same hereby is, denied, as of the day and date of this Order.

That Decision No. 55085, of date September 16, 1960, be, and the same hereby is, amended, nunc pro tunc, as of said 16th day of September, 1960, by striking the word "annual," appearing in the second line of the last paragraph on Page 9 of said Decision, and inserting in lieu thereof, the word "average," and by striking the figure "\$72,000," appearing in the fifth line of said last paragraph on Page 9 of said Decision, and inserting in lieu thereof, the figure "\$72.00," so that the first two sentences of said last paragraph appearing on Page 9 of Decision No. 55085, as amended, shall read as follows:

"According to brief studies made by San Isabel to develop the investment per customer, it was found the average investment for rural residential users required \$916 per customer. If the fixed charges alone do not exceed 8%, the annual cost per customer on this basis would amount to approximately \$72.00."

That, except as herein amended, said Decision No. 55085
shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1960.

mls

original

(Decision No. 55201)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND)
REGULATIONS GOVERNING ELEC-)
TRIC UTILITIES.)

CASE NO. 5192

IN THE MATTER OF RULES AND)
REGULATIONS GOVERNING GAS)
UTILITIES.)

CASE NO. 5193

November 1, 1960

Appearances: Philip A. Rouse, Esq., Denver,
Colorado, for Colorado Cen-
tral Power Company;
William L. Douglas, Englewood,
Colorado, for Colorado Cen-
tral Power Company;
Bryant O'Donnell, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
Richard S. Brown, Greeley, Colo-
rado, for Home Light and Power
Company;
L. K. Christolear, Lamar, Colo-
rado, for the City of Lamar,
Colorado, Electric Department;
Robert C. McHugh, Colorado
Springs, Colorado, for Natural
Gas Producers, Inc.;
Preston and Altman, Esqs.,
Pueblo, Colorado, for Southern
Colorado Power Company, San
Isabel Electric;
James C. Livesay, Englewood,
Colorado, for Colorado Central
Power Company;
L. J. Baudino, Montrose, Colo-
rado, for Western Colorado
Power Company;
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of the
Commission.

S T A T E M E N T

By the Commission:

On August 17, 1960, the above-styled proceedings were in-
stituted by the Commission, on its own motion.

Said matters, pursuant to prior setting, after appropriate notice to all parties in interest, were heard, on a consolidated basis, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, commencing at ten o'clock A. M., September 16, 1960, and at the conclusion of the hearing, said matters were taken under advisement.

At the hearing, all of the parties stipulated that they had received copies of the Rules and Regulations, as proposed by the Staff of the Commission; that they had participated in conferences and discussions in the formulation of these said proposed Rules and Regulations with members of the Staff of the Commission, and that they had adequate opportunity to become fully advised as to the contents of said Rules and Regulations.

The proposed Rules and Regulations were introduced into evidence and examined by all parties. All participating parties had the opportunity to criticize all of said Rules and Regulations, and to make suggestions thereon.

Several suggestions were received into the record from various participating parties, and comments by counsel or interested participants were allowed.

After reviewing all of the proposed Rules and Regulations, the comments thereon by interveners, and reviewing the suggestions of all participating parties for changes in said Rules and Regulations, and being fully advised in the premises,

F I N D I N G S

THE COMMISSION FINDS:

That the Rules and Regulations hereto annexed as "Exhibit A," and incorporated herein as fully as if the same were recited in words and figures, are just and reasonable, and compatible with the public interest, and should be adopted by the Commission. It is to be noted that these Rules and Regulations differ in several particulars

from Rules and Regulations as originally proposed by the Staff of the Commission, taking into consideration changes that were suggested by intervening parties, which the Commission deems to be salutary. Principally, among these changes is a rule permitting the Commission, on good cause shown, to allow deviations.

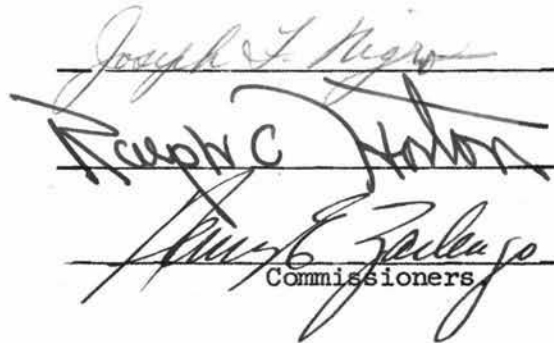
O R D E R

THE COMMISSION ORDERS:

That the Rules Regulating the Service of Gas and Electric Utilities, annexed hereto as "Exhibit A," be and become the Rules of The Public Utilities Commission of the State of Colorado, regulating the service of Gas and Electric Utilities within the State of Colorado.

This Order shall become effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1960.

mls

THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES REGULATING THE SERVICE OF
GAS AND ELECTRIC UTILITIES

EFFECTIVE JANUARY 1, 1961

RULE 1.

Application of Rules:

(a) The following rules shall apply to any person, co-partnership, firm, corporation, their lessees, trustees, or receivers appointed by any court, now or hereafter engaged in the business of a public utility furnishing gas or electricity to domestic, commercial or industrial customers, operating under the jurisdiction of The Public Utilities Commission of the State of Colorado.

(b) The adoption of these rules shall in no way preclude the Commission from altering or amending the same in whole or in part or from requiring any other additional service equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility. In special cases, for good cause shown, not contrary to statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impossible, impracticable or unnecessary. If, for good cause shown, any utility is permitted a deviation from any of these rules, such modified rules as authorized by the Commission shall be set forth in the filed tariffs of the utility. Furthermore, these rules shall not in any way relieve any utility from any of its duties under the laws of this State.

RULE 2.

Definitions:

(a) The word "Utility" as used in these rules shall be construed to mean any person, co-partnership, firm, corporation, whether privately owned or otherwise, when subject to the jurisdiction of this Commission, their lessees, trustees or receivers appointed by any court whatsoever that may now or hereafter be engaged as a public utility in the business of furnishing gas, or electricity, to domestic, commercial, or industrial customers in the State of Colorado.

(b) The word "Commission" as used in these rules shall be construed to mean The Public Utilities Commission of the State of Colorado.

(c) The word "Customer" as used in these rules shall be construed to mean any person, group of persons, co-partnership, firm, corporation, institution, any agency of the Federal, State or local governments, their lessees, trustees, or receivers appointed by any court, contracting for gas or electric service from any utility for consumptive domestic, commercial, or industrial use, or at wholesale.

(d) The word "Gas" as used in these rules shall, unless otherwise specifically designated, be construed to mean manufactured gas, natural gas, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed or furnished by any gas utility.

RULE 3.

Operating Schedules and Interruptions of Service:

(a) Each utility shall adopt an operating schedule, and shall report the same, or any changes therein, to this Commission, indicating in any case where service is not rendered continuously, the time at which service is commenced, and the time at which it is discontinued. Any changes in such operating schedules shall be made only with the approval of this Commission. The operating schedules may be filed as a part of the utility rate schedules.

(b) Each utility shall keep a record of all interruptions of service upon its entire system or major divisions thereof, including a statement of the time, duration and cause of any such interruption. Each utility shall, except for stations operated without attendants, also keep a record of the time of starting up or shutting down the central station or sub-station generating, transforming or compressing equipment, and the period of operation of all regulators used for the maintenance of constant gas pressure, or constant voltage of electricity supplied. This record shall include the readings taken periodically of station meters and switchboard instruments, which readings shall be taken with such frequency as the utility or the Commission may from time to time require.

(c) The record of interruptions of service and a statement of the operating schedules of the utility shall be open at all times to the inspection of the duly authorized representatives of this Commission.

(d) All records under this rule shall be retained by the utility for a period of three years.

RULE 4.

Inspection of Plant and Equipment:

Each utility shall inspect its plant and distributing equipment and facilities in such manner and with such frequency as is in accord with good practice, in order that the same may be maintained in proper condition for use in rendering safe and adequate service.

RULE 5.

Testing Facilities:

(a) Each utility shall provide such laboratory, meter testing shop and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of this Commission. The apparatus and equipment so provided shall be of a form acceptable to this Commission, and it shall at all times be available for the inspection and use, on the premises of the utility, of the authorized representatives of this Commission; provided, however, that any natural gas utility rendering natural gas service to customers located partially within and partially without the State of Colorado, and where over 50% of its customers are outside the State of Colorado, the utility need maintain only meter testing equipment and facilities in Colorado, so long as the remainder of the apparatus, equipment and facilities herein provided for is maintained by it in a state contiguous to Colorado.

(b) Each utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as may be approved by this Commission.

RULE 6.

Records of Tests and of Meters:

(a) A "meter record card" shall be maintained on each meter owned or used by the utility. Such records shall show the date of purchase, manu-

facturer's serial number, record of the present location, and date and results of the last test performed by the utility, which record shall be retained for the life of the meter.

(b) Whenever a meter is tested either on request or upon complaint the test record shall include the information necessary for identifying the meter, the reason for making the test, the reading of the meter if removed from service, the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the methods employed and the calculations made. Such record shall be retained for a period of two years.

RULE 7.

Accidents:

(a) Each utility shall, as soon as possible, report to this Commission each accident happening in connection with the operation of its property, facilities or service, wherein any person shall have been killed or seriously injured, or whereby any serious property damage shall have resulted. Such report to this Commission shall describe in detail:

- (1) Date, time, place, location
- (2) Extent of injuries and other damage
- (3) Names of all parties involved
- (4) Type of accident

In addition to the above, all utilities shall immediately upon the setting of any formal investigation of the accident, notify the Commission of the date, time and place of such investigation.

(b) All accident reports submitted to the Commission by the Utility shall be treated by the Commission, its staff and employees as confidential and shall not be made available to the public.

RULE 8.

Complaints:

Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission, and it shall keep a record of all written complaints received which shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof. This record shall be open at all times to the inspection of the duly authorized representatives of this Commission, and unless otherwise specified in these rules shall be retained by the utility for a period of two years.

RULE 9.

Information for Customers:

(a) Each utility shall at any time, on request, give its customers such information and assistance as is reasonably possible in order that customers may secure safe and efficient service and may secure lamps and appliances properly adapted to the service furnished. Each utility shall inform each customer of any such change made or proposed to be made in any condition as to its service as would affect the efficiency of the service or the operation of the appliances or equipment which may be in use by said customer.

(b) Each utility supplying metered service, on request, shall explain to its customers the method of reading meters.

RULE 10.

Meter Readings and Bill Forms:

(a) Each service meter shall indicate clearly the cubic feet, kilowatt hours or other units of service for which charge is made to the customer. In cases where the dial reading of a meter (other than an orifice or other chart-type gas meter) must be multiplied by a factor, factors or a constant to obtain the units consumed, the proper factor, factors or constant to be applied shall be clearly marked on the face or dial of the meter if practical. The factor, factors or constant shall be clearly marked on the customer's bill.

(b) Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customer, to leave upon such meter the first time such customer's meter is read after receipt of such request a card or slip showing the date and time such reading was taken, and either the total reading expressed in cubic feet, kilowatt hours, or other unit of service recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.

(c) All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the date on which the current reading was taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bill is based, including factors and/or constants mentioned in (a) above.

RULE 11.

Meter Rentals, and Customer Deposits:

(a) No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered.

(b) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility. Simple interest shall be paid by the utility upon such deposits at the rate of five per cent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months or dollars of principal.

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and

(4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

(e) Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.

RULE 12.

Filing of Rate Schedules, Rules and Regulations:

(a) Copies of all schedules of rates and individual contracts for service, forms of routine contracts, charges for service connections and extensions of lines and of all rules and regulations covering the relations of customer and utility shall be filed by each utility in the office of this Commission.

(b) ADVICE NOTICES:

Advice Notices, numbered serially, shall accompany each tariff sheet filing with the Commission. This notice shall list all sheets included in the filing by number and showing the sheet or sheets, if any, being cancelled. The purpose of the filing shall be explained in a brief statement as well as a statement concerning the extent to which customers will be affected by such filing. The Advice Notice shall be in substantially the following form:

NAME OF PUBLIC UTILITY

ADVICE NO. _____

DATE _____

The Public Utilities Commission
of the State of Colorado
State Services Building
1525 Sherman Street
Denver 2, Colorado

The accompanying tariff sheet (s) issued by

_____ (name of utility) is (are) sent you for

filing in compliance with the requirements of the

Public Utilities Law:

Colo. P.U.C. No. _____ Electric
Gas

(tabulate sheets attached as follows:)

Colo. P.U.C.	Title of	Cancels Colo. P.U.C.
<u>Sheet Number</u>	<u>Sheet</u>	<u>Sheet Number</u>

ETC.

(Here give purposes to be accomplished by the filing and direct attention generally to the changes being made; also, state the amounts, if any, by which the utility's revenues will be affected. If customers are not adversely affected, so state.)

It is desired that this filing shall become effective on statutory (30 days) notice. (If special short term authority has been sought, pursuant to Rule 17 B (2) of the Commission's Rules of Practice and Procedure, appropriately change language.)

(Name and title of issuing officer)

(c) REVISED TARIFF SHEETS:

Each tariff sheet, not an original, shall be designated 1st revised sheet No. _____ cancels original sheet No. _____ or 2nd revised sheet No. _____ cancels 1st revised sheet No. _____, etc., shall direct attention to the changes contained therein by the use of suitable symbols in the right margin. These symbols may be "I" increase, "D" decrease, "C" change in text, "N" new text, etc. On a contents or index page the utility shall show the meaning of the symbols used by it to point out changes contained in its revised tariff filings.

If a tariff sheet is issued under a specific authority or decision of this Commission, each sheet so affected shall show the correct number in the space provided at the foot of the sheet.

(d) NUMBER OF COPIES TO BE FILED:

An original and one copy of each advice letter and tariff sheet shall be filed. The copy will be stamped as filed and returned to the utility.

NOTE: The utility may file as many additional copies as it wishes which will also be stamped and returned.

(e) Schedules of rates, forms of contracts and rules and regulations as filed with the Commission and available in the territory concerned shall also be on file in the local office of the utility and shall be open to inspection by the public during regular business hours.

(f) If the reasonableness of any charge, rule, regulation or practice of any utility with reference to service connections or extensions, or of any rule covering the relations between customer and utility, is challenged, the Commission may, upon complaint and investigation, prescribe the proper charge, rule, regulation or practice which shall thereafter be followed.

RULE 13.

Discontinuance of Service:

(a) No utility shall discontinue the service of any customer for violation of any rule of such utility except upon written notice of at least five days, advising the customer in what particular such rule has been violated for which service will be discontinued. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage or short circuit on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner.

RULE 14.

Meters and Service Connections:

(a) All meters used in connection with gas and electric metered service shall be furnished, installed and maintained at the expense of the utility.

(b) Any equipment, devices, or facilities furnished at the expense of the utility or on which the utility bears the expense of maintenance and renewal shall remain the property of the utility and may be removed by it at any time after discontinuance of service.

(c) Service connections to the customer's premises in the case of aerial equipment of electric utilities, and to the customer's property line in case of gas and to the point of connection with the utilities facilities in the case of underground electric, shall be installed and maintained at the expense of the utility. This rule shall not apply when unusual conditions are encountered, or to very long service connections. When such special cases arise, the Commission will, if necessary, prescribe the proper charge.

RULE 15.

Practice Under These Rules to be Filed:

Each utility shall file with this Commission within four months after receipt of this order, a statement, typewritten, properly identified and dated, on 8½ x 11 sheets, describing its practice under these rules as follows:

(1) Description of test methods employed and frequency of tests or observations for determining quality, voltage, and pressure of gas or electric service furnished.

(2) Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) Rules covering testing and adjustment of service meters when installed and periodic tests after installation.

Revisions in any portion of this statement after filing will necessitate the filing of an entire new statement, properly identified and dated, cancelling the one on file.

RULE 16.

Reports to Commission:

Each utility shall make special reports at such time and in such form as the Commission may from time to time require.

RULE 17.

Microfilming of Records:

Nothing in these rules shall prevent any utility from microfilming any records it desires, provided that the microfilm shall be retained by the utility for the same period of time as specified for the original records.

SPECIAL RULES

GAS

MANUFACTURED, NATURAL, HYDROCARBON and/or MIXED

RULE 18.

Construction Requirement:

The measuring stations, transmission lines, distribution lines, customer's meters and services and any other plant equipment shall be constructed, installed and maintained in accordance with accepted good practice.

RULE 19.

Definition of a Cubic Foot of Gas:

(a) For the purpose of testing gas under these rules, a cubic foot of gas means that amount of gas which when saturated with water vapor at a temperature of sixty degrees (60°) Fahrenheit and subjected to an absolute pressure equal to thirty inches (30") of mercury, at thirty-two degrees (32°) Fahrenheit, (14.73 pounds per square inch) occupies a volume of one (1) cubic foot.

(b) Sales, Low Pressure Distribution. For the purpose of measurements of gas to a customer taking gas at standard distribution pressure, a cubic foot of gas means the amount of gas which occupies a volume of one (1) cubic foot at the time metered and under the conditions existing at the customer's meter.

(c) Sales, High or Intermediate Pressure Distribution. In cases where gas is supplied to customers through orifice or other type meters at other than standard distribution pressure a cubic foot of gas shall be taken to be that amount of gas which occupies a volume of one cubic foot at the billing temperature and pressure of the utility as filed with the Commission.

RULE 20.

Heating Value of Gas:

(a) Each utility supplying gas for domestic, commercial or industrial purposes shall establish and maintain either a standard or a minimum heating value for its product. The standard shall be the monthly average total heating value determined by tests of the gas taken from such point or points on the distribution system and at such test frequencies as are reasonably necessary for a proper determination. The minimum shall be the lowest monthly average total heating value of gas supplied by the utility in any

given service area. The utility shall declare such standard or such minimum, expressed in Btu per cubic foot, as a part of its schedule of rates on file with this Commission.

(b) This standard heating value shall be that value which is on file with the Commission as a part of the utility's schedule of rates on the effective date of this Revised Rule 20 or that value which shall be declared by the utility, provided, however, that any change in value shall be made in accordance with the conditions hereinafter stated.

(c) If the utility finds it more practical, economical and efficient to render service with gas of another heating value than the standard heating value on file with the Commission, the utility may file a new heating value standard and a new rate schedule; and if the conditions hereinafter stated shall have been complied with and the Commission shall not have suspended the new rate schedule as provided in Colorado Revised Statutes 1953, Chapter 115, Article 6-11 of the Public Utilities Act or ruled against the change, such new heating value standard and rate schedule shall become effective thirty days from the date on which they are filed with the Commission. The conditions which must be met by a utility thus voluntarily changing its heating value standard are as follows:

The rate schedule for gas shall be so changed that every part or kind of change in the rate shall be reduced and may be increased in direct proportion to the reduction or increase of the Btu content, except that the minimum charge, service charge, or customer charge shall remain unchanged.

Readjustment of customer's appliances and devices to render unimpaired service under the new standard shall be promptly made by the utility without charge to the customers.

The utility shall be prepared to justify the standard it adopts before the Commission by such pertinent facts as may be required.

(d) The utility shall maintain the heating value of the gas with as little deviation as is practicable and such deviation is limited to the range of 5% above to 5% below the standard adopted.

(e) In the event a utility elects to file a minimum heating value for its gas, no deviation below said minimum shall be permitted. If the heating value of the gas delivered is increased to such an extent that it becomes necessary to adjust the customer's appliances, said adjustment shall be made at the expense of the utility.

(f) To obtain the monthly average heating value of gas, the results of all tests of heating value made on any day shall be averaged, giving total heating value for that day. The monthly average total heating value shall be the average of all such daily averages taken during the calendar month. It is understood that all records and statements are based on tests made under standard conditions, i. e., at 60 degrees Fahrenheit and under a pressure of 30 inches of mercury.

RULE 21.

Calorimeter Equipment:

(a) Each utility whose gas output exceeds twenty million cubic feet per annum, shall equip itself with a complete standard calorimeter outfit and all necessary accessories acceptable to this Commission, by which it shall determine the heating value of gas at least once each week. A complete record of these tests shall be kept for a period of not less than two years from the date of such tests.

(b) The foregoing rule need not apply where the utility is purchasing gas on a heat value basis, or where the wholesaler makes available to the utility a record of the heating value of the gas delivered to the utility, and the tests by the wholesaler are made with at least such frequency as specified in part (a) above.

RULE 22.

Purity of Gas:

(a) All gas distributed in this state shall not contain more than a trace of hydrogen sulphide. The gas shall be considered as containing not more than a trace of hydrogen sulphide when a strip of white filter paper moistened with a solution containing five per cent by weight of lead acetate is not distinctly darker than a second filter paper freshly moistened with the same solution after the first paper has been exposed to the gas for one minute in an apparatus of approved form through which the gas is flowing at the rate of approximately five cubic feet per hour, the gas not impinging directly from a jet upon the test paper.

(b) All gas distributed in this state shall contain in each one hundred cubic feet not more than thirty grains of total sulphur and not more than five grains of ammonia.

(c) Each utility supplying manufactured or mixed gas for domestic, commercial or industrial purposes shall daily test the gas leaving its holders for the presence of hydrogen sulphide in the manner above specified. Each utility selling more than 75,000,000 cubic feet of manufactured or mixed gas per year shall provide and maintain such apparatus and facilities as are necessary for the determination of total sulphur and ammonia in gas, and each such utility shall regularly determine the amount of total sulphur and ammonia in the gas distributed by it; provided that any such utility supplying only water gas or oil gas or a mixture of these, shall not be required to provide apparatus or make determination of the amount of ammonia in gas.

RULE 23.

Pressure of Gas:

(a) Subject to the approval of this Commission each gas utility may divide its distributing system into as many districts as it shall consider desirable, and it shall fix for each such district or for its distributing system as a whole, the normal pressure of gas which it proposes to maintain.

(b) For normal service, the gas shall be delivered by the utility at a pressure of 6 inches water column, plus or minus 2 inches water column, measured at the meter outlet.

(c) Where operating conditions are such that the utility deems a higher pressure necessary, gas pressures at the meter outlet may exceed the limits prescribed in (a) preceding; provided, however, where higher pressures exist (high pressure mains) and domestic service is supplied, the utility will require customer to install an adequate pressure regulator outside of the dwelling so that the pressure as measured at the outlet of said regulator will be 6 inches water column, plus or minus 2 inches water column.

(d) In distribution systems serving 100 or less customers, the utility shall semi-annually check distribution pressures by indicating gauges at the district regulator station or other appropriate point in the distribution system.

In distribution systems serving more than 100 and less than 500 customers, the utility shall maintain a graphic recording pressure gauge at

its plant, office, district regulator station, or at some other appropriate point in the distribution system.

In distribution systems serving 500 or more customers, the utility shall maintain one or more additional recording pressure gauges and shall make frequent 24-hour records of the gas pressure prevailing at appropriate points in the system.

All such pressure records shall be appropriately annotated and kept on file available for inspection for a period of at least two years.

RULE 24.

Odorization of Gas:

Every gas utility distributing other than manufactured gas such as coal or water gas shall, unless the gas contains adequate natural odorant, odorize the gas at one or more points to the extent necessary to produce a detectable and recognizable odor.

RULE 25.

Gas Meter Accuracy and Testing:

(a) Every gas service meter, whether new, repaired, or removed from service for any cause shall be in good order and shall be adjusted to be correct to within one per cent when passing gas at twenty per cent of its rated capacity at one-half inch water column differential before being installed for the use of a customer.

(b) No diaphragm type gas service meter in sizes having rated capacity of 800 cubic feet or less per hour at one-half inch water column differential shall be allowed to remain in service more than six years from the time when last tested without being retested and, if necessary, readjusted to be correct within one per cent.

(c) No diaphragm type gas service meter in sizes having a rated capacity of more than 800 cubic feet per hour at one-half inch water column differential shall be allowed to remain in service more than five years without being retested and, if necessary, readjusted to be correct within one per cent.

(d) No rotary displacement type gas service meter in sizes having a rated capacity of 5,000 cubic feet or less per hour at one half inch water column differential shall be allowed to remain in service for more than five years without being retested and, if necessary, readjusted to be correct within one per cent.

(e) Rotary displacement type gas service meter in sizes having a rated capacity of more than 5,000 cubic feet per hour at one-half inch water column differential shall be tested and calibrated at the factory in accordance with recognized and accepted practices and shall be adjusted to be correct within 1% when passing gas at 20% of its rated capacity at one-half inch water column differential before being accepted. Such test shall be witnessed by a representative of the utility and a record thereof shall be retained by the utility for the life of the meter so tested. The length of period a meter of this type and size shall be allowed to remain in service before retesting shall be established by the Company's experience, and is subject to the Commission's review.

(f) Orifice metering shall be tested not less than once each year.

RULE 26.

Meter Testing on Request:

Each gas utility furnishg metered gas service shall at any time when requested by a customer make a test of the accuracy of any gas service meter free of charge; provided, first, that such meter has not been tested within the twelve months' period prior to such request, and second, that the customer will agree to accept the result of such test made by the utility as the basis for settling the difference claimed. No charge shall be made to the customer for any such test except as may be allowed by the Commission in special cases. A written report giving the result of every such test shall be made to the customer who requested it, the original record being kept on file at the office of the utility for a period of at least two years.

RULE 27.

Tests by Commission:

(a) Any gas service meter will be tested by an employee of the Commission upon written application by the customer. The application for such test shall be accompanied by a remittance of the amount fixed below as the fee for such test. If the meter is found to be fast beyond the limits prescribed in Rule 28, this fee shall be paid to the customer by the utility; otherwise, these expenses shall be borne by the customer requesting the test. The Commission's fee for gas meter tests are:

Capacity of 800 cubic feet or less per hour	\$ 2.00
Capacity of over 800 cubic feet per hour	\$ 4.00
Orifice meters	\$ 8.00
Rotary meters	\$16.00

(b) Upon written application to the Commission by any gas utility the Commission will make a test on any of the utility's service meters upon payment of the scheduled fee.

RULE 28.

Adjustment of Bills for Meter Error:

(a) If on test of any gas service meter, on request of the customer, either by the utility or the Commission, it be found more than two per cent fast, the utility shall refund to the customer such percentage of the amount of the bills of the customer for the period of six months just previous to the removal of such meter from service, or for the time the meter was in service, not exceeding six months, as the meter shall have been shown to be in error by such test.

(b) If on test of any gas service meter, on request of a customer, either by the utility or the Commission, it be found to be more than two per cent slow, the utility may collect from the customer the amount estimated to be due for gas not charged for in bills rendered for not to exceed the six months' period prior to such test.

(c) If a gas service meter is found not to register for any period the utility shall estimate a charge for the gas used, but not metered by averaging the amounts used over similar periods, or over corresponding periods in previous years, or by any other acceptable available information.

RULE 29.

Meter Testing Facilities:

Each utility having more than 200 gas meters in service shall maintain one or more suitable gas meter provers of standard design, and shall

keep the same in proper adjustment so as to register the condition of meters tested within one-half of one per cent. Each meter prover must be accompanied by a certificate of calibration indicating that it has been tested with a standard which has been certified by the National Bureau of Standards or some testing laboratory of recognized standing. Meter provers must be located in a large, comfortable working space, free from excessive temperature variations, equipped with all necessary facilities and accessories, and at all reasonable hours accessible for inspection and use by the duly authorized representatives of this Commission.

RULE 30.

Main Extensions:

Each gas utility shall file with the Commission its definite rules and regulations providing for the making of gas main extensions, and no utility shall make or refuse to make any extension except as permitted by these rules and regulations, regularly filed and approved by the Commission, and open to public inspection at each office of the utility where applications for services are received.

SPECIAL RULES

ELECTRICITY

RULE 31.

Accepted Good Practice:

The generating and distributing system including generating equipment, transmission lines, substations, overhead system, poles, lines, transformers, underground system, manholes, conduits, etc., street lighting systems, service wires and attachments, meters and instruments, shall be constructed, installed and maintained in accordance with accepted good practice.

RULE 32.

Pole Identification:

(a) In the case of two or more utilities jointly owning or using a pole or pole line structure, each of these utilities shall mark each such pole or structure with the initials of its name, abbreviation of its name, corporate symbol, or other distinguishing mark by which the ownership of such structure may be readily and definitely determined.

(b) Each utility shall in the future mark each such pole, post or other structure used for supporting electrical conductors with "dating nails" or other approved devices which will indicate the year in which such structures were installed. It is suggested that a different type of dating nail be used for new poles or structures and for poles re-used. All poles or structures known to have been installed or replaced during the preceding year shall likewise be so marked.

(c) The requirements herein shall apply to all existing and future erected structures and to all changes in ownership.

RULE 33.

Pole Inspection:

Each pole, post, tower or other structure used for the support or attachment of electrical conductors, guys or lamps, must be inspected by the utility owning or using it with sufficient frequency to determine the necessity for replacement or repair.

RULE 34.

Grounding of Low-Potential Circuits:

The rules currently in force contained in the National Electric Safety Code regarding grounding of low-potential circuits shall be followed for all new construction.

RULE 35.

Standard Voltage, Frequency and Permissible Variations:

(a) Each utility shall adopt and file with this Commission a standard average voltage, or voltages, and frequency, or frequencies, as may be required by its distribution system, for its entire system, or for each of the several districts into which the system may be divided.

(b) Every reasonable effort shall be made by the use of proper equipment and operation to maintain such voltage practically constant at all times. The suitability and adequacy of these service voltages may be determined at any time by this Commission. The voltage maintained at the utility's main service terminals* as installed for individual customers or groups of customers shall be reasonably constant as follows:

(1) For service rendered under a lighting contract or primarily for lighting purposes the voltage shall be within five per cent plus or minus of the standard adopted.

(2) For service rendered under a power contract or primarily for power purposes the voltage variation shall not exceed ten per cent above or ten per cent below the standard average voltage at any time when the service is furnished.

(3) A greater variation of voltage than that specified above may be allowed when service is furnished directly from a transmission line or in a limited or extended area where customers are widely scattered and the business done does not justify close voltage regulation. In such cases the best voltage regulation should be provided that is practicable under the circumstances. This clause refers particularly to individual customers or small groups of customers whose service from a transmission line is incidental, and does not refer to the voltage regulation in communities, cities or towns for which the transmission line was primarily built.

(c) Variations in voltage in excess of those specified caused by the operation of power apparatus on the customer's premises, which necessarily requires large starting currents, by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to necessary station or line operations, shall not be considered a violation of this rule.

(d) Utilities supplying power to one or more other electric utilities may make application to the Commission for a specific ruling applicable to each particular case.

(e) Under normal operating conditions the utility shall maintain at all times the standard average frequency or frequencies to within plus or minus 5% of the standard adopted.

* The term "service terminal" refers to the point at which the utility's service connections terminate, at which point connection is made with the customers wiring, and beyond which the utility has no responsibility.

RULE 36.

Voltage Surveys and Records:

Each utility shall provide itself with one or more portable indicating volt-meters and each utility serving more than 200 customers shall have one or more recording volt-meters of the curve drawing type suitable for the service voltages furnished. Each utility shall make a sufficient number of voltage surveys to indicate the character of service furnished from each center of distribution and to satisfy this Commission, upon request, of its compliance with the above voltage requirements. Utilities having curve drawing volt-meters shall keep at least one of these instruments in continuous service at the plant, office or some customer's premises. All volt-meter records shall be available for inspection by the authorized representatives of this Commission for a period of at least one year from the date of such records.

RULE 37.

Location of Meters:

(a) Meters shall be located in accordance with the pertinent rules of the utility as filed with the Commission and in accordance with accepted safe practice.

(b) Meters shall not be installed where they will interfere with traffic in halls or passageways, if indoors, or sidewalks or driveways, if outdoors, or where they will obstruct the opening of doors or windows; or in any location considered hazardous or where reading, testing or servicing of the meter may become impracticable; or where damage may be caused to any part of customer's premises. Meters shall not be installed in coal or wood bins or on partitions forming such bins or on any unstable partitions or supports. Meters shall not be located where visits of meter reader or serviceman will cause unreasonable annoyance or inconvenience to customer.

(c) Meter locations shall be such that the meters are easily accessible for reading, testing and servicing. Where two or more meters are to be installed for multiple occupancy, they should be grouped at a point nearest the loop attachment or, if indoors, in a common room or common hallway or other suitable space. Meter housings shall be placed as close together as the fittings will permit, but not less than 2 inches. The housing will be plainly and permanently marked by customer to show the circuit metered. Meters shall be not less than 5 feet nor more than 7 feet above the floor or suitable permanent platform.

RULE 38.

Meter Testing Facilities and Equipment:

(a) Each utility furnishing metered electric service shall, unless specifically excused by the Commission, provide such meter laboratory, standard meters, instruments, and other equipment and facilities as may be necessary to make the tests required by these rules. Such equipment and facilities shall be acceptable to the Commission and shall be available at all reasonable times for the inspection of its authorized representatives.

(b) Each utility furnishing metered electric service shall provide such portable indicating electrical testing instruments or watt-hour meters of suitable range and type for testing service watt-hour meters, switchboard instruments, recording volt-meters, and other electrical instruments in use, as may be deemed necessary and satisfactory by the Commission.

(c) For testing the accuracy of portable watt-hour meters, commonly called "rotating standards," and other portable instruments used for testing service meters, each utility not specifically excused by the Com-

mission, as provided for in Section (a) of this rule, shall provide as reference or check standards suitable indicating electrical instruments, watt-hour meters, or any or all of them hereafter called "reference standards." Such reference standards may be of the service type of watt-hour meters, but if so, such watt-hour meters shall be permanently mounted in the meter laboratory of the utility and be used for no other purpose than for checking rotating standards.

(d) Reference standards shall be submitted at least once each year to a laboratory of recognized standing, for the purpose of test and adjustment. Utilities maintaining standardizing laboratories will be permitted to make their own tests and certifications of reference standards, provided the instruments and methods in use are acceptable to this Commission.

(e) All working rotating standards (portable watt-hour meters) shall be compared with the reference standards at least once a week for commutator types, and once in two weeks for induction types, during the time such working standards are being regularly used. If working rotating standards (portable watt-hour meters) are in error of not more than one per cent, plus or minus, at any load at which the standard shall be used, the standard may be adjusted by comparison with the Utility's reference standards. However, if working rotating standards test in error of more than one per cent, plus or minus, such standards shall be tested, adjusted, and certified in a standardizing laboratory of recognized standing. Where a utility does not have a reference standard of its own but has an exemption as provided in Part (a) herein, it shall have its working rotating standards (portable watt-hour meters) tested by a standardizing laboratory of recognized standing at least once a year. Each rotating standard (portable watt-hour meters) shall at all times be accompanied by a certificate or calibrating card signed by the standardizing laboratory, giving the date when it was last certified and adjusted. Records of certification and calibrations shall be kept on file in the office of the utility, for the life of the instruments.

(f) All portable indicating electrical testing instruments, such as voltmeters, ammeters and wattmeters, when in regular use for testing purposes, shall be checked against suitable reference standards at least once a week when continually in use, and if found appreciably in error at zero, or more than one per cent of full scale value at commonly used scale deflection shall, unless accompanied by a calibration card, be adjusted and certified in some laboratory of recognized standing.

RULE 39.

Accuracy Requirements for Service Watt-Hour Meters:

(a) No service watt-hour meter that has an incorrect register constant, test constant, gear ratio or dial train, or that registers upon no load ("creeps"), shall be placed in service or allowed to remain in service without proper adjustment and correction.

(b) No service watt-hour meter that has an error in registration of more than plus two or minus three per cent at light load, or plus or minus two per cent at heavy load, shall be placed in service. Demand meters may have an allowable error of not more than 2% of full scale deflection except that the allowable error for thermal type meters may be 4%. Whenever on installation, periodic or any other tests a meter is found to exceed these limits, it must be adjusted. A meter creeps when, with all load wires disconnected, the moving element makes one complete revolution in ten minutes or less.

(c) Light load shall be construed to mean approximately five to ten per cent of the name plate rated capacity of the meter. Heavy

load shall be construed to mean not less than sixty per cent nor more than one hundred per cent of the name plate rated capacity of the meter.

(d) Meters used with instrument transformers or shunts shall be adjusted so that the overall accuracy of the metering installation will meet the requirements of this rule.

RULE 40.

Installation Tests:

All service watt-hour meters shall be tested and adjusted to register accurately to within the limits specified in Rule 39 and to otherwise conform with the requirements of that rule, either before installation or within sixty days after installation.

RULE 41.

Periodic Tests:

All types of watt-hour meters installed upon customer's premises shall be periodically tested according to the following schedule:

SCHEDULE FOR PERIODIC TESTING OF WATT-HOUR METERS

Alternating Current Meters

Up to and including 12 kva at least once in 96 months
Over 12 kva up to and including 100 kva. at least once in 24 months
Over 100 kva at least once in 12 months

Direct Current Meters

Up to and including 6 kw at least once in 42 months
Over 6 kw up to and including 100 kw . . at least once in 18 months
Over 100 kw. at least once in 12 months

Note: The kva rating of an alternating current, single-element meter or the kw rating of a direct current meter is the product of the rated voltage and the rated current. In the case of a polyphase or a multi-element meter the rating is the sum of such products for each element. The rating of a 2 element meter when of the split-coil type or when associated with 3 current transformers and used to measure energy in a 3 phase, 4-wire Y circuit is 3 times the rating of one element. When a meter is connected to instrument transformers or shunts, the nominal rating of the transformers or shunts shall be used in the determination of the kva rating of the meter.

RULE 42.

Request Tests:

Each utility furnishing metered electric service shall make a test of the accuracy of any electric service meter free of charge upon request of a customer; provided that the meter has not been tested within the twelve months period prior to such request and provided that the customer will accept the results of such test as a basis for the settlement of the difference claimed. A written report giving the result of such test shall be made to the customer requesting same, the original record being kept on file at the office of the utility for a period of at least two years.

RULE 43.

Tests by Commission:

(a) Any service watt-hour meter will be tested by an employee of the Commission upon written application by the customer. For such

test a fee shall be forwarded to the Commission by the party making application for the test, which fee shall be refunded to the customer by the utility if the meter be found fast beyond the limits prescribed in Rule 44. The schedule of fees for Commission tests of watt-hour meters is as follows:

- (1) For continuous current and single phase meters operating at 600 volts or less, up to and including 25 amperes rated capacity of the meter element, each \$2.00
- (2) For each additional 50 amperes or fraction thereof 0.50
- (3) For single phase meters above 600 volts and for polyphase meters with or without instrument transformers up to and including 25 kilowatt rated capacity 3.00
- (4) For each additional 25 kilowatts rated capacity or fraction thereof. 3.00

(b) Upon written application to the Commission by any electric utility, the Commission will make a test on any of the utility's service meters upon payment of the scheduled fee.

RULE 44.

Adjustment of Bills for Meter Errors:

(a) If on test of any service watt-hour meter, made upon the request of the customer, by either the utility or the Commission, it is found to be more than three per cent fast at any load, additional tests shall be made to determine the average error of the meter.

(b) Average Error: The average error of the meter in tests made by the Commission or the utility at the request of the customer shall be defined as one-half the algebraic sum of (1) the error at light load, and (2) the error at heavy load.

(c) When a meter is found to have a positive average error; that is, is fast in excess of three per cent in tests made at the request of the customer by either the Commission or the utility, the utility shall refund to the customer an amount equal to the excess charged for the kilowatt-hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed six months.

(d) When a meter is found to have a negative average error, that is, is slow in excess of three per cent in tests made at the request of the customer by either the Commission or the utility, the utility may make a charge to the customer for the kilowatt hours incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, but not to exceed six months.

(e) If a meter is found not to register or to partially register for any period, the utility shall estimate a charge for the kilowatt-hours used by averaging the amounts registered over similar periods, or over corresponding periods in previous years or such other acceptable information available.

RULE 45.

Adoption of National Electrical Safety Code:

The Public Utilities Commission hereby adopts as a part of these

rules the National Electrical Safety Code as prescribed by the statutes of the State of Colorado, or as the same may be amended.

RULE 46.

Station Instruments and Watt-Hour Meters:

Each utility shall install such wattmeters, indicating instruments or watt-hour meters as may be necessary to obtain a daily record of the load, and a monthly record of the output of its plants. Each utility purchasing electrical energy shall install such instruments or watt-hour meters as may be necessary to furnish full information as to the monthly purchases.

RULE 47.

EXTENSION OF SERVICE, LINES AND FACILITIES

SECTION I - GENERAL

Applicable to all service.

(a) The term "distribution system" shall be interpreted to mean the utility's electric lines located on public highways, private ways, or rights-of-way owned or leased by the utility, used for the purpose of general distribution of electrical energy to its customers. Lines for transmitting electric energy from generating plants, purchase points, and other sources of supply to substations for transformation or distribution may be designated by the utility as transmission lines and not subject to the provisions of this rule.

The term "service connection" shall be interpreted to mean only the customer's "service loop" defined as the overhead span between the last pole of the utility's general distribution system and the point of attachment to the customer's installation.

When the branch of the distribution system necessary to supply service to an individual customer requires the construction of more than a service loop, although for his sole use, such construction shall be included as part of the utility's general distribution system if located on public highways or rights-of-way acceptable to the utility, unless said distribution line is owned, operated and maintained by customer.

(b) Electric service for purposes of the extension of lines and facilities of the utility shall be classified as:

- (1) "Permanent Service" construed to mean service to domestic, small commercial and farm customers when the use of service, both as to amount and permanency, can be reasonably assured.
- (2) "Indeterminate Service" construed to mean service to mining, industrial, manufacturing and large commercial customers; also, to domestic, small commercial and farm customers when the use of service cannot be reasonably assured as to its amount and permanency.
- (3) "Temporary Service" construed to mean the use of service for a period of not to exceed eighteen months, unless otherwise specified herein. (See III, B, (e))

(c) Every electric public utility operating in territory under jurisdiction of this Commission shall file with the Commission its elec-

tric distribution line Extension Policies, setting forth the conditions under which the utility shall, for the respective service as heretofore classified in paragraph (b), make extensions to premises not connected to its general distribution system, or make added investment in facilities for service already connected.

Such policies shall conform to the provisions hereinafter set forth under "Revenue Guarantee Plan" and "Construction Deposit Plan" in Sections II and III hereof. The utility shall, upon proper notification by the Commission, submit the information necessary to justify these policies. Any utility, however, upon proper showing that special conditions warrant, may be permitted to file extension policies, for a portion on all territory served by said utility, not in conformity with said provisions.

(d) Each utility may write into its extension policy such qualifying clauses, limitations or explanations as it may find necessary to protect it against making unwarranted or uneconomical investments which might react adversely through rates or service upon existing customers. Each utility may establish separate policies for various territories and classes of service.

(e) Extension policies filed with this Commission shall be subject to the rights and practices of the Commission to refuse or to require alterations, amendments or modifications. Standards of Construction shall be filed with the Commission within thirty days after the filing of any extension policy and thereafter shall be revised in the same general manner as rate schedules.

(f) Lines owned privately, by cooperative corporations, or by other utilities taking energy from a public utility shall be subject to the utility's rules and regulations relating to customers' installations. Such lines shall henceforth be completely owned, operated and maintained by the private owners who will take service metered at the point where their privately owned line connects with the utility's line or system. When it is not feasible to meter the service supplied over a privately owned extension at the above defined point the metering records shall be adjusted to take reasonable account of the line and other losses between the meter or meters and said point.

(g) Whenever, in considering a proposed extension, a utility finds that a fixed charge per month per customer, in addition to the general rate applicable to service on said proposed extension, is necessary for an indefinite period, nothing in this rule shall prohibit the utility from providing a special rate in its schedule applicable to said extension or territory properly designated in the rate. Said rate shall include this special charge in addition to those in the general rate applicable and the whole rate is then subject to all the provisions and procedure in effect before this Commission. Such rate may be established for said service preliminary to the building of an extension or prior to the expiration of the development period.

(h) Nothing in this rule shall be construed to prevent the Commission from considering upon its own merits and acting upon any demand for an extension not economically sound and feasible under this rule but otherwise lawful. Such action will be taken without waiver of this rule as to other prospective extensions, in order to meet special situations likely to arise, especially in industrial and mining service. Such special extension agreements must be filed and accepted by the Commission in the manner prescribed for extension policies prior to commencing construction. Nothing in this rule shall be construed to preclude the Commission from relieving any electric utility from the obligation imposed

by its extension policy in accordance with this rule should the special circumstances of the case warrant such relief nor to preclude the Commission from altering, modifying or amending this rule from time to time as the Commission may deem necessary or advisable. Nothing in this rule shall be construed to prevent a utility from making extensions wholly or in part at its own expense where such extensions are deemed necessary or desirable for the development or protection of its territory.

SECTION II - REVENUE GUARANTEE PLAN

Applicable to "Permanent Service" as defined in Section I.

(a) Every electric public utility, operating under the jurisdiction of this Commission, shall own, build, operate and maintain every extension of its distribution system for "Permanent Service." The utility shall not require any customer or prospective customer, requesting electric service classified as "Permanent" where reasonable assurance can be furnished that the amount and permanency of service warrants the construction, and continued operation and maintenance of the facilities required, to advance all, or any part, of the cost thereof, except as authorized by this Commission for certain territories and conditions and as fully set forth in the extension policies filed by the utility with this Commission.

(b) Extensions of a utility's distribution system upon public highways or rights-of-way acceptable to the utility, shall be built within a reasonable period after request for service by bona fide applicant or applicants whenever the assured (See General Rule II which provides for collection of a customer's deposit to guarantee payment of bills according to the terms of the utility's extension policy) monthly or annual revenue under the rates applicable to service from said extension shall be of sufficient amount and permanency to justify the existence of such extension, and shall be made strictly in accordance with the terms of its extension policy as set forth in the Rules and Regulations of its rate schedule legally in effect and on file with this Commission.

(c) Each such extension policy shall specifically set forth the relation that the investment the utility is justified in making for an extension bears to the said assured monthly or annual revenue. This relation shall be expressed as the extension percentage of said revenue to said investment, or as the extension ratio of said investment to said revenue; in urban territory this relation may be limited by a fixed minimum amount of construction to be provided by the utility. A utility may adopt separate ratios of investment to revenue for different territories and conditions of service.

(d) Said investment shall include all costs necessary for the extension such as primary and secondary distribution, rights-of-way and tree trimming, meters, service loops, transformers completely installed including special housing, special supports, lightning arresters and other protective equipment; except that in urban territory as defined in utilities extension policy the cost of meters, service loops and transformers shall not be included in said investment. The cost of meters, service loops and/or transformers installed shall not be covered in the manner stated above in the event the rate applicable specifically provides a method which takes care of such costs.

(e) Said investment shall be the actual necessary cost of the particular extension; it shall not include or be determined with reference to provision for additional capacity, size or strength in excess of that actually necessary to meet the requirements of the customer or customers to be then served and the requirements of the National Electrical Safety Code. Actual necessary cost may be determined in agreement with

the Utility's standard unit construction costs, if same are filed as a supplementary part of its extension policy or when such unit costs are not so established, an estimated cost may be used in advance of construction subject to adjustment to the actual cost thereof within a reasonable time after construction is completed.

(f) Nothing in paragraphs (d) and (e) shall be interpreted as a prohibition against the construction of an extension having more than sufficient capacity, size or strength to meet the requirements of the customers to be then served, provided all the additional capacity, size or strength is constructed by the utility without obligation to customers.

(g) In the event said assured monthly or annual revenue is less than is necessary to justify the proposed extension (as indicated by the extension percentage or extension ratio) service to such customer or customers, if still desired but subject to the provisions of paragraphs (d) and (h) of Section I, shall be classified as "Indeterminate Service" and connected under the "Construction Deposit Plan" as set forth in Section III.

(h) When more than one customer is to be served from a prospective extension, the utility's extension policy shall provide a method for apportioning the amount necessary to justify the extension among the individual customers of the group; provided any customer may assume, subject to acceptance by the utility, more than his apportionment of said amount.

(i) A utility may require payment of the required monthly or annual revenue continuously or may establish a development period dependent upon the character of load and territory served.

(j) A utility shall connect additional customers desiring Permanent Service and complying with the provisions of Sections I and II. When the connection of additional customers to an existing extension is proposed the total investment cost (e) shall be ascertained and the corresponding necessary revenue shall be re-calculated to include the revenue of the then existing and the proposed new customers. If the resulting revenue to be assured by existing customers is greater than that originally determined the proposed additional customers shall not be accepted as members of the original group on the existing extension but said proposed new extension shall then be considered independently as a separate extension. However, if the resulting revenue to be assured is less than that originally determined then the resultant revenue shall be assured by existing and new customers alike from date of said adjustments, but no refunds shall be made for the period prior to said date.

SECTION III - CONSTRUCTION DEPOSIT PLAN

A. INDETERMINATE SERVICE

(a) "Indeterminate Service" as hereinbefore defined includes mines, quarries, oil wells, industrial and commercial enterprises of speculative character, real estate subdivisions, development of property for sale, enterprises where the applicant will not be the user of service, where there is little or no immediate demand for service, and to other service (except that of a temporary character as hereinafter set forth) where the amount and permanency of service cannot be reasonably assured.

(b) For service of indeterminate character the utility may require the prospective customer to advance all or a portion of the total cost including service loops, meters and transformers. Such advance shall not draw interest. Each utility making extensions under this plan shall

file with the Commission its extension policies applicable to said indeterminate service setting forth its method of refund, if any. Where the estimated revenue is not sufficient to warrant operation and maintenance of the extension the utility may require a fixed charge in addition to the general rate applicable to the service or may require the prospective customer to advance an amount sufficient to warrant such operation and maintenance.

B. TEMPORARY SERVICE

(a) "Temporary Service," as herein defined, refers to circuses, bazaars, fairs, concessions and similar enterprises, to construction works, etc., of a temporary nature and to ventures of such uncertain, speculative character that their permanency is questionable, such as coal and metal mining or oil and gas production operations during the preliminary or development period.

(b) Any utility may, if in its opinion the furnishing of such service will not work an undue hardship upon it or its then existing customers, furnish said temporary service in accordance with the terms of its extension policy for temporary service. In promulgating such extension policies the utilities should make them conform as closely as feasible to those written for permanent service except that the utility may require the customer or prospective customers to advance all, or any part of the cost thereof including the cost of dismantling less salvage. Also the utility may provide that additional customer or customers will not be connected to temporary extensions, or otherwise restrict such additional service to fairly meet the essential conditions.

(c) Extension policies for temporary service shall be filed with the Commission and shall be subject to its rights and practices to refuse or to require alterations, amendments or modifications.

(d) In no event shall temporary service be supplied except in accordance with the utility's extension policy then on file and in effect.

(e) Temporary service normally shall not be continued for a period longer than eighteen months, except where heavy construction, such as dams or tunnels, etc., are involved, and where the period of service in these instances is of known duration but longer than eighteen months, in the instances cited herein, the utility may continue to render temporary service under its Agreements, but in any other instances if the period exceeds eighteen months and the customer or customers still desire and request service, it shall then be provided in accordance with all the terms of the extension policy of the utility applicable to "Permanent" or "Indeterminate Service" without further consideration of the obligations provided in the Temporary Service Agreement.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

LOU BELL MOTORS, INCORPORATED, 1700)
EAST COLFAX AVENUE, DENVER 18, COLO-)
RADO.)
-----)

PERMIT NO. M-8798

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lou Bell Motors, Inc.,
Denver 18, Colorado

requesting that Permit No. M-8798 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8798, heretofore issued to Lou Bell Motors, Inc.,
Denver 18, Colorado be,

and the same is hereby, declared cancelled effective September 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Gordon
Wm. E. Zupke
Commissioners

Dated at Denver, Colorado,

this 20th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. HURST, DOING BUSINESS AS,)
"WILLIAM R. HURST OIL COMPANY", P. O.)
BOX 416, BLANDING, UTAH.)
-----)

PERMIT NO. M-724

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William R. Hurst, doing
business as, "William R. Hurst Oil Company", Blanding, Utah
requesting that Permit No. M-724 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-724, heretofore issued to William R. Hurst, doing
business as, "William R. Hurst Oil Company", Blanding, Utah be,
and the same is hereby, declared cancelled effective June 30, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 20th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HENRY J. SEABORN, JR., 622 GILLETTE)
STREET, COLORADO SPRINGS, COLORADO.)

PERMIT NO. M-7427

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry J. Seaborn, Jr.,
Colorado Springs, Colorado
requesting that Permit No. M-7427 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7427, heretofore issued to Henry J. Seaborn, Jr.,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective October 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Norton
Henry E. Zuckers
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY J. SEABORN, JR., 622)
GILLETTE STREET, COLORADO)
SPRINGS, COLORADO.)

PERMIT NO. B-5630

October 20, 1960

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-5630 be suspended for six months from October 7, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Henry J. Seaborn, Jr., Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5630 until April 7, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Samuel C. Horton
Henry E. Zaitz
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DEAN GREGORY, 6980 RENO DRIVE,)
ARVADA, COLORADO.)

PERMIT NO. B-5782

October 20, 1960

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-5782 be suspended for six months from August 25, 1960.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Dean Gregory, Arvada, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5782 until February 25, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 20th day of October, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND WILLIAM ROBERTS, GENERAL)
DELIVERY, JACKSON, CALIFORNIA.)
_____)

PERMIT NO. M-11323

October 20, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Raymond William Roberts,
Jackson, California
requesting that Permit No. M-11323 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11323, heretofore issued to Raymond William Roberts,
Jackson, California be,
and the same is hereby, declared cancelled effective July 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Hodson
Wm. E. Zaulinger
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GUY HARNESS, 6156 WARD ROAD, ARVADA,)
COLORADO.)
)
)
)
-----)

PERMIT NO. M-15598

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Guy Harness, Arvada,
Colorado

requesting that Permit No. M-15598 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15598, heretofore issued to Guy Harness, Arvada,
Colorado be,

and the same is hereby, declared cancelled effective August 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 27th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
STANLEY Y. KESSLER, 412 GARFIELD,)
LARAMIE, WYOMING.)

PERMIT NO. M-15769

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Stanley Y. Kessler,
Laramie, Wyoming

requesting that Permit No. M-15769 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15769, heretofore issued to Stanley Y. Kessler,
Laramie, Wyoming be,
and the same is hereby, declared cancelled effective September 16, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. Horton
Wm. E. Zurlings
Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRED O. HARRISON, 1216 NORTH CUSTER,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. M-7021

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred O. Harrison,
Colorado Springs, Colorado
requesting that Permit No. M-7021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7021, heretofore issued to Fred O. Harrison,
Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective October 13, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Kiro
 Ralph C. Norton
 Henry E. Zuckers
 Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WALTER W. TURETZKY, 2310 LINDA VISTA)
LANE, LAKEWOOD, COLORADO.)
)
)
)
-----)

PERMIT NO. M-12392

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter W. Turetzky,
Lakewood, Colorado
requesting that Permit No. M-12392 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12392, heretofore issued to Walter W. Turetzky,
Lakewood, Colorado be,
and the same is hereby, declared cancelled effective September 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Joseph C. Norton

Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BETTY J. THOMAS, 215 SOUTH YUMA,
DENVER 23, COLORADO.

PERMIT NO. M-7161

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Betty J. Thomas,
Denver 23, Colorado
requesting that Permit No. M-7161 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7161, heretofore issued to Betty J. Thomas,
Denver 23, Colorado be,
and the same is hereby, declared cancelled effective September 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
Wm. E. Zurlings
Commissioners

Dated at Denver, Colorado,

this 27th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD LISSOLO, 901 DENVER AVENUE,)
FORT LUPTON, COLORADO.)
)
)
)
-----)

PERMIT NO. M-6892

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leonard Lissolo,
Fort Lupton, Colorado
requesting that Permit No. M-6892 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6892, heretofore issued to Leonard Lissolo,
Fort Lupton, Colorado be,
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Joseph C. Norton

Commissioners

Dated at Denver, Colorado,

this 27th day of October, 1956.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT H. JAY, HASTY, COLORADO.)

PERMIT NO. M-2054

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert H. Jay,
Hasty, Colorado
requesting that Permit No. M-2054 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2054, heretofore issued to Robert H. Jay,
Hasty, Colorado be,
and the same is hereby, declared cancelled effective October 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Commissioners

Dated at Denver, Colorado,
this 27th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EMIL POLSE, DOING BUSINESS AS, "POLSE)
FURNITURE", 1235 JASMINE STREET,)
DENVER 20, COLORADO.)
-----)

PERMIT NO. M-8539

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Emil Polse, doing
business as, "Polse Furniture", Denver 20, Colorado
requesting that Permit No. M-8539 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8539, heretofore issued to Emil Polse, doing business
as, "Polse Furniture", Denver 20, Colorado be,
and the same is hereby, declared cancelled effective October 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro
Joseph C. Woodson
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 27th day of October, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DEE SMITH, FRUITA, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-8340

October 27, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dee Smith,
Fruita, Colorado
requesting that Permit No. M-8340 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8340, heretofore issued to Dee Smith,
Fruita, Colorado be,
and the same is hereby, declared cancelled effective October 7, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,
this 27th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD AND FRANK MC CABE, DOING)
BUSINESS AS, "MC CABE BROTHERS LUMBER)
COMPANY", ROUTE 1, MANCOS, COLORADO.)
-----)

PERMIT NO. M-11250

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold and Frank
Mc Cabe, doing business as, "Mc Cabe Brothers Lumber Company", Mancos, Colorado
requesting that Permit No. M-11250 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11250, heretofore issued to Harold and Frank Mc Cabe,
doing business as, "Mc Cabe Brothers Lumber Company", Mancos, Colorado be,
and the same is hereby, declared cancelled effective September 18, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MENZO M. ASKEW AND DONALD C. ASKEW,)
DOING BUSINESS AS, "ASKEW SALES",)
2218 EAST 4TH STREET, PUEBLO, COLO-)
RADO.)

PERMIT NO. M-3301

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Menzo M. and Donald C. Askew, doing business as, "Askew Sales", Pueblo, Colorado requesting that Permit No. M-3301 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3301, heretofore issued to Menzo M. and Donald C. Askew, doing business as, "Askew Sales", Pueblo, Colorado be, and the same is hereby, declared cancelled effective October 8, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1960.

original

(Decision No. 55220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARSHALL ANDERSON AND EUNICE ANDER-)
SON, JOINT TENANTS, DOING BUSINESS)
AS "STROH'S CATTLELINERS," 2412 8TH)
AVENUE, GREELEY, COLORADO, FOR AU-)
THORITY TO TRANSFER PUC NO. 518 AND)
PUC NO. 518-I TO RAYMOND A. NAUTA)
AND SAMMIE C. NAUTA, CO-PARTNERS,)
DOING BUSINESS AS "NAUTA TRUCKING)
SERVICE," P. O. BOX 405, FORT)
COLLINS, COLORADO.)

APPLICATION NO. 17908-Transfer
SUPPLEMENTAL ORDER

October 14, 1960

Appearances: Melvin Dinner, Esq., Greeley,
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

By Decision No. 54987, of date August 25, 1960, as amended
by Decision No. 55035, of date September 6, 1960, Marshall Anderson
and Eunice Anderson, joint tenants, doing business as "Stroh's Cattle-
liners," Greeley, Colorado, were authorized to transfer all right,
title, and interest in and to PUC No. 518 and PUC No. 518-I to Raymond
A. Nauta and Sammie C. Nauta, co-partners, doing business as "Nauta
Trucking Service," Fort Collins, Colorado,

The Commission is now informed by Melvin Dinner, Attorney
for Applicants herein, that transferees do not desire to operate as a
co-partnership, and further that they wish to conduct operations under
PUC No. 518 and PUC No. 518-I under the trade name and style "Nauta
Trucking," rather than "Nauta Trucking Service," and request that De-
cision No. 54987, as amended by Decision No. 55035, be further amended
so to show.

F I N D I N G S

THE COMMISSION FINDS:

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

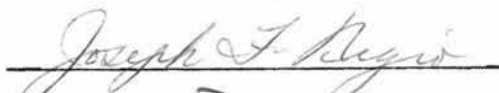

O R D E R

THE COMMISSION ORDERS:

That Decision No. 54987, of date August 25, 1960, as amended by Decision No. 55035, of date September 6, 1960, be, and the same hereby is, amended, nunc pro tunc, as of said 25th day of August, 1960, to authorize transfer of PUC No. 518 and PUC No. 518-I from Marshall Anderson and Eunice Anderson, joint tenants, doing business as "Stroh's Cattleliners," Greeley, Colorado, to Raymond A. Nauta and Sammie C. Nauta, doing business as "Nauta Trucking," Fort Collins, Colorado.

That said Decision No. 54987, except as herein amended, and as amended by Decision No. 55035, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 14th day of October, 1960.

mls

original

(Decision No. 55221)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION PACIFIC RAILROAD COMPANY, DEN-)
VER, COLORADO, TO DISCONTINUE AGENCY)
STATION AT FREDERICK, WELD COUNTY,)
COLORADO.)

APPLICATION NO. 18022

At a General Session of The
Public Utilities Commission
of the State of Colorado,
held at its offices in Denver,
Colorado, September 30, 1960.

INVESTIGATION AND SUSPENSION DOCKET NO. 441

October 14, 1960

S T A T E M E N T

By the Commission:

On August 10, 1960, Union Pacific Railroad Company, by its Attorneys, filed the above application under Rule 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by applicant for an order authorizing discontinuance of the Agency Station at Frederick, Weld County, Colorado, effective September 30, 1960, and thereafter to handle all railroad business at the Agency Station of St. Vrain, located 3.9 miles to the south. Agency service at Frederick is now provided by an agent on duty from 8:00 A. M., until 5:00 P. M., Monday through Friday, on a year-around basis.

Applicant indicates that most of the revenue at this station results from seasonal carload business, coal in Winter and beets and livestock in Fall, all of which can be readily handled at another station. Additional explanatory data consisting of a report by Station

Supervisor, H. C. May, was offered for Commission consideration.

Other factors reported are as follows:

For the past year, no passenger tickets were sold at the station and it is not a regular stop for any passenger train. L.C.L. shipments, railway express, milk and cream, and baggage are now handled in and out of Frederick on Union Pacific Supplemental Truck Service, and there will be no change in this service as presently provided; shipments will be picked up or left at the depot building, the consignees being notified by the agent at St. Vrain. Mail is not handled by trains into or out of Frederick but by Government Star Route truck line service.

The intention of applicant having been publicized by individual notice to twenty carload patrons and the posting of public notice at its station in Frederick, the Commission has received some fourteen protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Frederick and adjacent area.

It appears then that people and local businessmen of the Frederick trade area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed agent withdrawal so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 441 on the Commission's docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of Union Pacific Railroad Company to withdraw its agency station at Frederick, Colorado, should be suspended pending a more complete investigation of the matter.

O R D E R

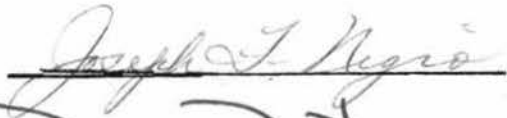
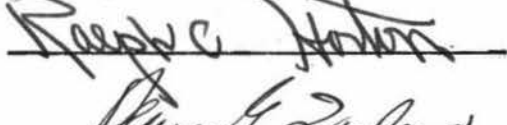
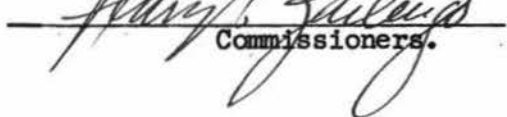
THE COMMISSION ORDERS:

That the effective date of the proposed station closing at Frederick, Colorado, by Union Pacific Railroad Company, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from September 30, 1960, or until January 28, 1961, unless otherwise ordered.

That Application No. 18022, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 441.

That a copy of this Order be filed with Application No. 18022 and with Investigation and Suspension Docket No. 441, and copies served on Knowles and Shaw, Esqs., 560 Denver Club Building, Denver, Colorado, as Attorneys for Applicant; and to the protestants herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1960.

mls

original

(Decision No. 55222)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRAY MOVING & STORAGE, INC., 1255)
SOUTH PEARL STREET, DENVER, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, AU-)
THORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 1990, TO INCLUDE THE)
RIGHT TO TRANSPORT NEW HOUSEHOLD)
GOODS, OFFICE AND STORE FURNISHINGS)
AND FIXTURES IN THE CITY AND COUNTY)
OF DENVER, AND IN THE COUNTIES OF)
ADAMS, ARAPAHOE, AND JEFFERSON,)
WITH OCCASIONAL SERVICE TO ALL)
POINTS IN THE STATE OF COLORADO)
AND EACH OF THE COUNTIES THEREOF,)
FOR DELIVERY ONLY TO THE ULTIMATE)
USER.)

APPLICATION NO. 17995-Extension

October 14, 1960.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, October 19, 1960, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission has now been informed by Attorney for Applicant herein that said applicant no longer desires to prosecute said application, and requests dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

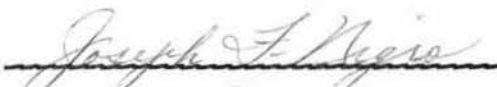


That hearing of the above-styled application, presently set for

ten o'clock A. M., October 19, 1960, at 532 State Services Building, Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 17995-Extension be, and the same hereby is, dismissed, upon 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 14th day of October, 1960.

MTW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES J. IVERSON, DOING BUSINESS AS,)
"GRAPETTE DISTRIBUTING COMPANY",)
1405 LAREDO AVENUE, PUEBLO, COLORADO.)
-----)

PERMIT NO. M-15671

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James J. Iverson,
doing business as, "Grapette Distributing Company", Pueblo, Colorado
requesting that Permit No. M-15671 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15671, heretofore issued to James J. Iverson, doing
business as, "Grapette Distributing Company", Pueblo, Colorado be,
and the same is hereby, declared cancelled effective November 14, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. Horton
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JACK BROCK, P. O. BOX 41, PAGOSA)
SPRINGS, COLORADO.)

PERMIT NO. M-567

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jack Brock,
Pagosa Springs, Colorado
requesting that Permit No. M-567 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-567, heretofore issued to Jack Brock,
Pagosa Springs, Colorado be,
and the same is hereby, declared cancelled effective September 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Norton
Henry E. Zuckert
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

ROSS R. DUCKER, 608 MAPLE STREET,
EATON, COLORADO.

PERMIT NO. M-7403

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ross R. Ducker,
Eaton, Colorado
requesting that Permit No. M-7403 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7403, heretofore issued to Ross R. Ducker,
Eaton, Colorado be,
and the same is hereby, declared cancelled effective October 12, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GLEETA E. PICKEREL, 542 NORTH 11TH)
AVENUE, GREELEY, COLORADO.)
-----)

PERMIT NO. M-2579

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gleeta E. Pickerel,
Greeley, Colorado
requesting that Permit No. M-2579 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2579, heretofore issued to Gleeta E. Pickerel,
Greeley, Colorado be,
and the same is hereby, declared cancelled effective January 26, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Robert C. Horton
Wm. E. Zwickler
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOHN O. HARDIN, JR., DOING BUSINESS)
AS, "HARDIN CONSTRUCTION COMPANY",)
11795 WEST 8TH AVENUE, GOLDEN,)
COLORADO.)

PERMIT NO. B-5536

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John O. Hardin, Jr.,
doing business as, "Hardin Construction Company", Golden, Colorado
requesting that Permit No. B-5536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5536, heretofore issued to John O. Hardin, Jr.,
doing business as, "Hardin Construction Company", Golden, Colorado be,
and the same is hereby, declared cancelled effective October 2, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zupke
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
STANLEY STANKO, 607 WEST BROADWAY,)
PHOENIX, ARIZONA.)
)
)
)
-----)

PERMIT NO. M-9536

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Stanley Stanko,
Phoenix, Arizona
requesting that Permit No. M-9536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9536, heretofore issued to Stanley Stanko,
Phoenix, Arizona be,
and the same is hereby, declared cancelled effective October 13, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Wm E. Zurling
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LESTER DIGGS, DOING BUSINESS AS,)
"NECCHI SEWING CENTER", 1010 RATON)
AVENUE, LA JUNTA, COLORADO.)
-----)

PERMIT NO. M-15023

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester Diggs, doing
business as, "Necchi Sewing Center", La Junta, Colorado
requesting that Permit No. M-15023 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15023, heretofore issued to Lester Diggs, doing
business as, "Necchi Sewing Center", La Junta, Colorado be,
and the same is hereby, declared cancelled effective October 17, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Wm. E. Zullinger
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TRUITT CATTLE COMPANY, CORPORATION,)
CRANADA, COLORADO.)

PERMIT NO. M-423

November 3, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Truitt Cattle Company,
Corporation, Granada, Colorado

requesting that Permit No. M-423 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-423, heretofore issued to Truitt Cattle Company,
Corporation, Granada, Colorado be,

and the same is hereby, declared cancelled effective October 6, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Norton
Wm. E. Zerk
Commissioners

Dated at Denver, Colorado,

this 3rd day of November, 1956.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUTHRIE INVESTMENTS, INCOR-)
PORATED, NORTH 2928 NEVADA)
STREET, SPOKANE 21, WASHINGTON.)

PUC NO. 4565-I

November 10, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Guthrie Investments,
Inc., Spokane 21, Washington

requesting that Certificate of Public Convenience and Necessity No. 4565-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. 4565-I heretofore issued to Guthrie
Investments, Inc., Spokane 21, Washington

be, and the same is hereby, declared cancelled effective October 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Hooton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1960.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN WILBURN ROSE, SOUTH FORK,)
COLORADO.)

PERMIT NO. B-6007

November 10, 1960

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-6007 be suspended for six months from October 11, 1960.

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 Wilburn Rose, South Fork, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-6007 until June 11, 1961.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Johnson
Wm. E. Zurling
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 19 60

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ARLENE AND CLARENCE WINTERS, P. O.)
BOX 525, GRAND JUNCTION, COLORADO.)

PERMIT NO. M-12521

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arlene and Clarence Winters, Grand Junction, Colorado requesting that Permit No. M-12521 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12521, heretofore issued to Arlene and Clarence
Winters, Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective October 3, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE P. BROWN, ROUTE 1 BOX 73,
ARVADA, COLORADO.

PERMIT NO. M-10210

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clarence P. Brown,
Arvada, Colorado

requesting that Permit No. M-10210 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10210, heretofore issued to Clarence P. Brown,
Arvada, Colorado be,

and the same is hereby, declared cancelled effective September 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Bolton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
VERNON E. ROCKHOLD, DOING BUSINESS)
AS, "GAMBLE STORE", 24 NORTH MAIN)
STREET, BRIGHTON, COLORADO.)
-----)

PERMIT NO. M-12378

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vernon E. Rockhold,
doing business as, "Gamble Store", Brighton, Colorado
requesting that Permit No. M-12378 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12378, heretofore issued to Vernon E. Rockhold,
doing business as, "Gamble Store", Brighton, Colorado be,
and the same is hereby, declared cancelled effective September 13, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Samuel C. Horton
Henry E. Zwickler
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195/ 60.

PERMIT NO. M-13002

STATEMENT

FINDINGS

ORDER

Joseph F. Negro
Samuel C. Norton
Henry C. Zuckers
Commissioners

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
THORNBURG LUMBER COMPANY, P. O. BOX)
838, GRAND JUNCTION, COLORADO.)
-----)

PERMIT NO. M-2098

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thornburg Lumber
Company, Grand Junction, Colorado
requesting that Permit No. M-2098 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2098, heretofore issued to Thornburg Lumber
Company, Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective August 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Carlin C. Horton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WAYNE DRISCOLL AND MORTON BOXER,)
721 HOWARD, BRUSH, COLORADO.)

PERMIT NO. M-7186

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wayne Driscoll and
Morton Boxer, Brush, Colorado
requesting that Permit No. M-7186 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7186, heretofore issued to Wayne Driscoll and Morton
Boxer, Brush, Colorado be,
and the same is hereby, declared cancelled effective July 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO
Joseph F. Negro
Garth C. Horton
Henry C. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195/ 60.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

YELLOW CAB, INC., A COLORADO CORPORATION,
3455 RINGSBY COURT, DENVER, COLORADO,

Complainant,

vs

CASE NO. 5158

SKYWAYS SERVICE COMPANY, INC., DOING
BUSINESS AS "SKYWAYS HOTEL," 3855
QUEBEC STREET, DENVER, COLORADO;
GEORGE R. DOOHER AND LILLIAN O.
DOOHER, DOING BUSINESS AS "LAZY 'C'
MOTOR LODGE," 8787 EAST COLFAX AVENUE,
DENVER, COLORADO, AND BELORA INVEST-
MENT COMPANY, DOING BUSINESS AS
"RIVIERA MOTEL," 9100 EAST COLFAX
AVENUE, AURORA, COLORADO,

Respondents.

CABS, INC., DOING BUSINESS AS "DOLLAR
CAB LINE," OPERATING ZONE CABS, 2254
LAFAYETTE STREET, DENVER, COLORADO,

Complainant,

vs

CASE NO. 5159

SKYWAYS SERVICE COMPANY, INC., DOING
BUSINESS AS "SKYWAYS HOTEL," 3855
QUEBEC STREET, DENVER, COLORADO;
GEORGE R. DOOHER AND LILLIAN O.
DOOHER, DOING BUSINESS AS "LAZY 'C'
MOTOR LODGE," 8787 EAST COLFAX
AVENUE, DENVER, COLORADO, AND
BELORA INVESTMENT COMPANY, DOING
BUSINESS AS "RIVIERA MOTEL," 9100
EAST COLFAX AVENUE, AURORA, COLORADO,

Respondents.

October 19, 1960

Appearances: Walter M. Simon, Esq., Denver,
Colorado, for Yellow Cab, Inc.;
John F. Mueller, Esq., Denver,
Colorado, for Cabs Inc. (Zone
Cab Company);
Frederick P. Cranston, Esq., Denver,
Colorado, for Skyways Service, Inc.;
Henry S. Sherman, Esq., Denver,
Colorado, for Riviera Motel.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The matter before the Commission is based on two complaints substantially the same, filed by the two complaint cab companies, which are authorized common carriers, against the two respondents, to-wit: "Skyways Hotel" and "Riviera Motel." Complainants contend that the Respondents, without a certificate of public convenience and necessity, are operating as common carriers in the transportation of guests of their respective Motels, to and from, from and to, Stapleton Air Field and their Motels. The Complainants pray that the Respondents be ordered to cease and desist from providing such transportation services.

The Respondents admit such transportation services, but contend, inter alia, that such transportation is provided without charge, and that such service is necessary for the successful operation of their Motels, and is but incidental thereto. The Respondents also set up a complaint of their own, contending, inter alia, that the cab drivers of the Complainants have refused to render the aforementioned transportation services, have induced and attempted to induce guests away from their Motels, and have accepted gratuities from Motel competitors therefor. Respondents pray that the Complainants be ordered to cease and desist from such practices, and that their certificate of public convenience and necessity be revoked.

The parties consented to consolidation for hearing, and the hearing was held November 9, 1959, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

A motion to strike the counterclaim was made on the grounds that the Commission lacks jurisdiction, which motion was taken under advisement.

The Commission finds that the motion should be denied as the counterclaim prays for revocation of the certificate, a relief which the Commission does have authority to grant, if deemed proper.

The fundamental law involved is:

"C. R. S. 1953, 115-1-5, which actually constitutes the definition of a 'common carrier,' to-wit:

"Any person, firm, association of persons, or corporation, engaged in transporting passengers, freight or express for hire in this State in any automobile or other vehicle whatever, and operating for the purpose of affording a means of transportation similar to that afforded by railroads or street railways, and in competition therewith by indiscriminately accepting, discharging and laying down either passengers, freight or express, between fixed points or over established routes is hereby declared to be affected with a public interest, and to be a public utility, and subject to the laws of this State now in force and effect or that may hereafter be enacted pertaining to public utilities."

Substantial evidence was adduced by the parties, however, a stipulation was entered into by them which contains the essential facts, which stipulation is as follows, to-wit:

"It is stipulated that the guest who is transported either to or from Stapleton Airfield by either respondent pays the same rate for the accommodations which are furnished to him as a guest who is not so transported, and the guest receiving the transportation pays no additional amount for such transportation.

"In the case of each of the respondents the bus is operated for guests only and no persons other than guests are transported by the bus; that the only transportation for the bus in each case is between their respective places and Stapleton Airfield."

The Commission FINDS that Respondents provide motor vehicle transportation services for their guests to and from, from and to, Stapleton Airfield and their Motels; that the transported guests pay the same for their Motel accommodations as the non-transported guests; that the costs for providing such transportation services are absorbed in the overall expenses of their Motel operations by the Respondents; that actually the non-transported guests, as well as the transported guests, indirectly pay for such transportation services; that such transportation services are actually incidental to the business of the Respondents; that to avail himself of such transportation services a member of the public must be either a guest, or at least a prospective guest, of the Motel; that the transportation services are only incidental to the primary purpose of the guests having, and the Respondents providing,

Motel accommodations; that the consideration paid by the transported guests for such transportation services is incidental to, and only a slight fraction of, the consideration paid to the Motel and is actually of an unknown and not calculable amount; that such transportation services rendered are so limited and restricted, and so integrated to, and so incidental a part of, the Motel business operations of the Respondents, that they do not constitute common carrier transportation of persons as contemplated under the statute; that the transportation services rendered by the Respondents are not offered and provided "indiscriminately" to the public at large, and are not rendered by the Respondents "for hire" in the sense that the words are used in the statute.

The Commission further FINDS that the transportation services afforded by the Respondents are not a means of transportation similar to those afforded by railroads in the following respects, (1) the transportation afforded by railroads is for a consideration paid before, or at the time the transportation is provided, which is not true in the present instance; (2) the consideration for the transportation afforded by railroads is a definite and known amount, which is not true in the present instance; and (3) the consideration for the transportation afforded by railroads is for a money consideration only, whereas, in the present instance the consideration for the transportation consists primarily in the individual becoming a guest of the Respondent Motels.

The Commission further FINDS that the transportation afforded by the Motels is not afforded to the public indiscriminately, but only to those who do business with them.

The Commission further FINDS that the transportation afforded by the Respondents and transportation afforded by railroads or street railways are essentially different rather than "similar."

The Commission further FINDS that the evidence as to the complaints of the Respondents is too inconclusive, uncertain, and indefinite and not of sufficient weight to warrant revocation of the certificates of the Complainants; however, that a warning to the Complainants to desist from the practices alleged, if engaged in, would be salutary.

The Commission further FINDS that the Respondents are not common carriers in affording the transportation services as hereinabove described; that the Complainants' complaint herein should be dismissed; that the relief prayed for by the Respondents that the certificate of public convenience and necessity of the Complainants be revoked should be denied.

O R D E R

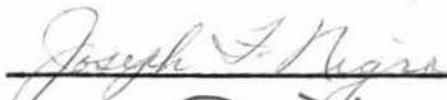
THE COMMISSION ORDERS:

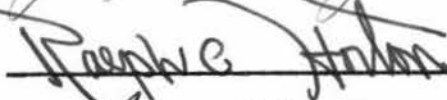
That the motion of the Complainants to dismiss the counterclaim of the Respondents on the ground of lack of jurisdiction be, and the same hereby is, denied.

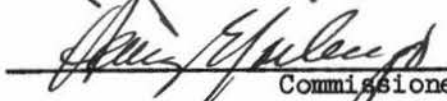
That the Complaint of the Complainants be, and the same hereby is, dismissed.

That the counterclaim of the Respondents be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1960.

ea

original

(Decision No. 55241)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) S. C. HUGHES, BOX 882, FORT MORGAN,) COLORADO, FOR AUTHORITY TO TRANSFER) PERMIT NO. B-4413 TO R. L. COMER,) DOING BUSINESS AS "R. L. COMER) GENERAL OILFIELD SERVICE," P. O.) BOX 56, FORT MORGAN, COLORADO.) -----)	APPLICATION NO. 17944-PP-Transfer
---	-----------------------------------

October 19, 1960

Appearances: Wells and Snyder, Esqs.,
Fort Morgan, Colorado,
for Transferor and
Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No. B-4413, which authorizes operation as a private carrier by motor vehicle for hire, as follows:

transportation of water, drilling mud, drilling oil, and other drilling fluids used in the drilling of oil wells only in Morgan County, Colorado, only, provided, however, that the applicant shall be restricted to the use of tanks having a capacity of 60 barrels of oil, and that he shall be restricted in his operations to the use of two trucks,

and by the herein filed application seeks authority to transfer said permit to R. L. Comer, doing business as "R. L. Comer General Oil-field Service," Fort Morgan, Colorado.

The application was set for hearing on July 28, 1960, at Sterling, Colorado, in the District Court Room, Court House, Sterling, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with

a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the transferee is fit and proper, will have sufficient equipment and experience to carry on the operations, and that the financial standing of the transferee is established to the satisfaction of the Commission.

That it appears to the Commission that any creditors of the transferor for debts incurred in the operation will not be prejudiced by the approval of the transfer.

That the transfer will be in the public interest, and the same should be authorized as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That S. C. Hughes, Fort Morgan, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4413 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to R. L. Comer, doing business as "R. L. Comer, General Oilfield Service," Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Mary E. Zauligo
Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. E. SHROUT, LA VETA PASS, LA VETA,)
COLORADO.)
)
)
)
-----)

PERMIT NO. M-8262

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. E. Shrout,
La Veta, Colorado
requesting that Permit No. M-8262 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8262, heretofore issued to W. E. Shrout,
La Veta, Colorado be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Chairman
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 197 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VEARL E. WILLIAMS, DOING BUS-)
INESS AS, "DIAMOND TRUCK LINE",)
133 EAST SACKETT STREET, SALIDA,)
COLORADO.)

PUC NO. 1250 & I

November 10, 1960
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 1250 & I be further suspended for six months from November 12, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Vearl E. Williams, doing business as, "Diamond Truck Line", Salida, Colorado be, and is hereby, authorized to further suspend operations under PUC No. 1250 & I until May 12, 1961.

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. Norton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1960.
hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEE M. ACOTT, FLEMING, COLORADO.)

PERMIT NO. M-15727

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lee M. Acott,
Fleming, Colorado
requesting that Permit No. M-15727 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15727, heretofore issued to Lee M. Acott,
Fleming, Colorado be,
and the same is hereby, declared cancelled effective September 9, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
 Ralph C. Brown
 Henry C. Zuckers
 Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1956.

original

(Decision No. 55245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
LENNART WALLDEN, DOING BUSINESS AS)
"HILLTOP-DENVER TRUCK LINE," PARKER,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 17741-Transfer
TO JESS V. MC KINSTER, DOING BUSI-)
NESS AS "MC KINSTER TRUCK LINE,")
PARKER, COLORADO, A PORTION OF)
PUC NO. 455.)
-----)

IN THE MATTER OF THE APPLICATION OF)
EMIL WALLDEN, DOING BUSINESS AS)
"HILLTOP TRANSFER," PARKER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 17742-Transfer
PUC NO. 2093 TO JESS V. MC KINSTER,)
DOING BUSINESS AS "MC KINSTER TRUCK)
LINE," PARKER, COLORADO.)
-----)

October 20, 1960

Appearances: Herbert M. Boyle, Esq.,
Denver, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

Lennart Wallden, Parker, Colorado, is the owner and operator
of PUC No. 455, authorizing:

transportation of freight between the Hilltop
territory described as follows:

Commencing at Hilltop, in Douglas County;
thence northwest approximately 2½ miles on
the main public highway; thence returning
southeast on the said route approximately
one mile to the public highway leading south;
thence south on the said highways approxi-
mately 4 miles to a public road running
northwest where they connect with the
additional route hereinafter described;

also commencing at Hilltop, thence south-
east on the public highway to the County
line between Douglas and Elbert Counties
approximately one mile; thence east on the
said public highway one mile; thence south
2 miles; thence east 2 miles; thence south

3 miles to a point on the highway in Elbert County just west of Elizabeth; thence west on the public highway 4 miles, crossing the County line and returning into Douglas County approximately 1 mile; thence north $2\frac{1}{2}$ miles; thence northwest $2\frac{1}{2}$ miles; and Denver.

By the instant application, said certificate-holder seeks authority to transfer to Jess V. McKinster, doing business as "McKinster Truck Line," Parker, Colorado, a portion of PUC No. 455, viz., the right to transport:

freight (excluding milk and cream), between points within the following described territory:

Commencing at Hilltop, in Douglas County; thence northwest approximately $2\frac{1}{2}$ miles on the main public highway; thence returning southeast on the said route approximately one mile to the public highway leading south; thence south on the said highway approximately 4 miles to a public road running northwest where they connect with the additional route hereinafter described;

also commencing at Hilltop; thence southeast on the public highway to the County line between Douglas and Elbert Counties approximately one mile; thence east on the said public highway one mile; thence south 2 miles; thence east 2 miles; thence south 3 miles to a point on the highway in Elbert County just west of Elizabeth; thence west on the public highway 4 miles; crossing the County line and returning into Douglas County approximately one mile; thence north $2\frac{1}{2}$ miles; thence northwest $2\frac{1}{2}$ miles,

and Denver, Colorado.

Emil Wallden, doing business as "Hilltop Transfer," Parker, Colorado, is the owner and operator of PUC No. 2093, authorizing:

call and demand service for the transportation of livestock, and general farm commodities, excluding milk and cream, from and to all points within a radius of 15 miles of Hilltop, to and from all points within the State of Colorado.

By Decision No. 53997, dated March 17, 1960, said PUC No. 2093 was suspended until August 25, 1960. The Commission has now received a request from said certificate-holder, requesting that said PUC No. 2093 be reinstated, and that he be authorized to transfer the same to Jess V. McKinster, doing business as "McKinster Truck Line," Parker, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, May 12, 1960, and at the conclusion of the evidence, the matters were taken under advisement.

Counsel for applicants moved that the applications be consolidated for hearing, and there being no objections thereto and good reason existing therefor, the same were consolidated for hearing.

Jess V. McKinster, Emil Wallden and Lennart Wallden, the applicants herein, testified in support of the applications.

With reference to the transfer of a portion of PUC No. 455, the testimony was that the freight portion of the authority was being transferred and the transferor would retain the milk haul which has gone to bulk hauling by tank trucks, and would retain the right to operate under PUC No. 455.

It appeared that the proposed transfers would result in more efficient operation and would be of benefit to the public interest.

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

No one appeared in opposition to the proposed transfers.

F I N D I N G S

THE COMMISSION FINDS:

That PUC No. 2093 should be reinstated as of the day and date hereof.

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

O R D E R

THE COMMISSION ORDERS:

That Lennart Wallden, doing business as "Hilltop-Denver Truck Line," Parker, Colorado, be, and he hereby is, authorized to transfer to Jess V. McKinster, doing business as "McKinster Truck Line,"

Parker, Colorado, a portion of PUC No. 455, viz., the right to transport:

freight (excluding milk and cream) between points within the following described territory:

commencing at Hilltop, in Douglas County; thence northwest approximately $2\frac{1}{2}$ miles on the main public highway; thence returning southeast on the said route approximately one mile to the public highway leading south; thence south on the said highway approximately 4 miles to a public road running northwest where they connect with the additional route hereinafter described;

also commencing at Hilltop; thence southeast on the public highway to the County line between Douglas and Elbert Counties approximately one mile; thence east on the said public highway one mile; thence south 2 miles; thence east 2 miles; thence south 3 miles to a point on the highway in Elbert County just west of Elizabeth; thence west on the public highway 4 miles, crossing the County line and returning into Douglas County approximately one mile; thence north $2\frac{1}{2}$ miles; thence northwest $2\frac{1}{2}$ miles,

and Denver, Colorado,

subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That PUC No. 2093 should be, and the same hereby is, reinstated, as of the day and date hereof.

That Emil Wallden, doing business as "Hilltop Transfer," Parker, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2093 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Jess V. McKinster, doing business as "McKinster Truck Line," Parkder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfers shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates (a portion of PUC No. 455 and PUC No. 2093), 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,

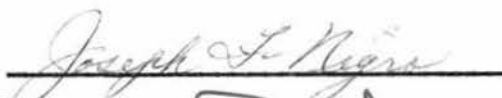
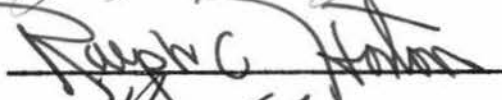

kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission, unless such time shall 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 transferors 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 certificates up to the time of transfer of said certificates.

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 20th day of October, 1960.

ea

original

(Decision No. 55246)

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 AR-)
KANSAS AVENUE, DENVER, COLORADO,)
FOR AUTHORITY TO MOVE AN EXISTING)
COUNTY ROAD GRADE CROSSING AND TO)
INSTALL FLASHING LIGHT SIGNALS ON)
THE EDEN CROSSING OF THE DENVER AND)
RIO GRANDE WESTERN RAILROAD COMPANY,)
TO BE LOCATED AT RAILROAD MILEPOST)
112.61, IN THE NORTHWEST QUARTER)
OF SECTION 1, TOWNSHIP 20-SOUTH,)
RANGE 65-WEST, SIXTH PRINCIPAL)
MERIDIAN, IN PUEBLO COUNTY, STATE)
OF COLORADO.)
-----)

APPLICATION NO. 17780

October 20, 1960

Appearances: Joseph M. Montano, Assistant
Attorney General, Denver,
Colorado,, for applicant
Department of Highways;
J. L. McNeill, Denver, Colo-
rado, 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 parties in interest, to the owners of adjacent property and to the Board of Pueblo County Commissioners, was set for hearing in the County Court Room, Court House, Pueblo, Colorado, on July 11, 1960. The matter was there heard by Edwin R. Lundborg as a duly appointed Examiner for the Commission. Evidence was received, testimony taken, and the files in the matter, together with the Examiner's Report and recommendations, were all submitted to the Commission and taken under advisement.

The purpose of the instant application is to secure Commission approval for the proposed relocation and construction of a new highway-railroad grade crossing to be protected with automatic

flashing light signals and bells at Rio Grande Mile Post 112.61, on the Eden County Road north from Pueblo, Colorado. At the hearing, the following exhibits were received after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways at Denver, Colorado.

Exhibit A: Combination plan and profile sheet to show proposed highway interchange, plan for rail crossing re-location and drainage details.

Exhibit B: Prepared statement of Mr. King to further explain the items of location, agreements and approvals, need, safety protection and statement of cost.

Exhibit C: (Late Filed)
Copy of complete Agreement dated May 10, 1960, between The Department of Highways and The Denver & Rio Grande Western Railroad Company pertaining to construction of the new Freeway structure and County Road crossing.

The instant construction project is a continuation of the Department of Highways program to improve some $1\frac{1}{2}$ miles of State Highway No. 1 extending northward from 29th Street in Pueblo to the Eden County Road. Proposed improvement is necessary to conform with the design standards established for this portion of the Interstate Defense Highway. As a part of the project the existing County Road and crossing at Mile Post 112.45 will be relocated and a new crossing constructed at Mile Post 112.61 over the single main-line track of The Denver and Rio Grande Western Railroad Company. Protection of automatic flashing light signals with bells is proposed for the new crossing.

As a part of the interchange structure to separate the intersection of the east-west Eden County Road and the main north-south Freeway, extensive earthen embankment will be placed to provide an overpass for the Freeway; also, added frontage road facilities will be constructed to serve local farm area traffic. In this manner, it will be possible to close and remove three private road crossings over the rail line at Mile Posts 111.81, 112.17 and 112.84 where no protection devices have been provided.

Further control of vehicular traffic along the interchange ramps will provide for "Stop" signs at the County road to control ramp movement and permit through travel on the County road and the rail crossing. The estimated vehicular traffic on the County road will not exceed 100 cars per day. Rail traffic over the single main line consists of 19 scheduled trains daily with maximum permitted speed of 70 miles per hour.

In an agreement dated May 10, 1960, between the Department of Highways and the Rio Grande Railroad, it is provided that the Railroad Company will receive full reimbursement for all crossing work and adjustments in rail facilities, and will also contribute 10% to the flashing light installation and thereafter maintain and operate the crossing. Maintenance of the highway and crossing approaches will be by the Department.

According to preliminary estimates, a total cost of \$8,400 is indicated for signals. Customary advance warning signs will be supplied and installed by the Department.

In addition to the above agreement, approvals of the proposed work have been given by the Chief Engineer, Department of Highways; by the Bureau of Public Roads; Board of County Commissioners of Pueblo County; and appropriate officials of The Denver & Rio Grande Western Railroad Company.

Report of the Examiner also recommends that the requested authority be granted by appropriate Order of this Commission. Further, no public utilities or adjacent property owners will be adversely affected, and no objections were offered at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That public safety, convenience and necessity require construction of highway-railroad grade crossing of Eden County Road across the track and right-of-way of The Denver and Rio Grande Western Railroad Company at Mile Post 112.61.

That existing public crossing at Mile Post 112.45 be abandoned and removed.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the construction and maintenance of highway-railroad grade crossing of Eden County Road across the track and right-of-way of The Denver and Rio Grande Western Railroad Company at Mile Post 112.61.

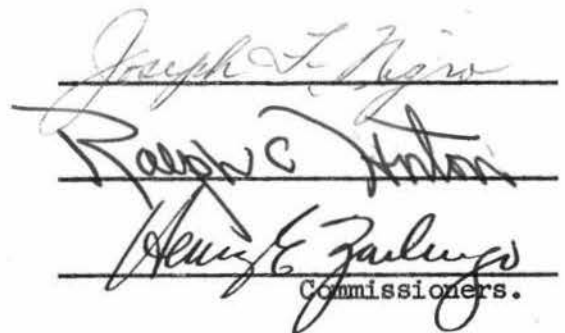
That the existing public crossing at Mile Post 112.45 be abandoned and removed.

That the work to be done, costs, construction and maintenance of the proposed crossing shall be as indicated in the preceding Statement and Exhibits "A," "B," and "C," all of which, by reference, are made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT A. GOSSELIN, 2950 WEST)
74TH AVENUE, WESTMINSTER,) PUC NO. 4277
COLORADO.)
-----)

October 20, 1960

Appearances: James Stitt, Esq.,
Westminster, Colorado,
for Robert A. Gosselin.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Stitt, Attorney for the above-styled certificate-holder, requesting that said certificate-holder be authorized to conduct operations under PUC No. 4277 under the trade name and style "R & R Trash Removal Service."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show PUC No. 4277 to be owned and operated by:

"Robert A. Gosselin, doing business as
'R & R Trash Removal Service,' "

in lieu of:

"Robert A. Gosselin."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Robert C. Hoken
Samuel H. Hoken
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1960.

ea

original

(Decision No. 55248)

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 AUTHOR-)
ITY TO RECONSTRUCT A HIGHWAY UNDER-)
PASS AT RAILWAY MILE POST 555 PLUS)
4385.5 FEET AND TO CONSTRUCT THREE)
GRADE CROSSINGS ON TRACKS NOS. 102,)
34 AND 212 RESPECTIVELY, ALL ON STATE)
HIGHWAY NO. 6 (U. S. 50) INVOLVING)
PROPERTIES OF THE ATCHISON, TOPEKA)
AND SANTA FE RAILWAY COMPANY AT AND)
NEAR LA JUNTA, OTERO COUNTY, STATE OF)
COLORADO.)

APPLICATION NO. 17979

October 20, 1960

Appearances: Joseph M. Montano, Esq.,
and
James R. Richards, 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 July 28, 1960, and was thereafter set to be heard at the County Commissioners' Room of the Court House, Pueblo, Colorado, on September 29, 1960.

Appropriate notice of said hearing was forwarded to interested parties, including also adjacent property owners, the La Junta Chamber of Commerce and to the City Attorney and City Clerk of La Junta, Colorado. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

Purpose of the application is to secure Commission approval of:

(a) Proposed extension of an existing Railroad Bridge at Santa Fe Mile Post 555 plus 4385.2 feet, thereby providing an underpass opening for two additional traffic lanes on State Highway No. 6 (U. S. No. 50), near the west City Limits of La Junta, Colorado;

(b) Improve existing crossings on First Street at Industry Tracks Nos. 102, 34 and 212. The following exhibits were recieved at the hearing after explanation was given by Mr. E. L. King, who is Assistant to the Surveys and Plans Engineer of the Department of Highways at Denver, Colorado:

Exhibit A: Sheet No. 1 of Project Plans, being a map of a portion of La Junta, Colorado, to show extent of highway improvement project and general location of proposed bridge and crossing work.

Exhibit B: Plan Sheet No. B.E.S. 1638 by The Atchison, Topeka & Santa Fe Railway System, to show general layout of existing Railroad bridge and proposed extension. Minimum clearances at highway opening to be 15.7 feet vertical and 39' - 10" horizontal.

Exhibit C: Plan Sheet No. 11 by Colorado Department of Highways to show new highway alinement and profile of approach grades along First Street at grade crossing of Industry Tracks No. 102.

Exhibit D: Plan Sheet No. 13 of Colorado Department of Highways to show new highway alinement and profile of approach grades at grade crossings over Industry Tracks Nos. 34 and 212.

Exhibit E: Prepared Statement of Mr. E. L. King regarding the project to explain further details of: Location, agreements, approvals, need, safety protection, construction, maintenance and estimate of costs.

Exhibit F: Agreement between The Atchison, Topeka & Santa Fe Railroad Co. and Department of Highways, dated July 18, 1960, pertaining to extension of existing separation structure at Br. 555.8.

Mr. King explained that the instant project involves a relocation of State Highway No. 6 to a new route along First Street near

the Santa Fe rail yards. In this manner, excessive congestion along the present route on Third Street will be relieved by providing a four-lane divided facility with a curbed center median having left-turn slots at principal intersections. Parking lanes will also be provided on each side of the new development.

The existing underpass on the main highway near the west City limits was built in 1934 to handle two lanes of traffic, vertical clearance is 15 feet. With the new work, it is proposed to retain the existing structure to handle two lanes of eastbound traffic and to also construct an extension to provide for an additional two lanes of west-bound traffic. In order to use existing drainage facilities it has been possible to secure a vertical clearance of only 15.7 feet. In order to secure the Commission clearances of 16 feet at each roadway, Mr. King explained that some \$60,000 would be required to rebuild the entire underpass drainage system and to reconstruct approximately 1000 feet of the existing roadway. Hence, it did not appear economically feasible to make the changes since the existing clearance of 15 feet has not resulted in any hardship to vehicular movements and was in existence prior to the Commission specifications of 1952.

In the new-routing change to First Street, Industry Track No. 102 will be crossed in a new location; while new crossings will be added to the highway route at Tracks No. 34 and 212. Rail traffic at the industry tracks as described by Mr. King amounts to two trips per week over tracks 102 and 34. At Track No. 212, one trip per day is made with a maximum of six movements daily during wheat shipments. It is proposed that new reflectorized crossbuck signing will be installed to replace painted signs and to provide renewals of reflectorized Advance Warning Signs. Meanwhile, should there be increased rail traffic to the local industries, then it is proposed that improved protection be added to meet the greater need.

It appears now that the instant highway project has been developed to meet the needs of a rapidly increasing segment of the general public; that the proposed bridge structure as designed by Santa Fe conforms to all requirements of the railroad; that safety of operating personnel is maintained by side walkways and handrails; that the existing vertical clearance of 15 feet has proven adequate, so that no compelling reason demands there be 16 feet where it is now economically feasible to secure only 15.7 feet at the underpass extension. Further, that vehicular traffic over the industry grade crossings is not a new situation, and that the new highway use now offers a means of continuing scrutiny for future protection at these locations.

We note further that the project has been approved by the State Highway Commission, Chief Engineer, Department of Highways; U. S. Bureau of Public Roads; the Board of Otero County Commissioners; the City of La Junta; the Atchison, Topeka & Santa Fe Railway Company; and a Letter of support for the project by La Junta Chamber of Commerce.

Cost of the highway underpass structure, work by Railroad forces and improvements of the three grade crossings is estimated at \$79,063.00; all of which is to be at Highway expense. No objection to the proposed work was presented at the hearing and none appears in the Commission's file.

F I N D I N G S

THE COMMISSION FINDS:

That the public safety, convenience and necessity require construction, operation and maintenance of the proposed La Junta underpass extension, together with relocation of the new highway to First Street and resulting use of crossings over Industry Tracks Nos. 102, 34 and 212 in the City of La Junta, Colorado; all as set forth and described in the preceding Statement, which Statement, by refer-

ence, is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

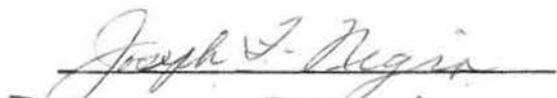
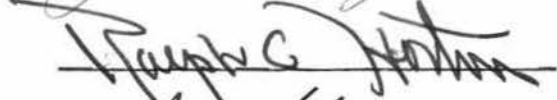

That authority is hereby granted for (a) the establishment, construction, operation and maintenance of a new railroad bridge-highway underpass extension at Santa Fe Mile Post 555 plus 4385.5 feet State Highway No. 6 (U. S. No. 50) near the west City Limits of La Junta, Colorado, and (b) the improvement of and travel over existing crossings on Santa Fe Industry Tracks Nos. 102, 34 and 212 on First Street in the City of La Junta, Colorado; all as a part of said State Highway No. 6.

That the work to be done, method of payment, and maintenance shall all be in accordance with the foregoing Statement and Exhibits "A," "B," "C," "D," "E," "F," and "G," all of which, by reference are made a part hereof.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1960.

mls

original

(Decision No. 55249)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	}	<u>INVESTIGATION AND SUSPENSION</u> <u>DOCKET NO. 438</u>
OF TARIFF COLORADO P.U.C. NO. 8		
OF THE LEADVILLE WATER COMPANY,		
LEADVILLE, COLORADO.		

October 20, 1960

Appearances: E. G. Knowles, Esq., and
C. D. Knowles, Esq., Denver,
Colorado, for Applicant;
E. B. Evans, Esq., Denver,
Colorado, for Leadville
Water Users Association;
E. R. Thompson, and
J. M. McNulty, Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On August 12, 1960, the Leadville Water Company, by its Treasurer, John W. L. White, filed with this Commission certain water rates designated as Colorado P.U.C. No. 8. The new filing proposed an increase in water rates for the customers served by the Company in its Leadville service area. The Commission, by Decision No. 54876, of August 15, 1960, in Investigation and Suspension Docket No. 438, suspended the effective date for the new rates designated Colorado P.U.C. No. 8 from August 12, 1960, to December 13, 1960, unless otherwise ordered.

After due notice to all interested parties, the Commission set the matter for hearing on Thursday, October 13, 1960, at ten o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado. At the conclusion of the hearing on said date, the Commission took the matter under advisement.

In Application No. 17531, by Decision No. 54708, of July 19,

1960, this Commission issued its order permitting the Applicant, Leadville Water Company, to file new rates, rules and regulations to produce a total gross revenue in the amount of \$119,215 for the test year 1959 as adjusted. The gross revenue to which Applicant was entitled was arrived at by the Commission after hearings duly held and participated in by all interested parties. The filing by the Leadville Water Company of its P.U.C. No. 8 is in accordance with Decision No. 54708, previously referred to.

Testimony and exhibits submitted by the Applicant at the hearing revealed that Leadville Water Company Tariff Colorado P.U.C. No. 8 should produce total gross operating revenues for the test year as adjusted in the amount of \$118,774, which is slightly less than the total amount set by the Commission's order of \$119,215. Witness for the Company further testified that its large industrial sales customer, the American Smelter & Refining Company at Leadville is no longer taking water from the Leadville Water Company, which results in a loss of \$10,200 gross revenue annually. As an offset to this loss in revenue, the witness has included as projected revenues, additional West Park customers, all of whom are not yet connected to this system. These adjustments, together with the proposed increase in rates, result in the calculated test year revenue in the amount of \$118,744.

Further testimony revealed that under the meter rate schedule as proposed, which provides for flat rate use of water from approximately May 1st to September 30th of each year based on the average monthly use of the customer for the preceding seven winter months, would result in the metered customers paying very nearly the same annual rate as they would if they were on a flat rate basis. The purpose of the metered rate is to conserve the use of water in the winter time when water is not as plentiful as in the summer, and the relaxing of the meter rate in the summer is to permit the customers

full use of water when it is plentiful.

The Company witness also testified that the construction of the "Canterbury Project" was proceeding on schedule to bring this new source of water into the system. The Company was also going ahead with the hydrant program and hoped to complete all of this construction in less than a year. Under the terms of the Commission's Decision No. 54708, at the time the Company completes the construction program, it can then apply for additional increase in rates in accordance with that decision.

It is apparent from the testimony in this matter that the rates as proposed by Applicant in its Colorado P.U.C. Tariff No. 8 will not produce gross operating revenues in excess of \$119,215 authorized by the Commission and that the rates, rules and regulations as proposed are just and reasonable, non-discriminatory and non-preferential and should be permitted to become effective as hereinafter ordered.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Leadville Water Company and of the subject matter involved in the instant application.

That the above Statement be made a part of these Findings by reference.

That the proposed schedule of rates, rules and regulations designated, Leadville Water Company, Colorado P.U.C. Tariff No. 8, consisting of Original Sheets 1, 1a, 2, 3, 4, and 5 are just and reasonable, non-discriminatory and non-preferential, and should be permitted to become effective in accordance with our Order to follow.

O R D E R

THE COMMISSION ORDERS:

That the rate schedule designated as Leadville Water Com-

pany, Colorado P.U.C. Tariff No. 8, consisting of Original Sheets Nos. 1, 1a, 2, 3, 4, and 5, as filed by said Company with this Commission, on August 12, 1960, are, and are hereby declared to be, just, reasonable, non-discriminatory, non-preferential and said proposed rates, classifications, rules and regulations are, and are hereby, permitted to become effective for all water sold on and after November 1, 1960.

That all motions of all parties be, and the same are hereby, denied.

That Investigation and Suspension Docket No. 438 be, and it hereby is, closed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Nigro
Harold C. Hinton
Blair E. Paulsen
Commissioners

Dated at Denver, Colorado,
this 20th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
M AND M OIL AND TRANSPORTATION, INC.,)
6510 BRIGHTON BOULEVARD, COMMERCE-)
TOWN, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 1512 TO M AND M)
TANK LINES, COLORADO, INC., 6510)
BRIGHTON BOULEVARD, COMMERCE TOWN,)
COLORADO.)
-----)

APPLICATION NO. 18102-Transfer

October 21, 1960

Appearances: Michael T. Corcoran, Esq.,
Denver, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

Heretofore, M and M Oil and Transportation, Inc., Commerce-
town, Colorado, was granted a certificate of public convenience and
necessity, viz., PUC No. 1512 and PUC No. 1512-I, authorizing trans-
portation of:

petroleum products, in bulk, between all points
within the State of Colorado; crude oil, in tank
truck lots, between points within the State of
Colorado;

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.

By the above-styled application, said certificate-holder seeks
authority to transfer said PUC No. 1512 to M and M Tank Lines, Colorado,
Inc., Commercetown, Colorado, said M and M Oil and Transportation, Inc.,
to retain authority under said PUC No. 1512-I.

Said application was regularly set for hearing before the Com-
mission, at the Hearing Room of the Commission, 532 State Services
Building, Denver, Colorado, October 14, 1960, at ten o'clock A. M.,
due notice thereof being forwarded to all parties in interest.

On October 11, 1960, 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, Kenneth W. Corder testified in support of the application, stating he is Accountant for M and M Oil and Transportation, Inc.; that the Balance Sheet of M and M Oil and Transportation, Inc., heretofore filed with this Commission, is true, as of the date thereof, and that no material changes have occurred since that time; that there are no outstanding unpaid obligations against said PUC No. 1512 and PUC No. 1512-I.

S. A. Markley appeared at the hearing in support of the application, testifying that he is an Officer of M and M Tank Lines, Colorado, Inc., transferee herein; that it is the desire of both transferor and transferee to transfer the intrastate operating rights now held by M and M Oil and Transportation, Inc., under PUC No. 1512, transferor to retain the interstate operating rights; that it is the desire of transferee that the number "PUC 1512" go to transferee herein, and that a new number be assigned to transferor corporation, covering interstate operating rights retained by it; that he has had over twenty years' transportation experience.

Loren G. Markley appeared at the hearing and testified he is President of M and M Oil and Transportation, Inc.; that his company desires the transfer of PUC No. 1512 to M and M Tank Lines, Colorado, Inc.; that the purchase price is fair and reasonable; that copy of Transfer Agreement has heretofore been filed with the Commission.

Claude L. Jackson testified he is Auditor for M and M Oil and Transportation, Inc.; that he expects to occupy a similar position with transferee corporation, M and M Tank Lines, Colorado, Inc.;

that he prepared a Balance Sheet for said M and M Tank Lines, Colorado, Inc., copy of which has heretofore been filed with the Commission; that S. A. Markley has paid into said company approximately \$50,000, and that said company is solvent.

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 Examiner.

Findings of the Examiner are that transfer herein sought is operating rights known as "PUC No. 1512;" that transferor herein desires to retain operating rights formerly known as "PUC No. 1512-I;" that there is no outstanding indebtedness against said certificates; that transferee is financially able, has sufficient equipment, and is ably managed, to carry on operations under said PUC No. 1512; that no one will be adversely affected by reason of the proposed transfer; that said transfer is in the public interest.

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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find:

1. That M and M Oil and Transportation, Inc., Commercetown, Colorado, is the owner and operator of PUC No. 1512 and PUC No. 1512-I, and desires to transfer said PUC No. 1512 to M and M Tank Lines, Colorado, Inc., Commercetown, Colorado.

2. That transferee herein is qualified, financially and by experience, to conduct operations under PUC No. 1512.

3. That the proposed transfer is compatible with the public interest and should be authorized, inasmuch as authority herein sought

will not adversely affect any other common carrier operating in the territory to be served by transferee herein.

4. That the number "PUC No. 1512" be assigned to transferee herein, covering operations under authority herein authorized to be transferred.

5. That the number "PUC No. 1512-I" should be cancelled.

6. That a new number should be assigned to interstate operating rights retained by transferor herein.

O R D E R

THE COMMISSION ORDERS:

That M and M Oil and Transportation, Inc., Commercetown, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 1512, being authority to transport:

petroleum products, in bulk, between all points within the State of Colorado;
crude oil, in tank truck lots, between points within the State of Colorado,

to M and M Tank Lines, Colorado, Inc., Commercetown, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

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

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

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


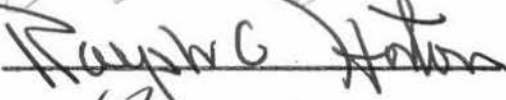

That operating rights herein authorized to be transferred shall hereafter be known as "PUC No. 1512."

That the number "PUC No. 1512-I" be, and the same hereby is, cancelled.

That a new number shall be assigned to interstate operating rights retained by transferor herein, said operating rights having been formerly known as "PUC No. 1512-I."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1960.

ea

original

(Decision No. 55251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF)
VARIOUS CORPORATIONS, PARTNER-)
SHIPS, AND/OR PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPER-)
ATE AS COMMERCIAL (PRIVATE) CAR-)
RIERS BY MOTOR VEHICLE IN THE)
STATE OF COLORADO.)
-----)

October 21, 1960

S T A T E M E N T

By the Commission:

The records of the Commission show that the corporations, partnership, and/or persons listed in the Order part of this decision have paid to the Commission a filing fee for a Commercial (private) Carrier Permit to operate over the highways of the State of Colorado.

The records of the Commission further show that said applicants have failed to complete their applications in one or more of the following particulars as required by the Rules and Regulations Governing Commercial Carriers by Motor Vehicle in Colorado:

- (a) Failure to file completed Application.
- (b) Failure to file request for cab cards.
- (c) Failure to file, or have filed, certificate of insurance.

The records of the Commission further show that all of the applicants listed in the Order part of this decision have been duly notified by the Commission of their failure to comply with one or more of the above particulars.

F I N D I N G S

THE COMMISSION FINDS:

That the Statement should be made a part of these Findings.

That all of said proceedings heretofore instituted by the corporations, partnerships, and/or persons listed in the Order part

of this decision should be dismissed.

ORDER

THE COMMISSION ORDERS:

That each of the application proceedings heretofore commenced by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial (private) carrier by motor vehicle over the highways of the State of Colorado, be, and the same hereby are, dismissed:

ABC Plumbing & Supplies,
Allied Egg Co.,
Alpine Stables,
Mike Baglanoff,
Troy Barber,
Walter Brown, Jr.,
Bud's Tire, Iron & Parts,
Woodrow Campbell,
Marvin Clauff,
Consigned Sales,
Elden De Moss,
John Wm. Disanh, Sr., and
John Wm. Disanh, Jr.,
Don's Water Hauling,
Electro-Magic Sales Co.,
Leon Estrada,
Lloyd R. Foucher,
Franklin Brothers,
L. C. Fuehring Produce,
Orville Garrett,
D. W. Grans,
Alex Guerrero,
Ross Parish Hansen,
J. M. Hardison,
Patrick F. Hart,
Hill Brake & Supply, Inc.,
Keith Hodkstedler,
Hughes Brothers,
Inter-Mountain Lumber Co.,
Investo Mobile Home Sales,
Alphers B. Johnston,
Richard Jones,
Kwik-Kater,
Madison Cooperative Creamery,
Marvel Mobile Homes,
McCormick Distributing Co.,
Mesmer Bros. Garage,
Midwestern Sales,
Montezuma Packing,
Jackie T. Morley,
Bert Myer,
Gilbert Ortiz,
Walter P. Pacheco,
C. A. & Welton D. Phillips,
Quanah Cotton Oil Co.,
Dave Reigal & Co.,
Robert S. Roberts,
Nick Rukavina,

101 Spring St., Pueblo, Colo.
3350 So. Clarkson, Englewood, Colo.
Box 341, Georgetown, Colo.
8100 S. Lewis, Tulsa, Okla.
Rt 2, Box 224A, Lubbock, Texas
Box 112, Alma, Arkansas
Ft. Collins, Colo.
Rt 2, Medford, New Jersey
Fullerton, Nebr.
10004 E. 61st Terrace, Kansas City, Mo.
Box 611, Canton, Okla.

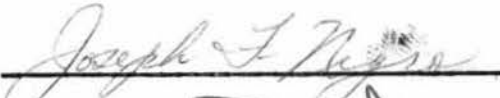
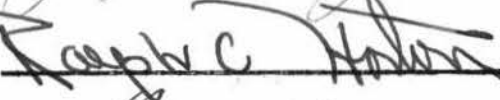

Rt 1 Box 708, Pueblo, Colo.
5104 W. Center Dr., Denver 19, Colo
4030 S. Colfax, Denver 4, Colo.
Rt 1 c/o Chuck Foster, Broomfield, Colo.
2015 Lafayette, Denver 5, Colo
2645 Truman NE, Albuquerque, New Mex.
7717 Birch, Hammond, Indiana
808 N. Sandusky, Tulsa, Okla.
c/o Bert's Fruit Stand, Albuquerque, N. M.
16 New Addition, La Junta, Colo.
240 Davis, Monte Vista, Colo.
Oplike, Alabama
1020 Cody, Denver 15, Colo.
Rapid City, South Dakota
Beatrice, Nebr.
739 Palmer, Glenwood Springs, Colo.
PO Box 1347, Missoula, Montana
S. Main & Riverside, Brookville, Indiana
North Platte, Nebr.
RR 1, Rocky Ford, Colo.
1218 Washington, Denver 3, Colo.
Madison, Nebr.
Fairbanks, Alaska
3026 N. Stone, Colorado Springs, Colo.
Rt 2, Ft. Morgan, Colo.
Gothenburg, Nebr.
Box 638, Cortez, Colo.
Rt 1, Manzanola, Colo.
80 W. Kenyon, Englewood, Colo.
House 43, Labor Camp, Ft. Lupton, Colo.
General Delivery, Del Norte, Colo.
1505 W. 6th St., North Platte, Nebr.
Quanah, Texas
5691 Dahlia, Denver 16, Colo.
La Junta, Colo.
Box 706, Lyman, Nebr.

L. W. & C. Schulz,
Benton Sinclair,
Slusher's Bakery,
J. A. Smith,
Leonard E. Staten,
E. P. Taylor,
Monte B. Thomas,
Willis A. Turner,
Frank E. Vitera,
H. C. Williams,
Frank G. Wood,
Melvin S. Worth,

Seward, Nebr.
1313 NE 38th St., Ft. Worth, Tex.
Box 143, Limon, Colo.
1203 Pine St., Sidney, Nebr.
Rt 5, Manhattan, Kans.
606 E. 2nd, Roswell, New Mexico
Fox Park, Wyoming
Corning, Arkansas
Box 12, Englewood, Colo.
Harrison, Arkansas
Box 119, Colorado Springs, Colo.
4242 Broadway, Boulder, Colo.

This Order shall become effective ten days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1960.

ea

original

(Decision No. 55252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL F. AND E. L. DAVIS, DOING)
BUSINESS AS "DAVIS & DAVIS," 1639)
JACKSON STREET, WICHITA, KANSAS, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO EVA E. DAVIS AND)
E. L. DAVIS, CO-PARTNERS, DOING BUSI-)
NESS AS "DAVIS & DAVIS," 1639 JACK-)
SON STREET, WICHITA, KANSAS.)

PUC NO. 2145-I-Transfer

October 21, 1960

S T A T E M E N T

By the Commission:

Heretofore, Paul E. Davis and E. L. Davis, co-partners, doing business as "Davis & Davis," Wichita, Kansas, were granted a certificate of public convenience and necessity (PUC No. 2145-I), authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, for the transportation of:

freight, between all points in the State of
Colorado and the Colorado State Boundary
Lines, where all highways cross the same.

Said certificate-holders now seek authority to transfer said PUC No. 2145-I to Eva E. Davis and E. L. Davis, co-partners, doing business as "Davis & Davis," Wichita, Kansas.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Paul F. Davis and E. L. Davis, co-partners, doing business as "Davis & Davis," Wichita, Kansas, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2145-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Eva E. Davis and E. L. Davis, co-partners, doing business as "Davis & Davis," Wichita, Kansas, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigis
Ralph C. Horton
Henry E. Paulings
Commissioners

Dated at Denver, Colorado,
this 21st day of October, 1960.

mls

original

(Decision No. 55253)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
AUGUST J. MODICA, PHILIP MODICA,
AND FRANK J. MODICA, CO-PARTNERS,
DOING BUSINESS AS "MODICA
BROTHERS," 922 ROSITA STREET,
TRINIDAD, COLORADO.

PERMIT NO. B-3567

October 21, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
above-styled permit-holders, requesting authority to conduct opera-
tions under Permit No. B-3567 under the trade name and style "Modica
Brothers Trucking Company," rather than "Modica Brothers."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to
change the records of the Commission to show Permit No. B-3567 to be
owned and operated by:

"August J. Modica, Philip Modica,
and Frank Modica, co-partners,
doing business as 'Modica Brothers
Trucking Company,'"

in lieu of:

"August J. Modica, Philip Modica,
and Frank Modica, co-partners, do-
ing business as 'Modica Brothers.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regis
Rueph C. Horton
Henry E. Zuley
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1960.

mls

original

(Decision No. 55254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
BESSEMER BUS CORPORATION, 501)	
MINING EXCHANGE BUILDING, COLO-)	PUC NO. 1265
RADO SPRINGS, COLORADO.)	

October 21, 1960

Appearances: R. E. Anderson, Esq., Colorado
Springs, Colorado, for
Bessemer Bus Corporation.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. E. Anderson, Attorney for the above-styled certificate-holder, requesting authority for said certificate-holder to conduct operations under PUC No. 1265 under the trade name and style "American Sightseeing of Colorado Springs."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show PUC No. 1265 to be owned and operated by:

"Bessemer Bus Corporation, doing
business as 'American Sightsee-
ing of Colorado Springs,'"

in lieu of:

"Bessemer Bus Corporation."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Stanton
Albert E. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1960.

mls

original

(Decision No. 55255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED MESSICK, BOX 282, LA PORTE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OPER-)
ATE AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 18054-PP

October 24, 1960

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in 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 one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials to be restricted to the use of tank vehicles, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on September 7, 1960, at Fort Collins, Colorado, in the Larimer County Court House at Fort Collins, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission.

After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

Neither the applicant nor any protestants appeared at the hearing.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted, as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Ted Messick, La Porte, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred 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 home and small construction jobs within a radius of one hundred 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 one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of

road-surfacing materials to be restricted against the use of tank vehicles.

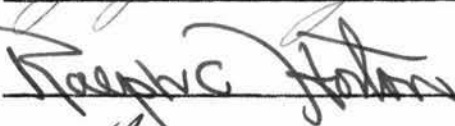
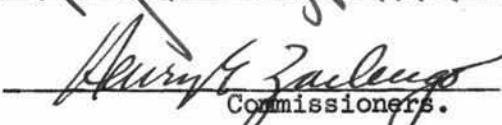
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 24th day of October, 1960.

mls

original

(Decision No. 55256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JOHN J. WAITE, ROUTE 1, BOX 315,) WELLINGTON, COLORADO, FOR AUTHORITY) TO EXTEND OPERATIONS UNDER PERMITS) NOS. B-5917 AND B-5917-I.)	<u>APPLICATION NO. 18055-PP-Extension</u>
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October 24, 1960

Appearances: John J. Waite, Wellington,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permits Nos. B-5917 and B-5917-I, which authorizes operation as a private carrier by motor vehicle for hire, as follows:

transportation of telephone poles, logs, and forest products, from sawmills and forests in the State of Colorado, to Broderick Wood Products Company, in Denver, Colorado, and finished products of said Broderick Wood Products Company, to its customers in the State of Colorado;

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,

and by the instant application, applicant seeks to extend and enlarge such permits to authorize the transportation of logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of seventy-five miles of said forests; rough lumber, from sawmills in said seventy-five mile radius, to markets in the State of Colorado, with no town-to-town service.

The application was set for hearing on September 7, 1960, at Fort Collins, Colorado, in the Larimer County Court House at Fort

Collins, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That John J. Waite, Wellington, Colorado, be, and hereby is, authorized to extend operations under Permits Nos. B-5917 and B-5917-I to include the right to transport logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of seventy-five miles of said forests; rough lumber, from sawmills in said seventy-five mile radius, to markets in the State of Colorado, with no town-to-town service; the extension of interstate operating rights shall be subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Paul E. Paulengo
Commissioners

Dated at Denver, Colorado,
this 24th day of October, 1960.
mls

original

(Decision No. 55257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUY WHISTLER, BOX 360, FORT COLLINS,)
COLORADO, c/o KREMMLING TIMBER COM-)
PANY, KREMMLING, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 18056-PP

October 24, 1960

Appearances: Guy Whistler, Fort Collins,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of seventy-five miles of said forests; rough lumber, from sawmills in said seventy-five mile radius, to markets in the State of Colorado, with no town-to-town service, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on September 7, 1960, at Fort Collins, Colorado, in the Larimer County Court House at Fort Collins, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application..

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That granting the authority will be in the public interest and the application should be granted as provided in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Guy Whistler, Fort Collins, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of seventy-five miles of said forests; rough lumber, from sawmills in said seventy-five mile radius, to markets in the State of Colorado, with no town-to-town service.

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. Nigro
Ralph C. [unclear]
[unclear]
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.
mls

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 55258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

DAN DRIETH, 6821 WARREN DRIVE,)
DENVER 21, COLORADO.)

PERMIT NO. B-3082

November 10, 1960

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-3082 be further suspended for six months from October 14, 1960.

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 Dan Drieth, Denver 21, Colorado

be, and is hereby, Authorized to further suspend his operations under Permit No. B-3082 until April 14, 1961.

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
James C. Houston
Henry E. Zaulings
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. C. HALL, 1822 WELTON STREET,)
DENVER 2, COLORADO.)
)
)
)
-----)

PERMIT NO. M-12269

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. C. Hall,
Denver 2, Colorado
requesting that Permit No. M-12269 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12269, heretofore issued to C. C. Hall,
Denver 2, Colorado be,
and the same is hereby, declared cancelled effective October 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1960.

original

(Decision No. 55260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. S. WILSON, 940 EAST FOURTH)
STREET, LOVELAND, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 18053
AND NECESSITY AUTHORIZING OPERATIONS)
AS A COMMON CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

October 24, 1960

Appearances: John A. Cross, Esq., Love-
land, Colorado, for
applicant;
Herbert F. Miller, Esq.,
Estes Park, Colorado,
for Lee Parker.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle in the transportation of ashes, trash and other waste materials, between points on the watershed of the Big Thompson River, west of Loveland, Colorado, to the eastern town limits of the Town of Estes Park, Colorado, and intermediate points, to regularly-designated and approved dumps and disposal places in Larimer County, Colorado.

The application was set for hearing on September 7, 1960, at the Larimer County Court House, Fort Collins, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner states and finds:

That no one protests the granting of the application.

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That the adequacy to meet satisfactorily the requirements of public convenience and necessity of available common carrier service to provide the services for which applicant seeks authority has not been established.

That the present and future public convenience and necessity require the operation for which applicant herein seeks authority.

That the application should be granted.

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 F. S. Wilson, Loveland, Colorado, for the transportation of ashes, trash and other waste materials, between points on the watershed of the Big Thompson River, west of Loveland, Colorado, to the eastern town limits of the Town of Estes Park, Colorado, and intermediate points, to regularly-designated and approved dumps and disposal places in Larimer County, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Anderson
Samuel J. Milne
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.
ea

original

(Decision No. 55261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A. L. JACOB, BOX 672, ESTES PARK,)	
COLORADO, FOR A CERTIFICATE OF PUB-)	
LIC CONVENIENCE AND NECESSITY TO)	APPLICATION NO. 18052
OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	
-----)	

October 24, 1960

Appearances: A. L. Jacob, Estes Park,
Colorado, pro se;
Effie L. McGuffin, Denver,
Colorado, for A-One
House Movers.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle in the transportation of buildings of all types, between points within a radius of 25 miles of Estes Park, Colorado, including the Town of Estes Park, Colorado.

The application was set for hearing on September 7, 1960, at the Larimer County Court House, Fort Collins, Colorado. The same was then and there heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That no one protests the granting of the application.

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That the adequacy to meet satisfactorily the requirements of public convenience and necessity of available common carrier service to provide the services for which applicant seeks authority has not been established.

That the present and future public convenience and necessity require the operation for which applicant herein seeks authority.

That the application should be granted.

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 A. L. Jacob, Estes Park, Colorado, for the transportation of buildings of all types, between points within a radius of 25 miles of Estes Park, Colorado, including the Town of Estes Park, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Ralph C. Hinton
Philip S. Pulver
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.

ea

original

(Decision No. 55262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDDIE GALLEGOS, 516 STOVER STREET,)
FORT COLLINS, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND) APPLICATION NO. 18051-Extension
NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 4438.)
-----)

October 24, 1960

Appearances: Kenneth H. Gross, Esq.,
Fort Collins, Colorado,
for applicant;
John A. Cross, Esq., Love-
land, Colorado, for
Hubert H. McNeill;
Herbert F. Miller, Esq.,
Estes Park, Colorado,
for Lee Parker.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of PUC No. 4438, which authorizes
operation as a common carrier by motor vehicle for hire, as follows:

transportation of ashes, trash and other waste
materials in the City of Fort Collins, Colorado,
and from points within the City of Fort Collins,
Colorado, to regularly-designated and approved
dumps and disposal places in Larimer County,
State of Colorado,

and by the instant application, applicant seeks to extend and enlarge
such certificate to authorize the transportation of ashes, trash and
other waste materials, between points in the City of Loveland, Colorado,
and a five-mile radius thereof; ashes, trash, and other waste materials
in the cleanup of the shore area at Boyd, Horseshoe, Upper Hoffman,
Lower Hoffman, Hennessey, and Lonetree Reservoirs, to regularly-designated
and approved dumps and disposal places in Larimer County, Colorado.

The application was set for hearing on September 7, 1960, at
the Larimer County Court House, Fort Collins, Colorado. The same was
then and there heard by an Examiner duly designated and to whom the

hearing was assigned by the Commission. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusion.

The Commission having considered the record and the written report of the Examiner, states and finds:

That the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission.

That the adequacy to meet satisfactorily the requirements of public convenience and necessity of available common carrier service to provide the services for which applicant seeks authority has not been established.

That the present and future public convenience and necessity require the operation for which applicant herein seeks authority.

That the application should be granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier, call and demand service of Eddie Gallegos, Fort Collins, Colorado, under PUC No. 4438, to include the transportation of ashes, trash, and other waste materials, between points in the City of Loveland, Colorado, and a five-mile radius thereof; ashes, trash, and other waste materials in the cleanup of the shore area at Boyd, Horseshoe, Upper Hoffman, Lower Hoffman, Hennessey, and Lonetree Reservoirs, to regularly-designated and approved dumps and disposal places in Larimer County, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nevin
Ralph C. Hutton
Henry Spaulding
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.

ea

original

(Decision No. 55263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND)
REGULATIONS GOVERNING WATER)
UTILITIES.)

CASE NO. 5190

November 1, 1960

Appearances: Karl R. Ross, Esq., Colorado
Springs, Colorado, for South
Suburban Water Company;
Gunnar Alenius, Esq., Colorado
Springs, Colorado, for Broad-
moor Water and Power Company;
Jack Rouse, Evergreen, Colorado,
for Colorado Central Power
Company;
Barry and Boyle, Esqs., Denver,
Colorado, by
John R. Barry, Esq., Denver,
Colorado, for Northwest
Utilities Company;
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of the
Commission.

S T A T E M E N T

By the Commission:

On August 17, 1960, the above-styled proceeding was in-
stituted by the Commission, on its own motion.

Said matter, pursuant to prior setting, after appropriate
notice to all parties in interest, was heard at the Hearing Room of
the Commission, 532 State Services Building, Denver, Colorado, com-
mencing at ten o'clock A. M., September 15, 1960, and at the conclu-
sion of the hearing, said matter was taken under advisement.

At the hearing, all of the parties stipulated that they
had received copies of the Rules and Regulations, as proposed by the
Staff of the Commission; that they had participated in conferences
and discussions in the formulation of these said proposed Rules and

Regulations with members of the Staff of the Commission, and that they had adequate opportunity to become fully advised as to the contents of said Rules and Regulations.

The proposed Rules and Regulations were introduced into evidence and examined by all parties. All participating parties had the opportunity to criticize all of said Rules and Regulations, and to make suggestions thereon.

Several suggestions were received into the record from various participating parties, and comments by counsel or interested participants were allowed.

After reviewing all of the proposed Rules and Regulations, the comments thereon by interveners, and reviewing the suggestions of all participating parties for changes in said Rules and Regulations, and being fully advised in the premises,

F I N D I N G S

THE COMMISSION FINDS:

That the Rules and Regulations hereto annexed as "Exhibit A," and incorporated herein as fully as if the same were recited in words and figures, are just and reasonable, and compatible with the public interest, and should be adopted by the Commission. It is to be noted that these Rules and Regulations differ in several particulars from Rules and Regulations as originally proposed by the Staff of the Commission, taking into consideration changes that were suggested by intervening parties, which the Commission deems to be salutary. Principally, among these changes is a rule permitting the Commission, on good cause shown, to allow deviations.

O R D E R

THE COMMISSION ORDERS:

That the Rules Regulating the Service of Water Utilities, annexed hereto as "Exhibit A," be and become the Rules of The Public Utilities Commission of the State of Colorado, regulating the service

of Water Utilities within the State of Colorado.

This Order shall become effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hutton
Wm. E. Farley
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1960.

mls

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RULES REGULATING THE SERVICE OF WATER UTILITIES

Effective January 1, 1961

RULE 1.

Application of Rules:

(a) The following rules shall apply to any person, co-partnership, firm, corporation, their lessees, trustees, or receivers appointed by any court, now or hereafter engaged in the business of a public utility furnishing water to domestic or commercial customers, operating under the jurisdiction of the Public Utilities Commission of the State of Colorado.

(b) The adoption of these rules shall in no way preclude the Commission from altering or amending the same in whole or in part or from requiring any other additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility. In special cases for good cause shown, not contrary to Statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impossible, impractical or unnecessary. If, for good cause shown, any utility is permitted a deviation from any of these rules, such modified rule (s) as authorized by the Commission shall be set forth in the filed tariffs of the utility. These rules shall in no way relieve any utility from any of its duties under the laws of this state.

RULE 2.

(a) The word "utility" as used in these rules shall be construed to mean any person, co-partnership, firm, corporation, whether privately owned or otherwise, when subject to the jurisdiction of this Commission, their lessees, trustees, or receivers, appointed by any court whatsoever, that may now or hereafter be engaged as a public utility in the business of furnishing water to domestic and/or commercial customers in the State of Colorado.

(b) The word "Commission" as used in these rules shall be construed to mean The Public Utilities Commission of the State of Colorado.

(c) The word "Customer" as used in these rules shall be construed to mean any person, co-partnership, firm, corporation, their lessees, trustees, or receivers appointed by any court, supplied by any utility with water for domestic or commercial use.

RULE 3.

Operating Schedules and Interruptions of Service:

(a) Each utility shall adopt an operating schedule, and shall report the same, or any changes therein, to this Commission, indicating in any case where service is not rendered continuously, the time at which service is commenced, and the time at which it is discontinued. Any changes in such operating schedules shall be made only with the approval of this Commission.

(b) Each utility shall keep a record of all interruption of service upon its entire system or major division thereof, including a statement of the time, duration and cause of any such interruption.

(c) The record of interruptions of service and a statement of the operating schedules of the utility shall be open at all times to the inspection of the duly authorized representatives of this Commission.

RULE 4.

Inspection of Plant and Equipment:

Each utility shall inspect its plant and distributing equipment and facilities in such manner and with such frequency as is in accord with good practice, in order that the same may be maintained in proper condition for use rendering safe and adequate service.

RULE 5.

Testing Facilities:

(a) Each utility shall provide such laboratory, meter testing shop, and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of this Commission. The apparatus and equipment so provided shall be of a form acceptable to this Commission, and it shall at all times be available for the inspection and use, on the premises of the utility, of the authorized representatives of this Commission.

(b) Each utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as may be approved by this Commission.

RULE 6.

Records of Tests and of Meters:

(a) A complete record of the tests made under these rules of the quality and condition of service shall be kept by each utility. The record so kept shall contain full information concerning each test, including the date, and the place where the test was made, the name of the employee conducting the test, the result of the test, and such other information as may be required by these rules, or as this Commission may from time to time direct, or as the utility making the test may deem desirable.

(b) Whenever any service meter is tested, the original test record shall be preserved, including the information necessary for identifying the meter, the reason for making the test, the reading of the meter if removed from service, and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the methods employed and the calculations made.

(c) A record shall also be kept indicating for each meter owned or used by any utility, the date of purchase, manufacturer's serial number, record of the use, and tests to which it has been subjected, and its present location.

RULE 7.

Accidents:

(a) Each utility shall, as soon as possible, report to this Commission each accident happening in connection with the operation of its property, facilities or service, wherein any person shall have been killed or seriously injured, or whereby any serious property damage shall have resulted. Such report to this Commission shall describe in detail:

- (1) Date, time, place, location
- (2) Extent of injuries and other damage
- (3) Names of all parties involved
- (4) Type of accident

In addition to the above, all utilities shall immediately upon the setting of any formal investigation of the accident, notify the Commission of the date,

time and place of such investigation.

(b) All accident reports submitted to the Commission by the utility shall be treated by the Commission, its staff and employees as confidential and shall not be made available to the public.

RULE 8.

Complaints:

Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission, and it shall keep a record of all written complaints received, which shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof. This record shall be open at all times to the inspection of the duly authorized representatives of this Commission.

RULE 9.

Information for Customers:

(a) Each utility shall at any time, on request, give its customer such information and assistance as is reasonably possible in order that customers may secure safe and efficient service. Each utility shall inform each customer of any change made or proposed to be made in any condition as to its service as would affect the efficiency of the service or the operation of the appliances or equipment which may be in use by said customer.

(b) Each utility supplying metered service shall adopt some means of informing its customers as to the method of reading meters, either by printing on its bills a description of the method of reading meters, or a notice to the effect that the method will be explained upon application.

RULE 10.

Meter Readings and Bill Forms:

(a) Each service meter shall indicate clearly the units of service in cubic feet or gallons for which charge is made to the customer. In cases where the dial reading of a meter must be multiplied by a constant to obtain the units consumed, the proper constant to be applied shall be clearly marked on the face or dial of the meter.

(b) Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customer, to leave upon such meter a card or slip showing the date and time such reading was taken and either the total reading expressed in the units of service, cubic feet or gallons, recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.

(c) All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the dates on which the readings were taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bills are based.

RULE 11.

Meter Rentals, and Customers' Deposits:

(a) No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered; provided, however, that in cases where service meters are used as sub-meters to a main meter, a rental charge

for such sub-meter may be established with the approval of this Commission. The utility shall keep such sub-meters in good operating condition, but will not be required to keep a record of the monthly readings of these meters. Sub-metering for resale by a customer, other than another utility or a co-operative, is prohibited.

(b) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills; such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or, in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility. Interest shall be paid by the utility upon such deposits at the rate of five per cent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months or dollars.

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) the name of each customer making a deposit;
- (2) the premises occupied by the customer when making the deposit, and each successive premises occupied while the deposit is retained by the utility;
- (3) the amount and date of making the deposit; and
- (4) a record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

(e) Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not, upon reasonable proof, be deprived of his deposit or balance.

RULE 12.

Filing of rate schedules, rules and regulations:

(a) Copies of all schedules of rates or individual contracts for service, forms of routine contracts, charges for service connections and extensions of lines and of all rules and regulations covering the relations of customer and utility shall be filed by each utility in the office of this Commission.

(b) ADVICE NOTICES:

Advice Notices, numbered serially, shall accompany each tariff sheet filing with the Commission. This notice shall list all sheets included in the filing by number and showing the sheet, or sheets, if any, being cancelled. The purpose of the filing shall be explained in a brief statement as well as a statement concerning the extent to which customers will be affected by such filing. The Advice Notice shall be in substantially the following form:

NAME OF PUBLIC UTILITY

ADVICE NO. _____

DATE _____

The Public Utilities Commission
of the State of Colorado
State Services Building
1525 Sherman Street
Denver 2, Colorado

The accompanying tariff sheet (s) issued
by _____ (name of utility) _____ is (are) sent you for
filing in compliance with the requirements of the
Public Utilities Law:

Colo. P.U.C. No. _____ Water

(tabulate sheets attached as follows):

Colo. P.U.C.	Title of	Cancels Colo. P.U.C.
<u>Sheet Number</u>	<u>Sheet</u>	<u>Sheet Number</u>
-----	-----	-----
-----	-----	-----
	ETC.	

(Here give purposes to be accomplished by the filing and direct attention generally to the changes being made; also, state the amounts, if any, by which the utility's revenues will be affected. If customers are not adversely affected, so state).

It is desired that this filing shall become effective on statutory (30 days) notice. (If special short-term authority has been sought, pursuant to Rule 17 B (2) of the Commission's Rules of Practice and Procedure, appropriately change language).

(Name and title of issuing officer)

(c) REVISED TARIFF SHEETS:

Each tariff sheet, not an original, shall be designated 1st revised sheet No. _____ cancels original sheet No. _____ or 2nd revised sheet No. _____ cancels 1st revised sheet No. _____, etc. shall direct attention to the changes contained therein by the use of suitable symbols in the right margin. These symbols may be "I" increase, "D" decrease, "C" Change in text, "N" new text., etc. On a contents or index page the utility shall show the meaning of the symbols used by it to point out changes contained in its revised tariff filings.

If a tariff sheet is issued under a specific authority or decision of this Commission, each sheet so affected shall show the correct number in the space provided at the foot of the sheet.

(d) NUMBER OF COPIES TO BE FILED:

An original and one copy of each advice letter and tariff sheet shall be filed. The copy will be stamped as filed and returned to the utility.

NOTE: The utility may file as many additional copies as it wishes which will also be stamped and returned.

(e) Schedules of rates, forms of contracts and rules and regulations as filed with the Commission and available in the territory concerned shall also be on file in the local office of the utility and shall be open to inspection by the public.

(f) If the reasonableness of any charge, rule, regulation, or practice of any utility with reference to service connections or extensions, or of any rule covering the relations between customer and utility, is challenged, the Commission may, upon complaint and investigation, prescribe the proper charge, rule, regulation or practice which shall thereafter be followed.

RULE 13.

Discontinuance of Service:

(a) No utility shall discontinue the service of any customer for violation of any rule of such utility except upon written notice of at least five days, advising the customer in what particular such rule has been violated for which service will be discontinued. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer, provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner.

RULE 14.

Reports to the Commission:

Each utility shall make special reports at such time and in such form as the Commission may from time to time require.

RULE 15.

Purity of Water Supply:

(a) All water furnished by any utility for human consumption and general household purposes should be free from disease-producing organisms, injurious chemical or physical substances and agreeable to the sight and smell.

(b) Water which never shows the presence of the "B Coli Group" and which has a reasonably low "Bacterial Count" under the usual standard test methods, will ordinarily be considered safe from the standpoint of disease producing organisms. The rules and tests of the Sanitary Division of the State Board of Health will govern in this matter.

RULE 16.

Chemical and Bacteriological Analyses:

(a) Each utility furnishing water for human consumption or household purposes shall take a sample monthly, or as much oftener as this Commission or

the State Board of Health may require, from the source of supply or any point in the service designated by this Commission or the State Board of Health, in accordance with the rules for sampling water as prescribed by the Division of Sanitary Engineering of the State Board of Health, and such samples shall be forwarded to that Department for tests and analysis. Such test and analysis shall be made free of charge. The result of such test and analysis shall be recorded in triplicate; one copy will be furnished to the utility, one copy to be retained by the State Board of Health, and the other copy to be furnished to this Commission whenever the results show that remedial action is necessary.

(b) The Commission reserves the right to require, under its supervision, an extended bacteriological as well as physical and chemical examination when deemed advisable for any particular water furnished.

(c) The results of all tests made by the Division of Sanitary Engineering of the State Board of Health shall be kept on file and available for public inspection for a period of at least two years. The records must indicate when and where and by whom each test was made. The standard methods of water analysis recommended by The American Health Association, except as hereinbefore provided, should be followed as regards chemical, physical, and bacteriological examinations and collection of water, and any departure therefrom should be specifically stated.

(d) Whenever tests made by the Division of Sanitary Engineering of the State Board of Health, or by any other authorized agency, that discloses the presence of bacillus coli, or such a bacterial count as may be considered unsafe, the utility shall employ all reasonable means to make its water supply safe for human and domestic purposes.

RULE 17.

Operation of "Dead Ends":

"Dead Ends" in the distributing mains should be avoided as far as possible. Where such "dead ends" exist, they should be flushed at least once each week. To insure compliance with this requirement, it is suggested that, where feasible, all "dead ends" be equipped with hydrants.

RULE 18.

Adequate Pressure Required:

Every effort shall be made to maintain a steady pressure which will not at any time fall below the adequate minimum for domestic service. In addition to furnishing commercial service, each utility furnishing fire hydrant service must be able, at any time within reasonable notice, to supply added fire service in accordance with the best standard practice covering service to local fire fighting equipment and facilities.

When the foregoing pressure requirements are outlined in a reasonable manner by the ordinances under which the utility operates, they should be complied with as set forth therein.

RULE 19.

Pressure Surveys:

Each utility furnishing water service in cities of 250 customers or more shall maintain a graphic recording pressure gauge at its plant, downtown office, or at some central point in the distributing system or each subdivision thereof, where continuous records shall be made of the pressure in the mains at that point.

Utilities operating in areas or communities of five thousand or more inhabitants shall equip themselves with one or more graphic recording pressure

gauges in addition to the foregoing, and shall make frequent records, each covering intervals of at least 24 hours' duration, of the water pressure at various points on the system. All records or charts made by these meters shall be identified, dated, and kept on file, available for inspection for a period of at least two years.

RULE 20.

METERS:

Allowable Error:

Customers' meters should at all times register as nearly correct as is commercially possible, but whenever an installation is made of a new or repaired meter, or tests are made periodically or otherwise, and a meter is found to register more than 103 per cent, or less than 97 per cent, of the water passed, when tested in the manner indicated below, it must be replaced or adjusted so as to register as nearly 100 per cent as possible.

All meters shall be tested at three rates of flow, and it is required that meters larger than one inch (1") be tested at three or more rates according to the following table, the average of these tests to determine the per cent error:

Allowable Range Test Flow Gallons Per Minute			Recommended Test Rate Flow Gallons Per Minute		
	Min.	Max.	Min.	Med.	Max.
5/8"	* 1	20	5		20
3/4"	* 2	34	5		34
1"	3	53	5	25	53
1 - 1/2"	5	100	5	40	100
2"	8	160	10	100	160
3"	16	315	* 15	150	315
4"	28	500	* 15	250	500
6"	48	1000	* 20	500	1000

*A meter which does not register 95 per cent of the water which passed those rates marked * should not be installed without correction.

It is suggested that all meters purchased conform to the Standard Specifications for Cold Water Meters, as adopted by the American Water Works Association, and that the rules for tests and requirements of meters follow as closely as possible the specifications of the Association.

After all necessary repairs, adjustments and final tests have been made so that the meter registers correctly, such meter shall be sealed.

RULE 21.

Periodical Tests:

Accuracy in registration of meters shall be insured by periodical tests, the frequency of such tests to be determined by local conditions, but under average conditions the following intervals between tests should not be exceeded for disc or current (turbine) type of meters:

1" or less at least once every five years,
 1-1/4", 1-1/2", and 2", at least once every four years.
 3" at least once every three years,
 4" at least once every two years,
 6" and larger at least once every year,

Ordinarily, meters of the current and compound type shall be cleaned at least once each year, except in the case of filtered or exceptionally clear water, the intervals between cleanings may be increased.

RULE 22.

Request Tests:

Each utility furnishing metered water service shall make a test of the accuracy of any service water meter free of charge, upon the request of the customer, provided that the meter has not been tested within the twelve months period prior to such request, and provided that the customer will agree to accept the result of such test as a basis for the adjustment of the difference claimed. The customer requesting the test may be present or have a representative present when the test is made, if he so desires. A written report giving the result of such request test shall be made to the customer requesting same, the original record being kept on file at the office of the utility for a period of at least two years.

RULE 23.

Tests by Commission:

(a) Any service water meter will be tested by an employee of the Commission upon written application of the customer for such test. For such test a fee shall be forwarded to the Commission by the customer when making application, which fee shall be refunded to the customer by the utility if the meter be found fast, beyond the limits prescribed in Rule 24. The schedule of fees for Commission tests of water service meters is as follows:

For each meter not exceeding 1 inch capacity	\$2.50
For each meter exceeding 1 inch but not exceeding 2 inch capacity	\$4.00
For meters exceeding 2 inch capacity	\$8.00

(b) Upon written application to the Commission by any water utility, the Commission will make a test on any of the utility's service meters upon payment of the scheduled fee.

RULE 24.

Adjustment of Bills for Meter Errors:

(a) If on test of any service water meter, made upon the request of the customer, by either the utility or the Commission, it is found to be more than three per cent fast, additional tests shall be made to determine the average error of the meter.

(b) Average Error: The average error of a water meter in tests made by the Commission or the utility at the request of the customer shall be defined as one-third of the algebraic sum of the errors when tested in accordance with Rule 20.

(c) When a meter is found to have a positive average error--that is, is fast--in excess of three per cent on tests made at the request of the customer by either the Commission or the utility, the utility shall refund to the customer, an amount equal to the excess charged for the water incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, provided that this period does not exceed six months.

(d) When a water meter is found to have a negative average error--that is, is slow--in excess of three per cent in tests made at the request of the customer, by either the Commission or the utility, the utility may make a charge to the customer for the water incorrectly metered for a period equal to one-half of the time elapsed since the last previous test, provided that this period does not exceed six months.

(e) If a meter is found not to register for any period, the utility shall estimate a charge for the water used by averaging the amounts registered over similar periods preceding or subsequent thereto, or over corresponding periods in previous years.

RULE 25.

Meter Testing Equipment:

Each utility furnishing metered water service in cities of 1,500 or more inhabitants shall maintain suitable water meter testers and keep same in proper adjustments so as to accurately register the condition of the meters at all times.

Each water meter tester must be accompanied by a certificate of calibration, indicating that the volumes or weighing devices used have been referred to proper standards, which standards have been certified by the National Bureau of Standards, or some testing laboratory or other authority of recognized standing.

Meter testers must be located in a large, comfortable working space, easily accessible, and equipped with all necessary facilities and accessories. They must be available for inspection and use at all reasonable hours by the authorized representatives of this Commission.

Meters of the current type can be tested and calibrated more accurately in place.

RULE 26.

Meter Installation and Maintenance:

All meters used in connection with metered service shall be furnished, installed, and maintained at the expense of the utility, unless special authority to the contrary has been granted by the Commission for good cause. Any appliances furnished at the expense of the utility shall remain its property and may be removed by it at any time after the discontinuance of service.

RULE 27.

Service Connections:

Upon application by a bonafide applicant for service, the utility will furnish and install service pipe or suitable capacity, including the curb cock and curb box required, from its water mains to the curb line or property line of the property upon a public street, highway, alley, lane, or road along which it has mains, all such facilities to remain the property of and be maintained by the utility. Utilities may require the applicant to bear not over 50 per cent of the total expense incurred in making the service connection as a tap or service charge.

The customer will install that portion of the service inside of curb or property line, the expense of same to be paid by the customer, material and construction to be approved by the utility. The materials furnished by customer in construction of such service extension will at all times be and remain the sole property of the customer, and when necessary shall be maintained and repaired by the customer at his own expense.

RULE 28.

Water Main Extensions:

(a) Free Extensions: If an extension of the utilities distribution system should be necessary to serve an applicant or group of applicants, the utility, upon written request for service by such applicant or applicants, shall make the necessary extension at its own expense to give service, provided the length of the entire extension is not greater than that obtained by allowing one hundred (100) feet or one hundred dollars (\$100.00) per customer, whichever is the lesser.

(b) Extension above Free Limit: If the main extension required in order to furnish service is greater than the free extension specified above in (a), such extension shall be made under the following conditions:

- (1) The utility may require the customer to advance the cost of the extension above the free limit, and in such a case, for each additional customer connecting to the extension, or extension thereto, within a period of ten years from the making of the extension, shall repay to the existing customers on the extension who have made advances, an amount equal to the amount collected, as hereinafter provided, from such new customers. Customers added to these extensions within ten years of the extension shall be required by the utility to pay an amount equal to their pro rata share of the cost of the original and subsequent extensions, plus the amount of the cost of their particular extension over and above the free limit. At no time shall the repayment to a customer exceed his original advance. At the end of ten years, or when all existing customers on the extension have been repaid, no further repayment need be used by the utility, nor shall any amounts be collected from new customers attaching to the extension within the free limit. Where two or more customers are applicants above the free extension limit, any repayments to them, upon the addition of new customers, shall be prorated between them according to the amount of their original advance.

(c) The utility, may at its option, file with the Commission an extension policy other and different than stated in (a) and (b) above, subject to the approval of the Commission.

(d) The distance of the applicant from the nearest main shall be used in determining whether the applicant is entitled to a free extension, and the cost of extending the nearest existing main shall be used as a basis in determining the amount of deposit necessary in case the extension is above the free limit.

(e) The utility shall not be obliged to make the extension as required by this rule unless the applicant shall furnish a suitable guarantee that he will use the service for at least three years, or unless the owner of the property served by such extension, or some responsible party, shall guarantee that the service will be used for that time.

(f) The utility may, at its option, construct extensions having more than sufficient capacity to meet particular requirements, in which case such additional capacity will be constructed without obligation to customers. This refers particularly to anticipated future extensions to the extension requested.

(g) If an extension is of such length and/or the prospective business which may be developed by it is so meager as to make it doubtful whether the business from the extension would ever pay a fair return on the investment, such a case will be classed as "special" and the fact reported to the Commission for investigation and determination as to the reasonableness of such extension, and such action as may be considered necessary.

original

(Decision No. 55264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND)
REGULATIONS GOVERNING TELE-)
PHONE UTILITIES.)

CASE NO. 5191

November 1, 1960

Appearances: Akolt, Turnquist, Shepard and
Dick, Esqs., Denver, Colorado,
by
L. W. DeMuth, Jr., Esq., Den-
ver, Colorado, for The Moun-
tain States Telephone and
Telegraph Company;
Floyd Reyher, Haxtun, Colorado,
for Independent Telephone Com-
panies;
Philip Esler, Limon, Colorado,
for Eastern Slope Rural Tele-
phone Association;
Edwin R. Lundborg, Esq., Denver,
Colorado, for the Staff of the
Commission.

S T A T E M E N T

By the Commission:

On August 17, 1960, the above-styled proceeding was in-
stituted by the Commission, on its own motion.

Said matter, pursuant to prior setting, after appropriate
notice to all parties in interest, was heard at the Hearing Room of
the Commission, 532 State Services Building, Denver, Colorado, com-
mencing at ten o'clock A. M., September 15, 1960, and at the conclu-
sion of the hearing, said matter was taken under advisement.

At the hearing, all of the parties stipulated that they
had received copies of the Rules and Regulations, as proposed by
the Staff of the Commission; that they had participated in confer-
ences and discussions in the formulation of these said proposed Rules
and Regulations with members of the Staff of the Commission, and that

they had adequate opportunity to become fully advised as to the contents of said Rules and Regulations.

The proposed Rules and Regulations were introduced into evidence and examined by all parties. All participating parties had the opportunity to criticize all of said Rules and Regulations, and to make suggestions thereon.

Several suggestions were received into the record from various participating parties, and comments by counsel or interested participants were allowed.

After reviewing all of the proposed Rules and Regulations, the comments thereon by interveners, and reviewing the suggestions of all participating parties for changes in said Rules and Regulations, and being fully advised in the premises,

F I N D I N G S

THE COMMISSION FINDS:

That the Rules and Regulations hereto annexed as "Exhibit A," and incorporated herein as fully as if the same were recited in words and figures, are just and reasonable, and compatible with the public interest, and should be adopted by the Commission. It is to be noted that these Rules and Regulations differ in several particulars from Rules and Regulations as originally proposed by the Staff of the Commission, taking into consideration changes that were suggested by intervening parties, which the Commission deems to be salutary. Principally, among these changes is a rule permitting the Commission, on good cause shown, to allow deviations.

O R D E R

THE COMMISSION ORDERS:

That the Rules Regulating the Service of Telephone Utilities, annexed hereto as "Exhibit A," be and become the Rules of The Public Utilities Commission of the State of Colorado, regulating the service

of Telephone Utilities within the State of Colorado.

This Order shall become effective January 1, 1961.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hutton
Henry E. Zailuogo
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1960.

mls

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

Effective January 1, 1961

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Rule	Title
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RULE 1. DEFINITIONS

In the interpretation of these rules, the following definitions shall be used:

- (a) "Commission" means the Public Utilities Commission of the State of Colorado.
- (b) "Telephone Utility" means any person, firm, partnership, co-operative organization, or corporation engaged in the business of furnishing telephone service to the public under the jurisdiction of the Commission.
- (c) "Subscriber" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with telephone service by any such telephone utility.
- (d) "Exchange Service Area" means the general area in which the telephone utility holds itself out to furnish exchange service as set forth in its tariffs on file with the Commission. Each exchange service area usually embraces a developed area and surrounding territory within which there is a local community of interest.
- (e) "Base Rate Area" means the developed portion or portions within exchange service area as set forth in the telephone utility's tariffs. Service within this area is generally furnished at uniform rates without mileage charges.

- (f) "Central Office" means the inside plant of the telephone utility as an operating unit, including the switchboard and appurtenant facilities used to establish connections between subscriber lines or between subscribers' lines and trunk or toll lines to other central offices within the same or at other exchanges.
- (g) "Exchange" means the entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange service area.
- (h) "Outside Plant" means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.
- (i) "Station" means the telephone instrument installed for the use of a subscriber.
- (j) "Service Station or Switcher Line" means outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which lines are connected with the facilities of a telephone utility for communication service.
- (k) "Toll Station" means a telephone instrument connected to a toll line or directly to a toll board which is provided for long distance service only. Message telephone toll rates apply to each call therefrom.
- (l) Extended area service is exchange service in which the local calling area, i.e., the area in which customers may call without the payment of a toll charge, includes one or more other local calling areas in addition to the normal serving exchange, as specified in the local exchange tariff.

RULE 2. GENERAL PROVISIONS.

These rules and regulations govern the furnishing of intrastate telephone service and facilities to the public by telephone utilities subject to the jurisdiction of the Commission. The purpose of these rules is to set forth reasonable service standards to the end that adequate and satisfactory service will be rendered to the public through the necessary refinement in the transmission of both local and long distance messages.

The adoption of these rules shall in no way preclude the Commission from altering or amending the same in whole or in part, or from requiring any other or additional service equipment, facilities, or standards, either upon complaint or upon the Commission's own motion, or upon the application of any telephone utility. In special cases for good cause shown, not contrary to Statute, the Commission may permit deviation from these rules insofar as it may find compliance therewith to be impossible, impractical or unnecessary. If, for good cause shown, any utility is permitted a deviation from any of these rules, such modified rule(s) as authorized by the Commission shall be set forth in the filed tariffs of the utility. These rules shall in no way relieve any utility from any of its duties under the laws of this state.

RULE 3. APPLICATION OF RULES.

These rules shall apply to any telephone utility which is now, or may hereafter be engaged in the business of rendering telephone service to the public under the jurisdiction of the Commission.

RULE 4. CLASSES OF SERVICE.

Each telephone utility shall file with the Commission regulations enumerating and comprehensively defining the classifications of service available to subscribers.

RULE 5. GRADES OF SERVICE.

The principal grades of service are individual, two-party, four-party and multi-party service. In general, individual, two-party, and four-party service are provided within the base rate area, and multi-party service is provided in rural areas outside the base rate area but within the exchange service area of the telephone utility.

Within the base rate area, no telephone utility shall place more than four subscribers on any local exchange line, except upon approval by the Commission for multi-party service within the base rate area at a specific rate for such class of service. Within the base rate area no telephone utility shall connect more subscribers on any line than are contemplated under the grade of service charged the subscriber on such line.

On rural lines where multi-party service is provided, no more than 10 subscribers shall be connected to any circuit. All rural circuits now serving more than 10 subscribers shall be changed to meet this requirement. The telephone utility may regroup subscribers in such a manner as may be necessary to carry out the provisions of this rule.

RULE 6. SERVICE AREAS.

Each telephone utility shall file exchange maps with the Commission showing the Exchange Service Area for each telephone exchange operated, and the maps shall be in sufficient detail to permit locating the Exchange Service Area boundaries in the field.

RULE 7. EXTENSION OF SERVICE.

It is the obligation of each telephone utility to make reasonable extensions of its lines and service within any exchange service area of the telephone utility either within or beyond the base rate area.

Each telephone utility shall maintain rules and regulations on file with the Commission as part of its tariffs which set forth the conditions and circumstances under which line extension or extensions of service will be made to render service to applicants within the exchange service area, including schedules of charges for service connections, extensions and line mileage, and copies of such rules and regulations shall also be on file in the local offices of the telephone utility and shall be available for the inspection of the public during regular business hours.

Such rules and regulations may also provide for agreements between the telephone utility and a subscriber or group of subscribers whereunder the latter agrees to construct, in accordance with standard specifications, a circuit from the subscriber's station location to an agreed upon point of connection with the telephone utility's system. Under such circumstances the station equipment may be owned, installed and maintained by the telephone utility, but the subscriber or subscribers would own and bear the cost of maintaining their service line. Telephone service furnished under these conditions is subject to tariff provisions of the telephone utility applicable to service lines.

RULE 8. ADEQUACY OF SERVICE.

Each exchange shall have sufficient switchboard capacity, a sufficient operating force, or sufficient automatic equipment to handle traffic at all times with reasonable facility, and each telephone utility shall provide

and maintain adequate telephone facilities so as to have available at all times sufficient plant and equipment to supply any reasonable demand for service within the base rate area. When necessary, traffic studies shall be made and recorded during the busy hours, to the extent and frequency required to demonstrate to the Commission that sufficient equipment is in use and that an adequate operating force is provided.

Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off periods by the use of alarms maintained in proper condition with someone conveniently available so that emergency calls will be given prompt attention.

RULE 9. CORD PAIR REQUIREMENTS.

Each switchboard shall have sufficient cord pairs so that at no time during the normal busy hours will the passing of a call be delayed due to lack of a cord pair. Periods of heavy traffic resulting from unusual occurrences, such as a fire or storm, will not be considered as normal busy hours.

RULE 10. TRAFFIC RULES.

Suitable rules and instructions shall be adopted by each telephone utility and followed by telephone operators governing the phraseology and operating methods to be employed by operators on regular, special and toll calls.

Traffic rules so adopted by each telephone utility, including instructions and the methods to be used by the operators shall be followed as closely as possible. The Commission may review the practice of any telephone utility with regard to the adopted rules and compliance therewith and may make suggestions relative to changes in practice. Traffic rules shall be available at any reasonable time for inspection by the Commission or its staff.

Telephone operators must be instructed to be courteous, considerate, and efficient in the handling of all subscriber calls.

All communications between subscribers of telephone utilities must be considered as confidential in nature and operators or employees must not listen to any conversation between subscribers except when an operating necessity. Operators shall not repeat, or divulge the nature of any local or long distance conversation, nor divulge any information inadvertently overheard. Telephone utilities will be held responsible for strict compliance with this rule by their employees.

All calls should be carefully supervised by the operator and disconnects made promptly after supervisory signals are received by the operator.

RULE 11. ANSWERING TIME.

(a) Manual Exchanges. At manual exchanges serving 500 or more subscribers, 95% of the calls should be answered by the operator without undue delay. At all other exchanges, at least 90% of the calls should be answered without undue delay.

At small exchanges operated in connection with other work, slower service may be adequate, but effort should be made to comply with the provisions of this rule. It is not intended that this rule shall mean that the average answering time on all calls should be delayed, for good service requires prompt answering of all calls. In large exchanges it should be possible to answer the majority of calls within three seconds except during periods of momentary peak loads. It is not contemplated that this rule can be observed during periods of emergency when an abnormal and unexpected volume of traffic occurs.

In toll centers serving an aggregate number of more than 5000 subscribers if only one operator is on duty a person capable of operating the toll switchboard also shall be on duty at the toll switchboard office, and available for switchboard duty when required.

(b) Dial Exchanges. Sufficient dial central office capacity and equipment shall be provided to meet the following minimum requirements during any normal busy hour:

- (1) Dial tone within 3 seconds on at least 95% of telephone calls.
- (2) Complete dialing of called numbers on at least 95% of telephone calls without encountering a busy condition within the central office or in inter-office trunks.

RULE 12. EMERGENCY OPERATION.

Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm, or acts of God, and each telephone utility shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service. In exchanges serving more than 10,000 subscribers, and in smaller exchanges where feasible, arrangements shall be made for an alternate source of power required for the operation of service in the event of continued power failure.

In exchanges serving more than 500 subscribers arrangements shall be made whereby another operator can be made available on short notice at any time in the event of illness or accident to the operator during those hours when only one operator is on duty. Arrangements shall be made for assembling necessary reserve operators promptly in the event of unforeseen and substantial rise in traffic volume resulting from an emergency condition.

RULE 13. MAINTENANCE OF PLANT AND EQUIPMENT.

Each telephone utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times. Inductive interference, cut-offs, and intelligible crosstalk are not consistent with adequate service, and maintenance should be designed to eliminate and prevent such occurrences.

In exchanges serving more than 500 subscribers periodic leakage tests shall be made on all circuits by use of proper instruments to determine that sufficient insulation is being maintained and to further discover any substantial change in insulation values which might anticipate service difficulties. Loop resistance tests or transmission loss tests should be made on local circuit when transmission is poor, in an endeavor to locate the source of trouble.

Maintenance of open wire facilities shall include the replacement of broken or missing insulators, broken or badly deteriorated poles, crossarms and brackets, and rusted wire. Defective splices shall be replaced, slack wire retensioned, the wires properly transposed, and adequate clearance provided between the wires and trees or brush.

Switchboard maintenance shall include the replacement or repair of frayed cords, the periodic gauging of jack ferrules, and plugs, and the replacement of ferrules and plugs worn beyond reasonable tolerance. The night alarm circuit for each line and the ring-off drops on the cord circuits shall be tested periodically and adjustments made where necessary. Central office batteries shall be replaced when required to maintain good telephone service.

Dial central office equipment shall be inspected and routine tested at reasonable intervals, and such repairs, adjustments or replacements made as are found to be necessary and as are required to insure the proper functioning of dial switching equipment.

All station apparatus shall be properly maintained including replacement of transmitters and receivers when broken, damaged, or when necessary for good transmission. Station batteries or magneto systems shall be replaced whenever necessary for good service. Usually dry cell batteries must be replaced when the voltage per cell is one volt or less.

All station dry cells shall show either the date of original installation or the date of manufacture, or in lieu thereof the telephone utility may keep a record at each central office of the dates of installation of station batteries used at stations served from that central office.

Records of various tests and inspections shall be kept on file in the office of the telephone utility for a reasonable period of time. These records shall show the line or station tested or inspected, the reason for the test, the general conditions under which the test was made, the general result of the test, and such corrections as were made when the test indicated need for same.

RULE 14. SERVICE INTERRUPTIONS.

Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay.

Whenever service must be interrupted for the purpose of working on the lines or equipment the work shall be done at a time which will cause the least inconvenience to the subscribers, and any who would be seriously affected by such interruption shall, so far as possible, be notified in advance.

Each telephone utility shall keep a record showing all interruptions affecting service in an entire exchange service area or any major portion thereof. This record shall show the date, time, duration, extent and cause of the interruption.

When a subscriber's telephone is reported or found to be out of order it shall be restored to service as promptly as possible, but in the event it remains out of order in excess of 24 consecutive hours after notice to the utility, the utility shall refund to the subscriber the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

RULE 15. DISCONTINUANCE, SUSPENSION OR REFUSAL OF SERVICE.

In the event of the non-payment of any sum for exchange, toll or other service, the telephone utility may suspend the service or discontinue the service without suspension, or following suspension of service sever the connection and remove any of its equipment from the subscribers premises, provided the telephone utility has first given adequate written notice to the subscriber of his delinquency and of its intention to suspend or discontinue service on account of such delinquency, and the subscriber has been given not less than five days within which to pay such delinquent account prior to the actual suspension or discontinuance of service. In the event there is disagreement or dispute concerning a bill for telephone service the subscriber shall have the right to deposit a sum of money equal to the amount of the bill with the telephone utility pending settlement, and thereby avoid discontinuance of service for non-payment of such disputed bill.

Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service.

Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective subscriber shall not constitute a sufficient cause for refusal of service to a present or prospective subscriber.

RULE 16. GROUNDED CIRCUITS.

Telephone utilities shall provide full metallic circuits, or equivalent, for all subscribers located within the base rate area, and so far as economically feasible to all rural multi-party subscribers located beyond the base rate area. Telephone utilities operating ground return rural circuits which are affected by inductive interference should cooperate to the fullest extent possible with all interested parties in correcting this condition, and where necessary to eliminate inductive interference full metallic circuits, properly transposed, shall be provided.

RULE 17. TRUNK LINES.

When trunk lines or toll circuits for communication are furnished by one or more telephone utilities between exchanges, the circuits connecting such exchanges shall be full metallic, or equivalent, and no subscribers' instruments other than toll stations shall be regularly connected thereto. Sufficient interoffice channels shall be provided to handle the traffic without unreasonable delay. Subscribers' instruments now connected to trunk lines or toll circuits other than toll station shall be removed therefrom within a period of one year from the effective date of this rule unless exception to this requirement is authorized by the Commission. In special cases, semi-public pay station or other toll stations may be connected to through circuits until such time as the traffic requires additional circuits, and provided the operation of such stations does not seriously interfere with the handling of through traffic.

RULE 18. SERVICE STATION LINES OR SWITCHER LINES.

Each telephone utility furnishing switching service for service lines shall file with the Commission reasonable rules and regulations covering conditions under which the telephone company will connect a service line to its facilities and perform switching service for subscribers. These rules may provide reasonable regulations covering the maintenance of such lines and equipment connected thereto as may be required to prevent an adverse effect on the general character of service rendered by the telephone utility. Such rules may provide for the discontinuance of service to an entire line requiring repairs, but only after written notice of intention to discontinue service has been given to the authorized representative thereof which notice shall specify particular repairs necessary to make the service proper, and a reasonable period of time shall be allowed after the written notice before discontinuance of service within which to make the necessary corrections.

In case of disagreement relative to the extent of repairs necessary to place the line in satisfactory and serviceable condition, the matter shall be referred to the Commission.

RULE 19. DIRECTORIES.

A telephone directory shall be regularly published for each exchange, listing the name, address and telephone number of all subscribers served by that exchange except those requesting omission of their listing from the directory. Normally, all telephone directories should be revised annually, but reasonable extensions may be made where wholesale number changes will be necessary in the immediate future as, for example, in connection with dial conversions, central office area cuts, and changes from four-to seven-digit numbering. Extensions may also be allowed by the Commission where it can be shown that it is

unnecessary to revise the directory due to a relatively small change resulting from new listings or changed numbers.

In the event of an error in the listed number of any subscriber and until a new directory is published, the telephone utility shall make whatever special arrangements are necessary and reasonable to insure that calling parties are able to reach the subscriber whose listed number is in error. In the event of an error in the name or address listing of any subscriber, such subscriber's correct name, address and telephone number shall be in the files of the information operator and furnished any caller upon request.

Whenever any subscriber's telephone number is changed for any reason after a directory is published and until a new directory is issued, the telephone utility shall, subject to the availability of facilities, intercept all calls to the former number for a reasonable period and give the calling party the new number for that subscriber and the correct number shall be in the files of the information operator and furnished any caller upon request.

Directories should contain sufficient instructions to enable users to make local and toll calls properly. Such instructions should also contain telephone numbers, printed conspicuously, for emergency calls, such as for the police and fire departments.

Upon issuance of the new directory, one copy for each main telephone service shall be distributed to all subscribers served by the exchange involved, and a copy shall be furnished to the Commission.

RULE 20. HELD APPLICATIONS FOR SERVICE.

During such periods of time as telephone utilities may not be able to supply telephone service to prospective subscribers within 10 days after the date of application for service, the telephone utility shall keep a record for each exchange showing the name and address of each applicant for service, the date of application, the class and grade of service applied for, together with the reason for the inability to provide the service to the applicant. When the number of such applications held for one month or longer exceeds 100 at any central office, the telephone utility shall maintain a summary of applications for each central office showing the total number by various causes for delay and by dates of application.

RULE 21. COMPLAINT.

Each telephone utility shall make a full and prompt investigation of all complaints made by its subscribers, either directly to it or through the Commission.

RULE 22. RECORDS.

Each telephone utility shall maintain an accurate record of all oral and written complaints made by its subscribers regarding service, or rates and charges. This record shall include the name and address of the subscriber or complainant, the time, date and nature of the complaint, the action taken to clear trouble, and the date and time of such trouble clearance. This record shall be made available to the Commission or its authorized representative at any time upon request and shall be preserved for not less than six months from date of complaint.

Such record of complaints should indicate to the telephone utility or to the Commission whether or not any particular subscriber encounters the same difficulties frequently, whether a large number of complaints arise from the same irregularity in service, or whether some phase of the construction,

equipment, maintenance or operation are unsatisfactory.

Where a telephone utility is generally operated with any other enterprise, suitable records must be kept so that the results of the telephone operation may be determined at any time.

Each telephone utility serving more than 500 subscribers shall keep complete maps and records showing the location and description of its plant and facilities, including the number of toll circuits and interexchange circuits, the extent of the area served by the utility and the nature of plant and equipment used in providing telephone service.

All records required by these rules shall be kept within the State at an office or offices of the telephone utility and shall be made available to the Commission or its authorized representatives at any time upon request.

RULE 23. SUBSCRIBER DEPOSIT.

(a) Any utility may require at any time from any subscriber or prospective subscriber, a cash deposit intended to guarantee payment of current bills. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such subscriber, or in the case of a subscriber whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such subscriber, except in the event an extension of lines and facilities is required to furnish such prospective subscriber with service, the deposit may be the amount of the estimated bill for a longer period if so specified, in the provisions of the extension policy. An estimated charge for toll calls may also be included in the total amount of deposit required. Simple interest shall be paid by the utility upon such deposits at the rate of five per cent per annum, payable upon the return of the deposit, or annually upon request of the subscriber, for the time such deposit was held by the utility and the subscriber was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the subscriber's account. In computing interest no consideration need be given to fractional parts of months or dollars of principal.

(b) Each utility having on hand such deposits from subscribers, or hereafter receiving such deposits from subscribers, shall keep records to show:

(1) the name of each subscriber making a deposit; (2) the premises occupied by the subscriber when making the deposit and each successive premises occupied while the deposit is retained by the utility; (3) the amount and date of making the deposit; and (4) a record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(c) Each utility shall issue to every subscriber from whom such deposit is received a certificate of deposit.

(d) Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.

RULE 24. FILING OF RATE SCHEDULES AND REGULATIONS.

(a) Copies of all schedules of rates or individual contracts for service, forms of routine contracts, charges for service connections and extensions of lines and of all rules and regulations covering the relations of subscribers and utility shall be filed by each utility in the office of this Commission.

(b) ADVICE NOTICES:

Advice Notices, numbered serially, shall accompany each tariff sheet filing with the Commission. This notice shall list all sheets included in the filing by number and showing the sheet or sheets, if any, being cancelled. The purpose of the filing shall be explained in a brief statement as well as a statement concerning the extent to which subscribers will be affected by such filing. The Advice Notice shall be in substantially the following form:

NAME OF PUBLIC UTILITY

ADVICE NO. _____

DATE _____

The Public Utilities Commission
of the State of Colorado
State Services Building
1525 Sherman Street
Denver 2, Colorado

The accompanying tariff sheet(s) issued by

(name of utility) is (are) sent you for
filing in compliance with the requirements of the
Public Utilities Law:

Colo. P.U.C. No. _____ Telephone _____

(tabulate sheets attached as follows:)

Colo. P.U.C.	Title of	Cancels Colo. P.U.C.
<u>Sheet Number</u>	<u>Sheet</u>	<u>Sheet Number</u>

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ETC.

(Here give purposes to be accomplished by the filing and direct attention generally to the changes being made; also, state the amounts, if any, by which the utility's revenues will be affected.)

If subscribers are not adversely affected, so state.)

It is desired that this filing shall become effective on statutory (30 days) notice. (If special short-term authority has been sought, pursuant to Rule 17 B (2) of the Commission's Rules of Practice and Procedure, appropriately change language).

(Name and title of issuing officer)

(c) REVISED TARIFF SHEETS:

Each tariff sheet, not an original, shall be designated 1st revised sheet No. _____ cancels original sheet No. _____ or 2nd revised sheet No. _____ cancels 1st revised sheet No. _____, etc., shall direct attention to the changes contained therein by the use of suitable symbols in the right margin. These symbols may be "I" increase, "D" decrease, "C" Change in text, "N" new text., etc. On a contents or index page the utility shall show the meaning of the symbols used by it to point out changes contained in its revised tariff filings.

If a tariff sheet is issued under a specific authority or decision of this Commission, each sheet so affected shall show the correct number in the space provided at the foot of the sheet.

(d) NUMBER OF COPIES TO BE FILED:

An original and one copy of each advice letter and tariff sheet shall be filed. The copy will be stamped as filed and returned to the utility.

NOTE: The utility may file as many additional copies as it wishes which will also be stamped and returned.

(e) Schedules of rates, forms of contracts and rules and regulations as filed with the Commission and available in the territory concerned shall also be on file in the local office of the utility and shall be open to inspection by the public during regular business hours.

original

(Decision No. 55265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED T. GIBSON, DOING BUSINESS AS "GIBSON TRUCK LINE," LA JARA, COLO- RADO, FOR AUTHORITY TO TRANSFER PUC NO. 2064-I AND A PORTION OF PUC NO. 2064 TO RAYMOND LEE CULLER, ROMEO, COLORADO.	}	APPLICATION NO. 18076-Transfer
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October 24, 1960

Appearances: Conour and Conour, Esqs., Del
Norte, Colorado, for Trans-
feree.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The transferor, Fred T. Gibson, doing business as "Gibson
Truck Line," La Jara, Colorado, is the owner and operator of PUC No.
2064 and PUC No. 2064-I, authorizing:

transportation of livestock and other farm
products, and household goods, from San
Acacio, Mesita, Jaroso, Garcia, San Pablo,
Chama, and San Luis, and the vicinities
thereof, to Pueblo, and intermediate points,
including Walsenburg, and

merchandise and freight generally from Fort
Garland to the Colorado-New Mexico State
Line on U. S. Highway 159, and all interme-
diate points, including service to San Luis,
San Pablo, and Chama;

transportation of freight, except livestock,
from and to Fort Garland, and to and from
Mesita, San Acacio, Jaroso, and Garcia, and
in conjunction with said operation to include
the right to interchange freight at Fort Gar-
land with all connecting carriers;

transportation in interstate commerce only be-
tween Fort Garland and the Colorado-New Mexico
State Boundary Line where Colorado Highway No.
159 crosses the same, and all intermediate
points and off route points between Fort Gar-
land and said State Line. Subject to the pro-
visions of the Federal Motor Carrier Act of
1935, as amended.

Operation of motor vehicles as a common carrier of property between Alamosa, Colorado, and Fort Garland, Colorado, without the right to serve intermediate points.

By the instant application, said certificate-holder seeks authority to transfer PUC No. 2064-I and that portion of PUC No. 2064, as follows:

merchandise and freight generally from Fort Garland to the Colorado-New Mexico State Line on U. S. Highway 159, and all intermediate points, including service to San Luis, San Pablo, and Chama;

transportation of freight, except livestock, from and to Fort Garland, and to and from Mesita, San Acacio, Jaroso, and Garcia, and in conjunction with said operation to include the right to interchange freight at Fort Garland with all connecting carriers;

operation of motor vehicles as a common carrier of property between Alamosa, Colorado, and Fort Garland, Colorado, without the right to serve intermediate points,

and retaining the following authority:

transportation of livestock and other farm products, and household goods, from San Acacio, Mesita, Jaroso, Garcia, San Pablo, Chama, and San Luis, and the vicinities thereof, to Pueblo, and intermediate points, including Walsenburg,

to Raymond Lee Culler, Romeo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, September 12, 1960, and at the conclusion of the evidence, the matter was taken under advisement.

No one appeared at the hearing in opposition to the proposed transfer.

The Commission finds that the transferee is fit and proper, will have sufficient equipment and experience to carry on the operations, and that the financial standing of the transferee is established to the satisfaction of the Commission.

It appears to the Commission that any creditors of the transferor for debts incurred in the operation will not be prejudiced by approval of the transfer.

That the transfer will be in the public interest and the same should be authorized as provided in the following Order.

That a new number should be assigned to the operating rights herein transferred, and that PUC No. 2064-I should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That Fred T. Gibson, doing business as "Gibson Truck Line," La Jara, Colorado, be, and hereby is, authorized to transfer all his interest in and to PUC No. 2064-I, and that portion of PUC No. 2064, as follows:

merchandise and freight generally from Fort Garland to the Colorado-New Mexico State Line on U. S. Highway 159, and all intermediate points, including service to San Luis, San Pablo, and Chama;

transportation of freight, except livestock, from and to Fort Garland, and to and from Mesita, San Acacio, Jaroso, and Garcia, and in conjunction with said operation to include the right to interchange freight at Fort Garland with all connecting carriers;

operation of motor vehicles as a common carrier of property between Alamosa, Colorado, and Fort Garland, Colorado, without the right to serve intermediate points,

to Raymond Lee Culler, Romeo, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be.

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 authorities 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 (3) 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.

That a new number shall be assigned to the operating rights herein transferred, and that PUC No. 2064-I be, and the same hereby is, cancelled.

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
Arthur E. Zaidings
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.

mls

original

(Decision No. 55266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THOMAS W. ROGERS, MANASSA, COLORADO,)	
FOR AUTHORITY TO EXTEND OPERATIONS)	APPLICATION NO. 17936-PP-Extension
UNDER PERMIT NO. B-2025.)	
-----)	

October 24, 1960

Appearances: Henry E. Blickhahn, Esq.,
Alamosa, Colorado, for
applicant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Denver-
Chicago Transport Company,
Inc., Ward Transport, Inc.,
Melton Transport Company,
and Wright Motor Lines;
Edward L. Reilly, Denver,
Colorado, for M and M Oil
and Transportation, Inc.;
G. W. West, Denver, Colorado,
for Barlow's Service Division
of Consolidated Freightways
Corporation of Delaware.

S T A T E M E N T

By the Commission:

Thomas W. Rogers, Manassa, Colorado, the applicant herein,
seeks authority to extend his operations under Private Carrier Permit
No. B-2025, to include the right to transport gasoline from La Junta,
to Manassa; diesel fuel and fuel oil from Skelly Oil Company Refinery,
located at 7200 Brighton Boulevard, to Manassa, all said transporta-
tion service to be rendered for Donald's Service, of Manassa, Colorado,
only.

The above application was regularly set for hearing, and
heard, in the District Court Room of the Alamosa County Court House,
Alamosa, Colorado, on July 21, 1960, at ten o'clock A. M., and at the
conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently the owner of Private Carrier Permit No. B-2025, which authorizes:

Transportation of building materials and machinery for the Haynie Hardware Company of Manassa, Colorado, from Portland, Denver and Pueblo to said company at Manassa;

Transportation of livestock for Haynie and Sowards from point to point in Alamosa and Costilla Counties, and from points in said counties to Denver and Pueblo, without right to add to the number of customers under this extension.

Decision No. 22087 eliminates from above all authority to transport livestock, farm produce, farm machinery, equipment and supplies except groceries and articles of wearing apparel from points within a twenty (20) mile radius of Manassa, Colorado (Excepting that part of said area which lies in Costilla County), and between points in said area and other points in the state.

Thomas W. Rogers, the applicant herein, testified in support of the application that he is presently operating under Private Carrier Permit No. B-2025, and that he has a financial statement presently on file with the Commission and is an experienced operator under private carrier authority; that he does not own a tank trailer for hauling gasoline, diesel fuel and fuel oil, but that he will lease the tank trailer from Donald's Service and will pay for the use of said tank by the mile; that he does own suitable tractors for pulling the tank; that Mr. Donald Jarvis, the owner of Donald's Service, contacted him and requested him to secure private carrier authority whereby he could use his tractor and Jarvis' tank trailer for hauling gasoline from La Junta and diesel fuel and fuel oil from Denver; that he would confine his service to the one customer, viz., Donald's Service, of Manassa, Colorado.

Mr. Donald Jarvis corroborated the testimony of Witness Rogers. He testified that he was in the wholesale and retail gas business and was the owner and operator of Donald's Service at Manassa; that he requested Mr. Rogers to make this application, and if this authority is granted he will enter into a contract with applicant and use his proposed

service; and that he desires applicant's proposed service.

Three protestants testified in opposition to the granting of this application, and we feel that a brief review and summary of their evidence will assist us in arriving at our decision.

Mr. Ward stated he was President of Ward Transport, Inc., and Vice-President of Melton Transport Company, both companies having common carrier authority, including intrastate authority to serve Mr. Jarvis' business in Manassa. Mr. Ward sponsored five exhibits, which are as follows:

1. Balance Sheet of Ward Transport, Inc.;
2. Profit and Loss Statement, Ward Transport, Inc.;
3. and 4. Equipment List of Ward Transport, Inc.;
5. Loads hauled to Donald's Service Station.

The record discloses that Ward Transport, Inc. has, for the past seven months, been hauling the gasoline, diesel fuel and fuel oil for Donald's Service. The witness contends that Ward Transport, Inc. has had no complaints and submits a Profit and Loss Statement showing a loss of \$12,650.33 for the first six months of 1960. He further states that Melton Transport Company has the authority to perform the service requested by Donald's Service under Certificates Nos. 1246 and 1387.

In answer to a question propounded by protestants' attorney, we have the following:

"Q. What effect will it have upon your company if you should be deprived of that revenue?

"A. Well, it will cause the company to be idle more and reduce the amounts of profit if any profit is involved."

Mr. Donald Smith stated he was General Traffic Manager for Denver Chicago Transport Company, and submitted Exhibit 6, which set out the terminals maintained by his company in Colorado, and the equipment stationed at the respective terminals; that his company continuously solicits intrastate business in Colorado, and is willing

to handle the shipments asked for in this application. The witness stated his company was not presently enjoying this business but that it was potential business in the future so far as his company is concerned.

G. W. West stated he was Manager of Barlow's Service Division of Consolidated Freightways Corporation of Delaware. He stated his company's position concerning the application before the Commission, emphasizing the large investment of his company and the number of employees dependent upon their business. He protested the granting of the application.

In considering this application, we are of the opinion that we should again review the statute governing private carriers in Colorado. Colorado Revised Statutes, 1953, Chapter 115-11-3 provides:

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."
(Emphasis supplied)

From the above, after considering the evidence, it appears that common carriers are now handling this traffic. However, for some reason not clearly disclosed in the record, Donald's Service acquired a tank trailer designed to haul gasoline, diesel fuel and fuel oil. The evidence indicates that he does not have a tractor to pull this tank trailer so he requests applicant to secure private carrier authority to haul gasoline from La Junta and diesel fuel and fuel oil from Denver, to his place of business in Manassa. Why he particularly desires this personalized service is not answered in this record.

The Commission, in numerous decisions, has stated that the Private Carrier Act makes it incumbent upon the Commission to consider two primary findings of fact before a permit can be granted. The Commission, in Driscoll Trucking, Inc., Decision No. 54392, in considering this proposition, said:

"It would seem that the first is a determination that there are no duly authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes. We, heretofore, have taken the view that if this negative fact can be established then the question of impairment does not arise, but if the territory is being adequately served, then it becomes necessary, in order to sustain the granting of a permit, that the Commission secondly find that the proposed operation by any such private carrier will (not) impair the efficient public service of any authorized motor vehicle carrier or carriers then adequately serving the territory in which the applicant seeks to serve."

The Commission cannot say from the record before us, that the service offered by common carriers is inadequate. However, we must conclude that Donald's Service desires the service of applicant and will enter into a contract for that service. It would appear that a personalized service, restricted to Donald's Service, only, would improve service. It therefore follows that in addition -- before denying the above application -- we must find that the proposed operation will not 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. In Application No. 8502-PP of Motor Express Rentals Corporation, dated August 30, 1947, we said:

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

an impairment, are too obvious to require discussion."

The only realistic evidence, in fact the only evidence of impairment we have comes from the Witness Ward. The other protestants do not now nor have they in the past enjoyed the business of Donald's Service. So, we cannot assume as an evidentiary fact that their service will be impaired if this application is granted. Ward Transport, Inc., however, has enjoyed this business, as disclosed by protestants' Exhibit 5, for the past seven months. However, the evidence pertaining to impairment must come from Exhibit 2, if any there be, wherein they show a loss of \$12,650.33. We have considered this exhibit very carefully, together with the testimony of Witness Ward. The evidence clearly discloses that this exhibit covers the entire operations of Ward Transport, Inc. In this statement, they include their entire interstate operations and also their intrastate operations in states other than Colorado. We do not know, and the record does not disclose the intrastate operations in Colorado. It therefore follows, and we cannot say that the Colorado intrastate operations of Ward Transport, Inc. will be impaired. In fact, if Ward Transport is operating at a loss in Colorado, we are inclined to believe that we would have had the benefit of that information.

The protestants suggest in their testimony that the granting of private carrier authorities by the Commission will eventually result in erosion which, without restraint by the Commission, would eventually impair their ability to serve the public. The Colorado Commission has been fully cognizant of that fact since 1935, as clearly disclosed by the record of private carrier authorities granted. An examination of private carrier authorities authorized to haul petroleum products since World War II reveals they have not exceeded four or five in number, and part of those have been abandoned upon the termination of their contracts. It is also noteworthy that those permits granted have been expressly limited as to commodities, origin and termination, and number of customers served -- generally being one customer only.

Petroleum common carriers in the past have contended that they have suffered from private carrier competition, and we have had a number of complaints by the certificated carriers hauling petroleum products, but an examination of the Commission's records will disclose that we have ten private carrier authorities authorized to transport petroleum products of whom they complain and that eight pre-date the complaining common carriers' authorities. The Legislature recognized the importance of the private, or contract, carrier by the passage of the Private Carrier Act, and left it to the Commission in the statute wherein they said:

" . . . 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."

Then, in that case, the application should be denied.

This has been a difficult decision, as all other contested cases are under the private carrier statute where they are vigorously protested. Nevertheless, it is our duty to make a decision. We are therefore of the opinion, and so find, that the proposed operations of applicant will not impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory conveying gasoline, diesel fuel and fuel oil.

This Commission has heard numerous cases involving the same general principles under the Private Carrier Act, and it is our best judgment that in too many instances common carrier protests are generally against the law governing private carriers, believing that private or contract carriers have no economic place in our motor carrier for-hire transportation. The Commission believes otherwise, and feels that the general public needs the private or contract carrier service and that it is essential to a well balanced transportation service under regulation.

F I N D I N G S

THE COMMISSION FINDS:

1. That applicant is qualified, both by experience and financial responsibility, to operate as a private carrier by motor vehicle for hire, for the transportation of gasoline, diesel fuel and fuel oil, as set forth in the instant application.
2. We do not believe that the granting of this permit will seriously endanger the operations of protestants, or impair the efficient public service of any authorized motor vehicle common carrier adequately serving the same territory over the same general highway route or routes, and we are further of the opinion that applicant's customer, Donald's Service, ought not to be deprived of an improved service merely because it might divert some traffic from other carriers. If that principle had been followed in Colorado, no motor carrier service could have been developed.
3. That applicant is fit, willing and able to perform the aforesaid transportation service properly and to conform to the provisions of the Private Carrier Act and the rules and regulations thereunder.
4. That the application for an extension of applicant's private carrier authority, as hereinafter set forth in the Order, should be granted.
5. That the portion of the Statement be incorporated herein by reference where findings of fact have been made.

O R D E R



THE COMMISSION ORDERS:

That Thomas W. Rogers, of Manassa, Colorado, be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. B-2025, to include the right to transport gasoline from La Junta to Manassa, diesel fuel and fuel oil from Skelly Oil Company Refinery located at 7200 Brighton Boulevard, Denver, Colorado, to Manassa, Colorado, all said transportation service to be rendered for Donald Jarvis,

doing business as "Donald's Service," of Manassa, Colorado, 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.

Dated at Denver, Colorado,
this 24th day of October, 1960.

ea

COMMISSIONER HENRY E. ZARLENGO CONCURRING:

It appears that some confusion has existed relative to the interpretation and application of the law concerning the granting of private carrier permits. Some decisions have been rendered by the Commission wherein the impression is given that the Commission, before granting a private carrier permit, must make two affirmative findings, to-wit: first, that there is not adequate common carrier service in the territory, and second, if there is adequate common carrier service in the territory, that the efficient public service of any one or more common carriers adequately serving the territory will not be impaired by the proposed operation. Such interpretation and application of the law, in my opinion, is erroneous for it places on the Commission the obligation of making affirmative findings of fact which the law does not impose.

115-11-3 provides that the business of private carriers is affected with a public interest and, among other things, that the proper regulation of motor vehicle common carriers requires regulation of private carriers to the extent therein provided and for which purposes the Commission is vested with authority to issue private carrier permits and attach thereto such terms and conditions as are reasonable. This part of the law empowers the Commission to issue or deny applications for private carrier permits. The law then goes on to state that no application for a private carrier permit shall be granted by the Commission if the Commission shall be of the opinion that the proposed operation will impair the efficient public service of any common carrier or carriers then adequately serving the same territory. This latter provision of the law does not empower the Commission to grant private carrier permit applications. The wording of the law which precedes this provision has already done that. What this provision of the law does do is to restrict and limit the Commission, if certain conditions in the opinion of the Commission are present. For example, if, during the hearing, evidence is presented which causes the Commission to be of the opinion that there is adequate common carrier

service and that the proposed operation will impair the efficient public service, then the Commission is restricted and limited in its power to grant the permit and must deny the same. On the other hand, if no evidence at all is presented, or if the evidence presented is insufficient for the Commission to have an opinion as to the adequacy of the service, or if adequacy is established as to the impairment of the efficient public service, then the restriction and limitation does not come into play and the Commission is free to grant the application, provided, of course, the applicant is qualified and the public interest will be served.

No doubt many times cases have come up where the applicant for a private carrier permit presents evidence which is sufficient to establish his qualifications and that the public interest will be served by the granting of the application but which evidence is silent as to the adequacy of common carrier service in the territory or as to impairment of the efficient public service of common carriers adequately serving in the territory. If as is contended, the Commission is obliged to make an affirmative finding as to the first, or both, elements discussed, the Commission would be powerless to grant the application for there would be no evidence upon which to base an opinion.

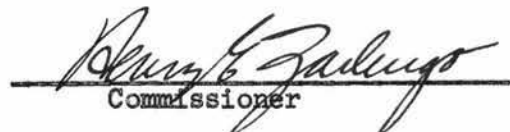
To make affirmative findings of fact, the Commission must have some evidence before it upon which to predicate such findings. When the burden of producing this evidence is laid upon the shoulders of the applicant, it is obvious that such burden would be well-nigh impossible for him to carry when the following matters are considered. To prove adequacy or inadequacy of common carrier service in the territory would mean that the applicant would have to obtain evidence from customers of the common carriers so serving or from unknown persons who have had experience with the carriers. To do this he would have to contact any number of such persons in order to prepare his case. How he would go about finding and contacting such persons and obtaining from them evidence of dissatisfaction with service doubtless presents a formidable and, in most cases, a prohibitive task.

And when and if evidence that there is adequate common carrier service in the territory would be obtained, the applicant must then needs obtain evidence that his proposed private carrier operation would not impair the efficient service of such common carriers. This information could be obtained only from the common carriers as they only would know and would have evidence as to what effect the private carrier operation would have on their efficient public service. It is needless to say that cooperation from such source would be impossible. On the other hand, if the burden of producing evidence of adequate common carrier service in the territory, and if present, impairment of efficient public service, is placed upon protestants or others, the applicant is in a position to make his case, and obtain, if qualified, his permit unless such evidence is presented, in which event he would have only to rebut the same.

When two interpretations of statutory law are present and one is reasonable and the other unreasonable, it is incumbent upon the Commission to apply the interpretation which is reasonable and renders the law workable.

I concur with the end result of my fellow Commissioners that the application should be granted. However, I respectfully disagree with their broad pronouncement and interpretation of the law relating to private carrier permits.

Without further elaboration, it is these reasons which compel me to disagree in the particulars indicated with the majority decision.


Commissioner

Dated at Denver, Colorado,
this 24th day of October, 1960.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
BERNARD MC GOWAN AND NEAL MC GOWAN,)
DOING BUSINESS AS, "COTOPAXI GARAGE",)
COTOPAXI, COLORADO.)
-----)

PERMIT NO. M-5324

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bernard Mc Gowan and
Neal Mc Gowan, doing business as, "Cotopaxi Garage", Cotopaxi, Colorado
requesting that Permit No. M-5324 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5324, heretofore issued to Bernard Mc Gowan and
Neal Mc Gowan, doing business as, "Cotopaxi Garage", Cotopaxi, Colorado be,
and the same is hereby, declared cancelled effective August 15, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Henry E. Zwick
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
PRECISION EXPLORATION COMPANY, 310)
ENTERPRISE BUILDING, TULSA,)
OKLAHOMA.)
-----)

PERMIT NO. M-7601

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Precision Exploration
Company, Tulsa, Oklahoma

requesting that Permit No. M-7601 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7601, heretofore issued to Precision Exploration
Company, Tulsa, Oklahoma be,

and the same is hereby, declared cancelled effective October 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. F. HUGHES, DOING BUSINESS AS,)
"HUGHES BROTHERS", 118-120-CENTRAL)
MAIN, PUEBLO, COLORADO.)
-----)

PERMIT NO. M-5519

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. F. Hughes, doing
business as, "Hughes Brothers", Pueblo, Colorado
requesting that Permit No. M-5519 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5519, heretofore issued to J. F. Hughes, doing
business as, "Hughes Brothers", Pueblo, Colorado be,
and the same is hereby, declared cancelled effective May 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Norton
Henry E. Zuleygo
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195/60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
GUS CHOLAKOS, DOING BUSINESS AS,)
"BLUE RIBBON GROCERY AND MARKET",)
538 WEST 7TH STREET, WALSENBURG,)
COLORADO.)
-----)

PERMIT NO. M-5131

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gus Cholakos, doing
business as, "Blue Ribbon Grocery and Market", Walsenburg, Colorado
requesting that Permit No. M-5131 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5131, heretofore issued to Gus Cholakos, doing
business as, "Blue Ribbon Grocery and Market", Walsenburg, Colorado be,
and the same is hereby, declared cancelled effective September 27, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Higgins
Frank C. Hordant
Henry E. Ziehlings
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT V. BRADLEY, DOING BUSINESS AS,)
"STERLING ELECTRONICS", P. O. BOX)
106, AXTELL, NEBRASKA.)
-----)

PERMIT NO. M-4445

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert V. Bradley,
doing business as, "Sterling Electronics", Axtell, Nebraska
requesting that Permit No. M-4445 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4445, heretofore issued to Robert V. Bradley,
doing business as, "Sterling Electronics", Axtell, Nebraska be,
and the same is hereby, declared cancelled effective September 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
King E. Zuley
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 197 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EMILE S. CALMETT, DOING BUSINESS AS,)
"CAMPUS SERVICE STATION", 1515 FORD,)
GOLDEN, COLORADO.)
-----)

PERMIT NO. M-156

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Emile S. Calmett,
doing business as, "Campus Service Station", Golden, Colorado
requesting that Permit No. M-156 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-156, heretofore issued to Emile S. Calmett, doing
business as, "Campus Service Station", Golden, Colorado be,
and the same is hereby, declared cancelled effective June 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 197 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE L. FULLER, 253 NORTH)
MADISON, CORTEZ, COLORADO.)
-----)

PUC NO. 4174-I

November 10, 1960

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 4174-I be suspended for six months from October 27, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Joe L. Fuller, Cortez, Colorado

 be, and is hereby, authorized to suspend operations under PUC No. 4174-I until April 27, 1961.

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
Thomas C. Johnston
Henry E. Zuckerman
Commissioners

Dated at Denver, Colorado,
this 10th day of November 1960.

original

(Decision No. 55274)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FREDERIC A. BETHKE, ROSINA A. BETHKE,)	
AND E. BONABEL DAVIS, CO-PARTNERS,)	
DOING BUSINESS AS "CONSOLIDATED)	
MILK LINES," GILCREST, COLORADO,)	APPLICATION NO. 18098-Transfer
FOR AUTHORITY TO TRANSFER A PORTION)	
OF PUC NO. 1125 TO WENDELL CARY)	
AND DOROTHY CARY, RURAL ROUTE NO.)	
1, FORT COLLINS, COLORADO.)	
-----)	

October 24, 1960

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

This is an application by Consolidated Milk Lines, a co-partnership composed of Frederic A. Bethke, Rosina A. Bethke, and E. Bonabel Davis, Gilcrest, Colorado, to transfer a portion of PUC No. 1125 to Wendell Cary and Dorothy Cary, of Rural Route No. 1, Fort Collins, Colorado. PUC No. 1125 contains the following authority:

Transportation of milk to Loveland, Fort Collins, Johnstown, Greeley, and Fort Lupton, Colorado, from an area described as:

Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning, and the transportation of said commodity between cooling plants in Loveland and condenseries at Johnstown, Greeley and Fort Lupton.

Common carrier service, on schedule, or on call and demand, for the transportation of fluid milk from Loveland to Denver and Golden, with back-haul of empty containers, and the transportation of milk to Loveland, Fort Collins, Johnstown, Greeley and Fort Lupton, from all points on and within the area bounded by a line described as:

Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County Line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

Transportation, on schedule, of milk to Boulder, Colorado, from points in the territory described as follows: Beginning at a point 1 mile west of Loveland; thence west 7 miles; thence south 4 miles; thence east approximately $3\frac{1}{4}$ miles; thence south 5 miles; thence east approximately $3\frac{1}{2}$ miles to U. S. Highway No. 287; thence south 7 miles; thence east approximately $10\frac{1}{2}$ miles; thence north to U. S. Highway No. 34; thence west on said highway to point of beginning, with return of empty cans.

Transportation of milk from the milk condensery in Johnstown, Colorado, to Denver, Colorado, and to Golden, Colorado, and other points in the Metropolitan area of Denver, Colorado, together with return of empty cans.

Transportation of milk and cream with return of empty containers, over irregular routes but on schedule, to points within a three mile radius of Fort Collins, Colorado, from the following described territory:

(1) Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning;

(2) From all points on and within the area bounded by a line described as: Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

That portion of the afore-described authority to be transferred by this proceeding is set out as follows:

Transportation of milk in cans to Loveland, Fort Collins, Johnstown, and Fort Lupton, Colorado, from an area described as follows:

Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile;

thence east to U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning, and the transportation of said commodity between cooling plants in Loveland and condenseries at Johnstown and Fort Lupton.

Common carrier service, on schedule, or on call and demand, for the transportation of fluid milk in cans from Loveland to Denver and Golden, with back-haul of empty containers, and the transportation of milk in cans to Loveland, Fort Collins, Johnstown, and Fort Lupton from all points on and within the area bounded by a line described as: Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

Transportation, on schedule, of milk in cans to Boulder, Colorado, from points in the territory described as follows: Beginning at a point 1 mile west of Loveland; thence west 7 miles; thence south 4 miles; thence east approximately $3\frac{1}{4}$ miles; thence south 5 miles; thence east approximately $3\frac{1}{2}$ miles to U.S. Highway No. 287; thence south 7 miles; thence east approximately $10\frac{1}{2}$ miles; thence north to U. S. Highway No. 34; thence west on said highway to point of beginning, with return of empty cans.

Transportation of milk in cans from the milk condensery in Johnstown, Colorado, to Denver, Colorado, and to Golden, Colorado, and other points in the Metropolitan area of Denver, Colorado, together with return of empty cans.

Transportation of milk in cans and cream in cans with return of empty containers, over irregular routes but on schedule, to points within a three mile radius of Fort Collins, Colorado, from the following described territory:

Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning;

From all points on and within the area bounded by a line described as: Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

That portion of the authority contained in PUC No. 1125

to be retained by Consolidated Milk Lines is set forth as follows:

Transportation of milk in bulk to Loveland, Fort Collins, Johnstown and Fort Lupton, Colorado, and transportation of milk to Greeley, Colorado, from an area described as:

Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning, and the transportation of milk in bulk between cooling plants in Loveland and condenseries at Johnstown and Fort Lupton, and the transportation of milk from said condenseries and cooling plants on the one hand and on the other, the condensery at Greeley.

Common carrier service on schedule, or on call and demand, for the transportation of fluid milk in bulk from Loveland to Denver and Golden, and the transportation of milk in bulk to Loveland, Fort Collins, Johnstown and Fort Lupton, and the transportation of milk to Greeley from all points on and within the area bounded by a line described as: Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County Line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

Transportation, on schedule, of milk in bulk to Boulder, Colorado, from points in the territory described as follows: Beginning at a point 1 mile west of Loveland; thence west 7 miles; thence south 4 miles; thence east approximately $3\frac{1}{4}$ miles; thence south 5 miles; thence east approximately $3\frac{1}{2}$ miles to U. S. Highway No. 287; thence south 7 miles; thence east approximately $10\frac{1}{2}$ miles; thence north to U. S. Highway No. 34; thence west on said highway to point of beginning.

Transportation of milk in bulk from the milk condensery in Johnstown, Colorado, to Denver, Colorado, and to Golden, Colorado, and other points in the Metropolitan area of Denver, Colorado.

Transportation of milk in bulk and cream in bulk, over irregular routes but on schedule, to points within a three mile radius of Fort Collins, Colorado, from the following described territory:

(1) Beginning at a point 1 mile west of Loveland on Colorado Highway No. 16; thence east to a point 1 mile east of Loveland; thence north $1\frac{1}{2}$ miles; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to

U. S. Highway No. 85; thence north to Ault; thence west on Colorado Highway No. 14 to a point 1 mile west of Fort Collins; thence south to the point of beginning;

(2) From all points on and within the area bounded by a line described as: Beginning at a point 6 miles due west of Fort Collins; thence due north to the intersection of U. S. Highway No. 287; thence along U. S. Highway No. 287 to the intersection of the Wyoming state line; thence east along the Wyoming state line to a point 2 miles east of the Weld-Larimer County Line; thence due south to the intersection of Colorado Highway No. 14; thence west to the point of beginning.

Frederic A. Bethke appeared as a witness for the transferor partnership and testified that the partnership was presently operating within the scope of its authority as set forth in PUC No. 1125, and has so operated since the transfer of authority to Consolidated Milk Lines by Decision of this Commission No. 48495, dated August 8, 1957. Said certificate was extended to authorize additional operations by Decision of this Commission No. 49909, dated March 24, 1958. The segment of this authority requested to be transferred by this proceeding involves an operation which is somewhat removed from the terminal of transferors at Gilcrest, Colorado. This location necessitates the driving of 20 "deadhead" miles per day by Consolidated Milk Lines, which mileage would be eliminated if the operation were conducted by the transferees. Further, different equipment is required to conduct the hauling of milk in cans, as opposed to the transportation of milk in bulk, and the transfer of such authority would split the present authority along lines dictated by this equipment differential. Certain operations to Greeley are being retained by the transferors, however, since these operations are proximate to other existing operations of the transferors.

Written contract was identified as Exhibit 1 and introduced in evidence, which contract provides for the afore-described sale of authority. The contract was amended orally at the hearing to strike therefrom paragraph 5 concerning an encumbrance against the certificate to secure the payment of the consideration as provided. Said consideration should be \$1,500.00, \$500.00 of which has already been paid to

transferors, and the remaining \$1,000.00 to be paid via semi-monthly payments over a two-year period. It was certified that there is no existing indebtedness against the operation sought to be transferred.

Mr. Wendell Cary testified on behalf of the transferees and stated that he had experience in the operation of a milk route in the State of Iowa and further had been engaged as a driver for numerous common carriers within this state. He attested to a net worth of approximately \$3,500, and is presently operating the authority sought to be transferred under temporary authority as granted by this Commission on August 12, 1960. He stated that he would conduct the operations from his home address of Rural Route 1, Fort Collins, Colorado, and would commence the first pickup within one-half mile of said address, thereby avoiding the "deadhead" mileage incurred by the transferors. He further plans to operate the business as an owner-operator, driving his own truck, and has the necessary equipment and know-how to make minor mechanical repairs himself. He has arranged for the purchase of the truck he is presently utilizing in performing this service. He has received no complaints with regard to the service conducted under the temporary authority.

Mr. Vern Whitmore, the Field Manager for Colorado Condensed Milk, attested that his company received a majority of the milk hauled under that portion of the authority sought to be transferred. This milk is received at Johnstown, Colorado, and it would be a benefit to Colorado Condensed Milk to have a local carrier in charge of the hauling of milk in cans from the described area. The proximity of location would allow better and more economical service and would provide easy access to the carrier for both the shippers themselves and Mr. Whitmore, and that in his opinion the transfer sought would be in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

1. That operations are presently being actively conducted under the authority as set forth in PUC No. 1125.

2. That the transferees have sufficient financial responsibility, experience and ability to operate the portion of the authority sought to be transferred.

3. That a splitting of the rights contained in PUC No. 1125, as specifically set forth in the preceding Statement, will result in operating economies and better service to the public, and therefore the proposed transfer is in accordance with the public interest.

4. Other authority presently held by Consolidated Milk Lines in PUC No. 557 is overlapping to a small extent, as shown by the following language of said PUC No. 557:

"Transportation of milk, cream and dairy products between points within a radius of 10 miles of Platteville, and between points within said area on the one hand, and other points within the State of Colorado, on the other hand."

That there is some conflicting authority contained in Certificate No. 612, which is very small.

That the portions of the above-quoted authority which overlap the authority sought to be transferred herein should be cancelled as prerequisite to the approval by the Commission of this transfer.

5. The transfer as sought herein, with the condition as set forth regarding overlapping authority, is in the public interest and should be approved.

O R D E R

THE COMMISSION ORDERS:

That Frederic A. Bethke, Rosina A. Bethke, and E. Bonabel Davis, doing business as "Consolidated Milk Lines," Gilcrest, Colorado, be, and they are hereby authorized to transfer all their right, title, and interest in and to that portion of Certificate of Public Convenience and Necessity No. 1125, set forth specifically in the Statement herein, to Wendell Cary and Dorothy Cary, Rural Route No. 1, Fort Collins, Colorado, subject to the payment of any outstanding indebtedness against the operation, if any there may be, and further subject to the condition that any authority of the transferors as contained in PUC Nos. 557 and 612, which overlaps the authority herein being transferred shall be cancelled upon consummation of this transfer, as hereinafter provided.


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 portion of PUC No. 1125 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.

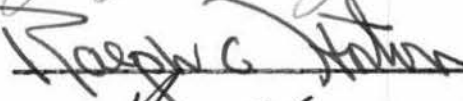
The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.


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 portion 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 24th day of October, 1960.

ea

original

(Decision No. 55275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILBUR MAXWELL, RECEIVER, FOR BLAK-)	
LEY LIVESTOCK TRUCKING CO., INC.,)	
AND ALICE FRANCES BLAKLEY, DENVER,)	
COLORADO, HAVING FORECLOSED MORTGAGE)	APPLICATION NO. 18081-Transfer
ON PUC NO. 435 AND PUC NO. 435-I,)	
FOR AUTHORITY TO TRANSFER SAID PUC)	
NOS. 435 AND 435-I TO EAGLE TRUCK)	
LINES, INC., DENVER, COLORADO.)	

October 25, 1960

Appearances: Barry and Boyle, Esqs., by John
R. Barry, Esq., Denver, Colo-
rado, for Eagle Truck Lines,
Inc.;
H. D. Reed, Esq., Denver, Colo-
rado, for Alice Frances Blak-
ley;
Chris Sorensen, Longmont, Colo-
rado, for Sorensen Truck Ser-
vice.

S T A T E M E N T

By the Commission:

The instant application was filed with this Commission on August 30, 1960, and set for hearing on September 23, 1960, after proper notice to all parties in interest.

Hearing was had on September 23, 1960, at 10:00 o'clock A. M., in the Commission's Hearing Room, 532 State Services Building, Denver, Colorado. After all the evidence was adduced, the matter was taken under advisement.

Record in this matter discloses that Alice Frances Blakley has owned PUC Nos. 435 and 435-I for many years. The record also discloses that Alice Frances Blakley sold PUC Nos. 435 and 435-I to a corporation known as the Blakley Livestock Trucking Company, Inc.,

which transfer was authorized by this Commission under Decision No. 51522. The Blakley Livestock Trucking Company, Inc., executed its note for partial payment to Alice Frances Blakley and took back a chattel mortgage as security for said note, which chattel mortgage covered Certificates 435 and 435-I. PUC Nos. 435 and 435-I read as follows:

transportation of livestock between Denver and all points in the State of Colorado, subject to the following terms and conditions: (a) That applicant shall not have any branch office, agencies or agents outside the City of Denver for the solicitation and conduct of business;

livestock, including horses and mules, from, to, and between points within the State of Colorado;

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

The Blakley Livestock Trucking Company, Inc., experienced financial difficulties and defaulted on said note and as a consequence thereof, Alice Frances Blakley brought an action in the District Court in and for the City and County of Denver, which action is No. B-40353. In this civil action, she sought to foreclose on said certificates as well as some equipment involved in the transaction.

The District Court entered a Decree in Foreclosure authorizing Alice Frances Blakley to foreclose on said PUC Nos. 435 and 435-I and to exercise the contract between her and Eagle Truck Lines, Inc. The Decree in Foreclosure amounts to \$45,849.27 plus costs, and the amount of the purchase price being paid by Eagle Truck Lines, Inc., of \$42,000.00 is to apply upon the Judgment in partial satisfaction thereof.

Eagle Truck Lines, Inc., is a Colorado corporation, hereto-

fore authorized by this Commission to engage in the transportation of livestock. The record discloses that on the 11th day of August, 1960, Alice Frances Blakley and Eagle Truck Lines, Inc., entered into a contract for the sale of PUC Nos. 435 and 435-I, along with certain rolling stock equipment, for the principal amount of \$42,000.00, subject of course to the Court entering a Decree of Foreclosure permitting Mrs. Blakley to take back the certificates from the Blakley Livestock Trucking Company, Inc. Under the terms of the contract, the purchaser, Eagle Truck Lines, Inc., will pay \$11,500.00 plus the \$500.00 earnest money already paid upon this Commission's approval of this transaction. The balance of the total purchase price being \$30,000.00 will be paid in six annual installments, with the unpaid balance bearing interest at the rate of 5%. The note which will be executed herein will have a chattel mortgage given as security therefor, which chattel mortgage will cover PUC No. 435 and PUC No. 435-I.

In conjunction with the foreclosure of the Blakley Livestock Trucking Company, Inc., the District Court appointed a receiver to marshall the assets and pay off the creditors. The record discloses that the receiver is of the opinion that there are sufficient assets over and above the certificates involved herein, and the equipment which is being sold under this purchase contract, to pay off all of the creditors at almost one hundred cents on the dollar. The receiver indicated that between liquidating the assets that were available, collecting the accounts receivable, and leasing some of the equipment to Eagle Truck Lines, Inc., he felt that the unsecured creditors would not be seriously jeopardized when the matter was finally wound up.

We, of course, are always concerned about the status of all creditors involved in any trucking company's business failure. In

this instance, however, Alice Frances Blakley is a secured creditor. Furthermore, the District Court in and for the City and County of Denver, issued a decree authorizing her to foreclose on the certificates and authorizing her to resell them to Eagle Truck Lines, Inc., in satisfaction of said decree.

Jack A. Olson, President of Eagle Truck Lines, Inc., testified that he was desirous of purchasing the authority and the equipment for the amount specified in the purchase contract. Eagle Truck Lines, Inc., has heretofore operated successfully, and examination of their balance sheet, which was exhibited in the proceeding, indicates it is financially responsible to assume the obligations involved herein, and rendering services to the public required under PUC Nos. 435 and 435-I.

F I N D I N G S

THE COMMISSION FINDS:

That the transfer of the certificates from The Blakley Livestock Trucking Company, Inc., to Alice Frances Blakley decreed by the Court in the decree in foreclosure hereinabove referred to should be confirmed and that the authority to transfer the same to Eagle Truck Lines, Inc., should be authorized.

That Eagle Truck Lines, Inc., should be authorized to acquire PUC Nos. 435 and 435-I and issue its note for \$30,000.00 in part payment therefor, and execute a chattel mortgage as security for said note.

That said chattel mortgage should be approved by this Commission, and that after its execution, copies of the note and chattel mortgage should be filed with the Commission.

O R D E R

THE COMMISSION ORDERS:

That the transfer of PUC No. 435 and PUC No. 435-I from the Blakley Livestock Trucking Company, Inc., to Alice Frances Blakley

decreed by the Court in Decree of Foreclosure hereinabove mentioned be, and the same hereby is confirmed, and that Alice Frances Blakley be, and she hereby is, authorized to transfer all right, title and interest in and to PUC No. 435 and PUC No. 435-I, with the authority set forth in the preceding Statement, which is made a part hereof by reference, to Eagle Truck Lines, Inc., a Colorado corporation.

That Eagle Truck Lines, Inc., is hereby authorized to mortgage said PUC No. 435 and PUC No. 435-I to Alice Frances Blakley in the principal amount of \$30,000.00, to be paid over a six-year period, bearing interest at the rate of 5% per annum on the unpaid balance.

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 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 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 certificates up to the time of transfer of said certificates.

That transfer of interstate operating rights herein author-

ized 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 I. Negro
Raymond C. Horton
Henry E. Padgett
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1960.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

PUC NO. 1787

November 10, 1960
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate holder requesting that his PUC No. 1787 be further suspended for six months from October 15, 1960.

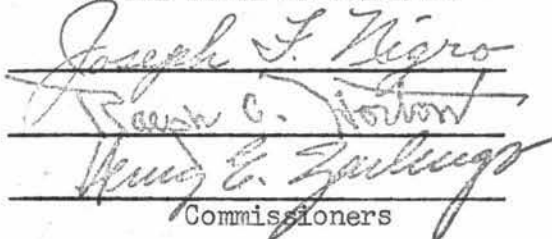
F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That W. B. Davis, doing business as, "Rifle Cab Service",
Rifle, Colorado
_____ be, and is hereby, authorized to further suspend
his operations under PUC No. 1787 until April 15, 1961.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1960.

hc

original

(Decision No. 55277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD SCHNORR, 4700 NEWLAND,)
WHEATRIDGE, COLORADO.)

PUC No. 3318

October 25, 1960

Appearances: McLean & McLean, Esqs., Denver,
Colorado, for Edward Schnorr.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Attorneys for the above-styled certificate-holder, stating said certificate-holder, owner of PUC No. 3318, desires to conduct operations under said operating rights under the trade name and style: "Ideal Disposal Company," and requests authority so to do.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show:

"Edward Schnorr, doing business as
'Ideal Disposal Company,'"

to be the owner of PUC No. 3318, in lieu of:

"Edward Schnorr."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Regier
Harold C. Hutton
Henry E. Zarbengo
Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1960.
mls

original

(Decision No. 55278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH LEACH, DOING BUSINESS AS)
"LEACH AIR SERVICE," CENTER, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, AUTHORIZ-)
ING TRANSPORTATION OF PASSENGERS, ON)
CALL AND DEMAND, BY AIRCRAFT, AS A)
COMMON CARRIER, BETWEEN POINTS WITH-)
IN THE STATE OF COLORADO.)

APPLICATION NO. 16932
SUPPLEMENTAL ORDER

October 25, 1960

Appearances: Conour and Conour, Esqs., Del
Norte, Colorado, for Appli-
cant;
Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for Kramer
Flying Service;
Rocky Warren, Gunnison, Colo-
rado, for Western State Avi-
ation.

S T A T E M E N T

By the Commission:

On June 8, 1959, the Commission entered its Decision No. 52415 in the above-styled matter, granting to applicant herein a certificate of public convenience and necessity, authorizing transportation, by aircraft, in the State of Colorado.

On September 6, 1960, the Commission entered its Decision No. 55034 in said above-styled application, cancelling and revoking operating rights granted Applicant herein by said Decision No. 52415.

Before entry of said Decision No. 55034, certificate-holder had advised Willard F. Bridgeman, Aeronautical Inspector for this Commission, that he had sold his aircraft used for transportation of passengers. Therefore, Decision No. 55034 was issued, cancelling and revoking operating rights granted by Decision No. 52415.

Thereafter, "Petition for Rehearing" was filed with the Commission by Elizabeth A. Conour, Attorney for Kenneth Leach, requesting that said operating rights be restored to active status, inasmuch as said certificate-holder had now acquired another airplane, and is ready, willing, and able to file such insurance as required with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 55034, of date September 6, 1960, should be vacated, set aside, and held for naught, nunc pro tunc, as of said 6th day of September, 1960.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 55034, of date September 6, 1960, cancelling operating rights granted to Applicant herein by Decision No. 52415, should be, and hereby is, vacated, set aside, and held for naught, nunc pro tunc, as of said 6th day of September, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Higgins
Ralph C. Horton
Bernard J. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1960.

mls

original

(Decision No. 55279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB HATFIELD, INC., 215 NORTH 7TH)
AVENUE, STERLING, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 17947-PP
SUPPLEMENTAL ORDER

October 13, 1960

Appearances: Wolvington and Carleton, Esqs.,
Sterling, Colorado, for
applicant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Stanton Trans-
portation Company, L. E.
Whitlock Truck Service,
Neff Trucking Company;
John H. Lewis, Esq., Denver,
Colorado, for B. F. Walker,
Inc., L. C. Jones Trucking
Company, Inc., E. L. Farmer
and Company;
John P. Thompson, Esq., Denver,
Colorado, for Line-Haul
Division, Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

On September 20, 1960, the Commission entered its Decision No. 55096 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in said Order.

On October 7, 1960, "Petition for Rehearing" was filed with the Commission in said matter by Stockton, Linville and Lewis, Attorneys for B. F. Walker, Inc., E. L. Farmer & Company, Turner Bros. Trucking Company, and L. C. Jones Trucking Company, Inc.; also, on said date, "Petition for Rehearing on Behalf of Neff Trucking Company, Inc.," was filed by Jones, Meiklejohn and Kilroy, Attorneys.

Inasmuch as formal Order was not entered by the Commission within twenty days from and after the date of Order complained of,

F I N D I N G S

THE COMMISSION FINDS:

That said Petitions for Rehearing are denied, by operation of law,

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing," filed with the Commission on October 7, 1960, by Stockton, Linville and Lewis, Attorneys, on behalf of B. F. Walker, Inc., E. L. Farmer & Company, Turner Bros. Trucking Company, and L. C. Jones Trucking Company, Inc., and "Petition for Rehearing on Behalf of Neff Trucking Company, Inc.," filed with the Commission on October 7, 1960, by Jones, Meiklejohn and Kilroy, Attorneys, are hereby 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. Nigro
Joseph C. Hoban
Henry G. Ailung
Commissioners.

Dated at Denver, Colorado,
this 13th day of October, 1960.

ea

original

(Decision No. 55280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO MILK TRANSPORT, INC.,)	
ROUTE 1, BOX 141, BROOMFIELD, COLO-)	
RADO, FOR AUTHORITY TO TRANSFER)	
PERMIT NO. B-1284 TO CHARLES M.)	APPLICATION NO. 18126-PP-Transfer
CAMERON, ROUTE 2, BOX 111, MONT-)	
ROSE, COLORADO.)	
-----)	

October 21, 1960

Appearances: Jones, Meiklejohn and Kilroy,
Esqs., Denver, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, Colorado Milk Transport, Inc., Broomfield, Colorado, owner and operator of Permit No. B-1284, sought authority to transfer said operating rights to Charles M. Cameron, Montrose, Colorado.

Said application was regularly set for hearing before the Commission, at 11:00 A. M., October 24, 1960, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

The Commission has now been informed by Attorneys for Applicants herein that said Applicants no longer desire to prosecute said application, and request 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. 18126-PP-Transfer, presently set for 11:00 A. M., October 24, 1960, at 532 State Services Building, Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 18126-PP-Transfer be, and the same hereby is, dismissed, upon request of Attorneys for Applicants herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Hutton
Henry E. Zullig
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1960.

ea

original

(Decision No. 55281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE SALE OF ELECTRICAL ENERGY BY)
THE CITY OF LONGMONT, COLORADO,)
TO WESTERN FOUNDRIES, FOR USE)
AT PLANT ON SOUTH MARTIN STREET,)
LONGMONT, COLORADO.)
-----)

CASE NO. 5197
ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

October 24, 1960

S T A T E M E N T

By the Commission:

It appears that on the 13th day of May, 1958, the City of Longmont, Colorado, and Western Foundries, of Longmont, Colorado, entered into the following Contract:

"THIS AGREEMENT, W I T N E S S E T H:

"THAT WHEREAS, WESTERN FOUNDRIES, desires to purchase electrical energy from the CITY OF LONGMONT for use at their plant on South Martin Street, Longmont, Colorado; and

"WHEREAS, the CITY OF LONGMONT, in order to make such delivery must purchase said energy from the United States (Bureau of Reclamation), and deliver said energy over the lines of said CITY; and

"WHEREAS, the CITY OF LONGMONT has heretofore been purchasing electric energy and delivering same at its own expense to the plant of WESTERN FOUNDRIES, and has installed, erected and maintained transformers, power lines and other installations and facilities for that purpose; that as of the date of this agreement WESTERN FOUNDRIES is the only consumer being served with electric energy from said power lines and installations, and has heretofore reimbursed the CITY OF LONGMONT for electric energy consumed by it, including demand charges made and assessed to the CITY OF LONGMONT by the United States (Bureau of Reclamation); and

"WHEREAS, the CITY OF LONGMONT is planning to expand its operations in order to serve the wants of other consumers of electric energy in adjacent areas and will use a portion of its existing power line and facilities above referred to for that purpose; and

"WHEREAS, the CITY OF LONGMONT is willing to continue to purchase said electric energy and deliver same at their own expense to the plant of WESTERN FOUNDRIES during the term hereof for the rate hereinafter set forth;

"NOW T H E R E F O R E, IT IS AGREED:

"WESTERN FOUNDRIES shall pay to the City of Longmont, for said electric energy and service, the sum of seventy-five dollars(\$75.00) per month to compensate it for a portion of its annual expense in the operation and maintenance of its electric system, including transformers, power lines and other costs incident to the delivery of electric energy to the plant of Western Foundries. In addition to the \$75.00 monthly payment, Western Foundries will pay the actual charge made to the City of Longmont by the United States of America (Bureau of Reclamation) for energy used by said Western Foundries in accordance with the rates and demand charges contained in that certain agreement dated December 21, 1956, between the United States of America (Bureau of Reclamation) and the City of Longmont, Colorado (Contract No. 14-06-700-1317) reference to which is hereby made for greater certainty, provided however that when the City of Longmont plans are perfected and other consumers are being served with electric energy from the facilities referred to above, then and in that event Western Foundries will not be liable for payment of demand charges unless Western Foundries highest thirty minute integrated peak demand period measured during the month exceeds the highest thirty minute integrated peak period of the City of Longmont, measured during the same month. In that event it is agreed that Western Foundries will be liable only for that portion of its highest thirty minute integrated demand period measured during the month that exceeded the City of Longmont highest integrated peak period occurring within the same thirty minute period, but in no event shall Western Foundries be liable for any demand billing that exceeds the reading of the demand meter located on the premises of Western Foundries.

"The electric power and energy involved herein will be delivered to Western Foundries over the facilities owned and operated by the City of Longmont and will be measured at the point of delivery on metering equipment now located on the premises of Western Foundries and which is owned by the City of Longmont. The meter or meters shall be sealed and the seals shall be broken only upon occasions when the meters are to be inspected, tested or adjusted and representatives of Western Foundries shall be afforded reasonable opportunity to be present on such occasions. The meter or meters shall be tested at least once a year by the City of Longmont and at any reasonable time upon request of either party. Any metering equipment found to be defective or inadequate shall be repaired and readjusted or replaced by the City of Longmont. All charges for electric energy shall be paid by Western Foundries to the City of Longmont within ten (10) days after receipt of billing for energy furnished during the preceding month. A penalty of five per cent shall be assessed if not paid within the time herein specified.

"City of Longmont, at its own expense, will furnish, provide and maintain its equipment and facilities now being used by it which is necessary and incident to the delivery of electric energy to the plant of Western Foundries. It being understood, however, that if Western Foundries at a future date installs additional electric furnace or furnaces or other power equipment, the cost and the method of payment for new transformers and other equipment needed, if any, will be negotiated by the parties hereto.

"Western Foundries at all times during the life of the agreement shall have the right, at all reasonable times to examine the books, charts and records of the City of Longmont for purpose of verifying the charges made hereunder for electric energy.

"It is further agreed that should the rate schedule under the contract between the United States and the City of Longmont, Colorado, be modified through the promulgation of superseding rate schedules by the United States resulting in an increase of rates then and in that event the City of Longmont will promptly notify Western Foundries who shall have the right to terminate this contract within one year from date of receipt of notification of the increase in rates.

"This agreement shall continue in full force and effect until December 31, 1961, unless otherwise terminated as herein provided.

"The terms, provisions and covenants of this agreement shall become effective and be in force as of the date of this agreement and shall be binding upon the heirs, executors, administrators and assigns of the parties hereto."

F I N D I N G S

THE COMMISSION FINDS:

That, on the Commission's own motion, Respondent herein, City of Longmont, Colorado, should be required to show cause why said Contract is not preferential, discriminatory, and confiscatory, and that hearing should be held upon said matter, as provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the City of Longmont, Colorado, be, and hereby is, required to show cause on or before the 10th day of November, 1960, why the Contract between said City of Longmont, Colorado, and Western Foundries, of Longmont, Colorado, as set forth in the Statement preceding,

which is made a part hereof, by reference, is not preferential, discriminatory and confiscatory.

That said matter be, and the same hereby is, set down for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at ten o'clock A. M., on the 10th day of November, 1960, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Higgins
Raymond C. Hutton
Henry G. Aiken
Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1960.

ea

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 AU-)	
THORITY TO EXTEND FACILITIES IN)	APPLICATION NO. 18114-Extension
SECTION 6, TOWNSHIP 3-SOUTH, RANGE)	
72-WEST, GILPIN COUNTY.)	
- - - - -)	

- - - - -
October 25, 1960
- - - - -

S T A T E M E N T

By the Commission:

On October 5, 1960, Union Rural Electric Association, Inc., filed an application with this Commission for authority to extend its facilities by building a total of 2,000 feet of primary line to serve the residence of Harold E. Williamson, located in Section 6, Township 3-South, Range 72-West, Gilpin County. The estimated cost of the proposed construction is \$3,780.00.

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

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its Order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated October 5, 1960, and a letter from Colorado Central Power Company, dated October 6, 1960, stating, in effect, that they have no objections to the granting of the authority sought by Union in the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

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

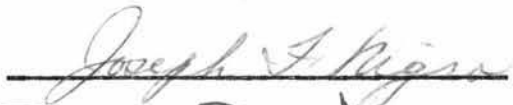

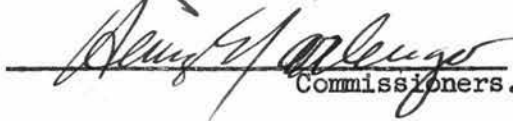
That public convenience and necessity require the rendering of electric service to the residence of Harold E. Williamson, located in Section 6, Township 3-South, Range 72-West, Gilpin County, and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve the residence of Harold E. Williamson, located in Section 6, Township 3-South, Range 72-West, Gilpin County, 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1960.

ea

original

(Decision No. 55283)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BERKELEY MOVING & STORAGE CO., A)	
COLORADO CORPORATION, 4515 WEST)	APPLICATION NO. 17746-Extension
38TH AVENUE, DENVER, COLORADO, FOR)	<u>AMENDED</u>
AN EXTENSION OF PUC NO. 1366.)	
-----)	

October 25, 1960

Appearances: Bernerd E. Schilt, Esq.,
Denver, Colorado, for
Applicant;
Raymond B. Danks, Esq.,
Denver, Colorado, for
Colorado Transfer &
Warehousemen's Association,
and Weicker Transfer &
Storage Company.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of PUC No. 1366 which authorizes
operation as a common carrier by motor vehicle, as follows:

transportation of used furniture and house-
hold goods, including personal effects, be-
tween points within the area bounded on the
east by the west boundary line of the City
of Denver, on the south by West Colfax Ave-
nue, extended, on the north by West 46th
Avenue, extended, and on the west by a line
drawn north and south through a point three
miles from the boundary line of the said City
and County of Denver, and from and to points
in said area, to and from points in the City
and County of Denver; used furniture and
household goods, including personal effects,
~~between~~ points in the City and County of
Denver, State of Colorado, and from and to
points in the City and County of Denver,
Colorado, to and from points within the area
lying within five miles of the City Limits of
said City and County of Denver, Colorado;
general commodities, except commodities which,
because of size or weight, require special
equipment, and excepting operation of a package
delivery service, as such, from point to point
within the City and County of Denver, State
of Colorado.

By the instant application, applicant seeks to extend and enlarge such certificate to authorize their present operating rights under PUC No. 1366 to include the transportation of new and used furniture and household goods, including personal effects, between points in the City and County of Denver, State of Colorado, and from and to points in the City and County of Denver, Colorado, to and from points within the area lying within 10 miles of the City Limits of said City and County of Denver, Colorado, and between points within the area lying within 10 miles of the City limits of said City and County of Denver, Colorado.

The application was set for hearing on October 18, 1960, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The same was then and there heard and at the conclusion of the hearing, the matter was taken under advisement.

A number of witnesses testified in support of the application. One of such witnesses was James S. Parker, who operates an organ studio at Lakewood, Colorado. In effect, his testimony in substance was that he has experienced great inconvenience and trouble in obtaining movements of pianos traded in on organs sold in the area of extension; that the customers are usually very anxious to obtain prompt delivery and unless they do some good-will is lost; that perhaps because of the base of operations of other carriers whom he has tried, the charges have been greater than the charges made by Berkeley, as a result of which in many instances he has resorted to making deliveries on his own; that he has made efforts to alleviate the condition, but without satisfactory results; and, that he strongly favors the granting of the application because it would meet a serious need on his part.

Another witness, Jack R. Smith, connected with the applicant's business, testified that he receives on the average eight to ten 'phone calls per week for service into the area of extension; that this heavy demand is perhaps due to the fact that the applicant has been established for many years in the northwest section of the City, and is considered by customers in the northwest area to be

conveniently located for their purposes; that due to the proximity of applicant's base of operations to the northwest area, and the fact that the applicant more or less caters to smaller volume movements, the charges logically could result in lesser amounts than charges of other carriers not so situated; that the requests for service have been constant and increasing.

Another witness who testified in support of the application was Mrs. Fergeson, a housewife living at Broomfield Heights, who testified to great inconvenience and delay and even excessive charges when other carriers were used.

It was stipulated by counsel that protestants' testimony and evidence presented in the hearing of the application of Chapman R. Marcum, doing business as "Marcum's Express and Moving," being Application No. 18012-Extension, heard October 17th, be made a part of the record in the instant proceeding. Pursuant to such stipulation, said testimony and evidence should be made a part of the record herein.

The protestants' testimony was in substance and to the effect that a number of common carriers have authority under which they could provide the service for which authority is sought by the applicant in the instant application. Evidence was adduced as to the extent of the equipment available, the experience of certain carriers, and their financial responsibility.

The Commission having considered the testimony, evidence and record states and finds that the applicant will have sufficient equipment and experience to properly carry on the proposed operation and the applicant's financial standing is established to the satisfaction of the Commission; that the present and future public convenience and necessity require the operation for which applicant herein seeks authority to the extent set out in the following Order, and that the application should be granted as so restricted.

O R D E R

THE COMMISSION ORDERS:

That the protestants' testimony and evidence presented in the

hearing of the application of Chapman R. Marcum, doing business as "Marcum's Express and Moving," Application No. 18012-Extension, be, and the same hereby is, made a part of the record in the instant proceeding.

That public convenience and necessity require the proposed extended motor vehicle common carrier, call and demand service of Berkeley Moving & Storage Co., Denver, Colorado, under PUC No. 1366, to include the transportation of new and used furniture and household goods, including personal effects, between points within the City and County of Denver, State of Colorado; and from and to points within the City and County of Denver, Colorado, to and from points within the following described area, to-wit: commencing at the Southwest corner of the present City limits of the City and County of Denver, State of Colorado; thence West ten miles; thence North to a point ten miles North of the projected North boundary line of said City; thence East to a point ten miles North of the Northeast corner of said City; thence South to the said Northeast corner; -- and from point to point within the aforesaid described area, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

That applicant shall operate 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Pyra
Ralph C. Johnson
Wm. H. Ziegler
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ELBERT HOGUE, 743 WEST CORONA,
PUEBLO, COLORADO.

PERMIT NO. M-7683

November 10, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elbert Hogue,
Pueblo, Colorado
requesting that Permit No. M-7683 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7683, heretofore issued to Elbert Hogue,
Pueblo, Colorado be,
and the same is hereby, declared cancelled effective October, 8, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Wm. E. Zwick
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
 LAWRENCE W. DORSEY, DOING BUS-)
 INESS AS, "PAONIA TAXI",)
 PAONIA, COLORADO.)
 -----)

PUC NO. 2019

November 10, 1960

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 2019 be suspended for six months from September 26, 1960.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Lawrence W. Dorsey, Paonia, Colorado

be, and is hereby, authorized to suspend operations under PUC No. 2019 until March 26, 1961.

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 J. Negro
Joseph C. Howard
Henry E. Zurling
 Commissioners

Dated at Denver, Colorado,
 this 10th day of November 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE W. DORSEY, DOING BUS-)
INESS AS, "NORTH FORK STAGE)
LINE", P. O. BOX 358, PAONIA,)
COLORADO.)

PUC NO. 3338

November 10, 1960

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. 3338 be further suspended for six months from September 26, 1960.

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 Lawrence W. Dorsey, doing business as, "North Fork Stage Line", Paonia, Colorado

be, and is hereby, authorized to further suspend operations under PUC No. 3338 until March 26, 1961.

That unless said certificate-holder shall, prior to the expiration of said suspension period, make a requesting 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
Robert C. Norton
Henry E. Zurlings
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1960.

(Decision No. 55287)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GRAND VALLEY RURAL
POWER LINES, INC., 2727 GRAND AVENUE, GRAND JUNCTION,
COLORADO, FOR AN ORDER AUTHORIZING ISSUANCE OF SECURI-
TIES, AND THE APPLICATION OF THE PROCEEDS THEREFROM TO
CERTAIN LAWFUL PURPOSES.

APPLICATION NO.
18174-
Securities

October 24, 1960.

S T A T E M E N T

By the Commission:

Upon consideration of the application filed October 21, 1960, by
Grand Valley Rural Power Lines, Inc., in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on November 10, 1960, at
two o'clock P. M., at 532 State Services Building, 1525 Sherman Street, Denver,
Colorado, respecting the matters involved and the issues presented in this pro-
ceeding. Any interested municipality or any representative of interested consumers
or security holders of applicant corporation, and any other person whose participa-
tion herein is in the public interest, may intervene in said proceedings. Inter-
vention petitions should be filed with the Commission on or before November 9,
1960, 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

Dated at Denver, Colorado,
this 24th day of October, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JACK MILLING, GENERAL DELIVERY,)
EGNAR, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-6515

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jack Milling,
Egnar, Colorado
requesting that Permit No. M-6515 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6515, heretofore issued to Jack Milling,
Egnar, Colorado be,
and the same is hereby, declared cancelled effective October 20, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 17th day of November, 195 60.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CLIFFORD A. ROWE, DOING BUSINESS AS,)
"ROWE CREAMERY", 309 MAIN STREET,)
FOWLER, COLORADO.)
-----)

PERMIT NO. M-5842

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clifford A. Rowe,
doing business as, "Rowe Creamery", Fowler, Colorado
requesting that Permit No. M-5842 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5842, heretofore issued to Clifford A. Rowe,
doing business as, "Rowe Creamery", Fowler, Colorado be,
and the same is hereby, declared cancelled effective October 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zaulinger
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 195 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. W. MC LAUGHLIN, ROUTE 4 BOX 72B,)
GREELEY, COLORADO.)
)
)
)
)
-----)

PERMIT NO. M-2280

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. W. Mc Laughlin,
Greeley, Colorado

requesting that Permit No. M-2280 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2280, heretofore issued to E. W. Mc Laughlin,
Greeley, Colorado be,

and the same is hereby, declared cancelled effective July 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Garth C. Horton
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 195 60.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MILTON H. EPSTEIN, DOING BUSINESS AS,)
"COLORADO WOOD BOX COMPANY", 29TH)
AND INCA STREET, DENVER 2, COLORADO.)
-----)

PERMIT NO. M-2174

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Milton H. Epstein,
doing business as, "Colorado Wood Box Company", Denver 2, Colorado
requesting that Permit No. M-2174 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2174, heretofore issued to Milton H. Epstein, doing
business as, "Colorado Wood Box Company", Denver 2, Colorado be,
and the same is hereby, declared cancelled effective November 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Joseph C. Horton
Henry E. Zank
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. W. LINK, DOING BUSINESS AS, "PIKES)
PEAK CONCRETE PRODUCTS", 730 PIKES)
PEAK AVENUE, COLORADO SPRINGS, COLO-)
RADO.)
-----)

PERMIT NO. M-1332

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. W. Link, doing
business as, "Pikes Peak Concrete Products", Colorado Springs, Colorado
requesting that Permit No. M-1332 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1332, heretofore issued to E. W. Link, doing business
as, "Pikes Peak Concrete Products", Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective September 29, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Francis C. Norton
Wm. E. Zaulings
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 1960.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
DONALD L. BERG, 525 WATER STREET,)
GOLDEN, COLORADO.)
)
)
-----)

PERMIT NO. M-919

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald L. Berg,
Golden, Colorado
requesting that Permit No. M-919 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-919, heretofore issued to Donald L. Berg,
Golden, Colorado be,
and the same is hereby, declared cancelled effective September 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Wood
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. C. SHEPARD, P. O. BOX 263, WISTER,)
OKLAHOMA.)
)
)
-----)

PERMIT NO. M-11094

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. C. Shepard,
Wister, Oklahoma
requesting that Permit No. M-11094 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11094, heretofore issued to J. C. Shepard,
Wister, Oklahoma be,
and the same is hereby, declared cancelled effective November 1, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raymond C. Hordant
Wm. E. Zuckers
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RALPH G. DAVIS, JR., 3125 SOUTH)
GLENCOE, DENVER 22, COLORADO.)
)
)
)
-----)

PERMIT NO. M-8480

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph G. Davis, Jr.,
Denver 22, Colorado
requesting that Permit No. M-8480 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8480, heretofore issued to Ralph G. Davis, Jr.,
Denver 22, Colorado be,
and the same is hereby, declared cancelled effective September 23, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
King E. Ziehl
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 195/ 60.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALLEN R. KINSMAN, DOING BUSINESS AS,)
"THE ALLENS' SUPERETTE", 1223)
NORTH WAHSATCH, COLORADO SPRINGS,)
COLORADO.)
-----)

PERMIT NO. M-7473

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Allen R. Kinsman,
doing business as, "The Allens' Superette", Colorado Springs, Colorado
requesting that Permit No. M-7473 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7473, heretofore issued to Allen R. Kinsman, doing
business as "The Allens' Superette", Colorado Springs, Colorado be,
and the same is hereby, declared cancelled effective April 10, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Frank C. Horton
Henry E. Zurling
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LOREN C. COLUMBIA, 915 MEEKER STREET,)
FORT MORGAN, COLORADO.)
)
)
)
-----)

PERMIT NO. M-7558

November 17, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Loren C. Columbia,
Fort Morgan, Colorado
requesting that Permit No. M-7558 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7558, heretofore issued to Loren C. Columbia,
Fort Morgan, Colorado be,
and the same is hereby, declared cancelled effective August 31, 1960.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Hooton
Wm. E. Zuckerman
Commissioners

Dated at Denver, Colorado,

this 17th day of November, 1957 60.

hc

original

(Decision No. 55298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN NATURAL GAS COMPANY,)	
INC., 1726 CHAMPA STREET, DENVER,)	
COLORADO, RE PLAN OF REFUND IN)	APPLICATIONS NOS. 13309
APPLICATIONS NOS. 13309 AND 15582.)	<u>15582</u>
-----)	

October 26, 1960

Appearances: Grant E. McGee, Esq., Denver,
Colorado, for Rocky
Mountain Natural Gas
Company, Inc.;
E. R. Thompson, Denver,
Colorado, and
J. M. McNulty, Denver,
Colorado, for the Staff
of the Commission.

S T A T E M E N T

By the Commission:

On October 14, 1960, Rocky Mountain Natural Gas Company, through its attorney, filed an application with this Commission seeking approval of a "refund plan" whereby said company proposed to refund to its customers certain monies which it received from its wholesale supplier, Colorado-Wyoming Gas Company, as a result of a settlement of Federal Power Commission's Docket No. G-13577.

The Commission set the matter of the "refund plan" for hearing, after notice to interested parties, on Monday, October 24, 1960, at 10:30 A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. At said time and place, this matter was heard by the Commission and at the conclusion of the hearing, taken under advisement.

Evidence at the hearing disclosed that as a result of a settlement of a pending rate case before the Federal Power Commission in Docket No. G-13577, the Federal Power Commission by its order issued April 1, 1960, ordered Colorado-Wyoming Gas Company to make

refunds to its customers of certain overcharges, together with interest thereon. As a result of this order, Rocky Mountain Natural Gas Company received from Colorado-Wyoming Gas Company \$4,692.35, covering the period of refund from February 5, 1958 to February 25, 1960. Of the amount received, \$283.53 was interest on the principal. This money was received by applicant on April 1, 1960.

Again, on August 31, 1960, Rocky Mountain received a further refund in accordance with the Federal Power Commission's order in the amount of \$772.55. The monies received by Rocky Mountain were invested in short-term government bonds and, as a result, applicant also proposes to refund \$22.09 in interest received on the invested funds. An additional amount of \$318.94 is to be refunded by Rocky Mountain to its customers because of a time lag between February 25, 1960 and May 26, 1960, the date when applicant reduced its rates by the removal of the rider in its tariffs reflecting the reduced rates from Colorado-Wyoming Gas Company. Also added to the refund is an amount of \$72.47, representing miscellaneous payments to applicant by Colorado-Wyoming for prior periods. The total amount of the refund monies as set forth above is \$5,878.40.

Rocky Mountain proposes to refund to its customers in the Towns of Nunn and Wellington, the above amount less the cost of the refund, estimated at \$950.00. Applicant, by means of its temporary riders, had only passed on to its customers an increase in the cost of gas of \$3,421.52 for the period covered by the refund. However, applicant will refund all of the monies less the cost of refund even though it did not pass on to its customers the full increase in the cost of gas.

Applicant further proposes that where a customer is delinquent it will only refund those funds that are applicable after deducting the amount of the delinquency. Rocky Mountain also proposes to refund any sales tax to the specific customers who may have paid such tax.

Ninety days after the completion of the mailing of the checks to its customers, applicant proposes to close the refund period and thereafter to report to the Commission in writing the amount of money

applicant has been unable to refund because of inability to locate customers, etc. Applicant will also at that time request authority from the Commission as to the disposition of the unrefunded amounts as reported to the Commission.

After review of the testimony and exhibits presented in this matter, we believe that the "refund plan" as submitted by Rocky Mountain, should be approved.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Rocky Mountain Natural Gas Company, Inc., and of the subject matter herein.

That the above Statement be made a part of these Findings by reference.

That the Commission is fully advised in the premises.

That the plan of refund testified at the hearing of the Rocky Mountain Natural Gas Company, Inc., should be approved.

That the company should proceed forthwith to implement said plan of refund.

That ninety (90) days after Rocky Mountain has mailed refund checks to its customers, the refund period should be considered closed and the amount of money that applicant has been unable to refund because of inability to locate customers, etc., shall be reported in writing to this Commission, together with the number of customers the company was unable to contact.

That at such time as the refund is completed, Rocky Mountain should request from this Commission, in writing, instructions as to the disposition of the unrefunded amounts reported to the Commission.

O R D E R

THE COMMISSION ORDERS:

That the plan of refund testified to at the hearing by Rocky Mountain Gas Company, Inc., Denver, Colorado, be, and it hereby is approved.

That Rocky Mountain Natural Gas Company be, and it hereby is,

permitted to reimburse itself for the cost of refund, in the maximum amount of \$950.00.

That the company be, and hereby is, permitted to credit delinquent accounts prior to the making of refund, if any, to delinquent customers.

That ninety (90) days after the Rocky Mountain Natural Gas Company has mailed refund checks to its customers, the refund period shall be considered closed, and the amount of the money applicant has been unable to refund because of its inability to locate customers, etc., shall be reported in writing to this Commission, together with the number of customers the company was unable to contact.

That at the time refund is completed the company shall request this Commission for instructions as to the disposition of the unrefunded amount reported to the Commission.

That Rocky Mountain, upon receipt of the order contained herein, shall proceed forthwith to make refunds to its customers.

That the Commission shall retain jurisdiction of this matter to make such further order or orders as may be necessary in the premises.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nease
Ralph C. Hutton
Henry E. Paulings
Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1960.

ea

original

(Decision No. 55299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD D. MARTIN, MAXINE V. MARTIN,)
EDNA B. LEIST, CHARLES M. CAMERON,)
DONALD G. CAMERON, FRED REIN, JR.,)
ROSCELIA F. REIN, WILLIAM L. LANG,)
MARIE ELLA LANG, LAWRENCE C. HENKEL,)
DOROTHY E. HENKEL, FRED A. LAUBHAN,)
NINA A. LAUBHAN, ALEX LAUBHAN, JR.,)
LANELLE A. LAUBHAN, HARRISON R.)
TELLER AND L. C. AUSTIN, STOCKHOLDERS)
OF PUEBLO MILK TRANSPORT, INC., ROUTE)
1, BOX 141, BROOMFIELD, COLORADO,)
FOR AUTHORITY TO TRANSFER SAID STOCK,)
AND CONTROL OF PUC NO. 2458 AND PUC)
NO. 3039, TO KENNETH M. MARTIN, HE)
TO THEREAFTER BE SOLE STOCKHOLDER)
OF SAID PUEBLO MILK TRANSPORT, INC.,)
824 MAJESTIC BUILDING, DENVER, COLORADO.)
- - - - -)

APPLICATION NO. 18121-Transfer
(RE PUC NO. 2458)

APPLICATION NO. 18122-Transfer
(RE PUC NO. 3039)

- - - - -
October 27, 1960
- - - - -

Appearances: Jones, Meiklejohn and Kilroy, Esqs.,
Denver, Colorado, for Trans-
ferors and Transferee.

S T A T E M E N T

By the Commission:

The above-captioned applications were regularly set for
hearing at eleven o'clock A. M., October 24, 1960, at 532 State
Services Building, Denver, Colorado.

When the applications were called for hearing, Attorney
Meiklejohn asked to have the matter vacated for the reason that he
was hired to represent both the transferors and the transferee,
and that later developments have disclosed that their interests
are adverse, and he asked that the matter be continued to enable
him to formally withdraw from the case.

F I N D I N G S

THE COMMISSION FINDS:

That the request of the attorney for applicants be granted,
and that the matter be continued to a later date.

O R D E R

THE COMMISSION ORDERS:

That the request of attorney for applicants is hereby granted.

That Applications Nos. 18121-Transfer and 18122-Transfer are hereby continued to a later date convenient to the Commission, with notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Reuben C. Hatan
Henry E. Pauling
Commissioners.

Dated at Denver, Colorado,
this 27th day of October, 1960.

ea