

original

(Decision No. 58870)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L & R TRUCK SERVICE, INC., 524 )  
RADIO BUILDING, WICHITA FALLS, )  
TEXAS. )  
----- )

PUC NO. 4738-I

-----  
July 3, 1962  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L & R Truck Service, Inc., Wichita Falls, Texas, owner and operator of PUC No. 4738-I, advising the name of said corporation had been changed to "L & R Trucking Company," and requesting that the records of the Commission be changed 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 the Secretary of the Commission is hereby instructed to change the records of the Commission to show PUC No. 4738-I to be owned and operated by:

L & R Trucking Company,"

in lieu of:

L & R Truck Service, Inc."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Nigro*  
*Henry E. Zuley*  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 3rd day of July, 1962.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 JACK FREEMAN AND RUSSELL FREE- )  
 MAN, DOING BUSINESS AS, "JACK )  
 FREEMAN AND SON", P. O. BOX 488, )  
 MONTROSE, COLORADO. )

PERMIT NO. B-5673

-----  
 July 5, 1962  
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S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that their Permit No. B-5673 be further suspended for one year from July 15, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Jack Freeman and Russell Freeman, doing business as, "Jack Freeman and Son", Montrose, Colorado be, and is hereby, authorized to further suspend their operations under Permit No. B-5673 until July 15, 1963.

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

THE PUBLIC UTILITIES COMMISSION  
 OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zuluaga*  
 Commissioners

Dated at Denver, Colorado,  
 this 5th day of July, 1962.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
REYHER TRUCKING COMPANY, 3130 )  
ELIZABETH STREET, PUEBLO, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
480 AND PUC NO. 480-I, TO WEICKER ) APPLICATION NO. 18996-Transfer  
TRANSFER & STORAGE COMPANY, DOING ) SUPPLEMENTAL ORDER  
BUSINESS AS "REYHER TRUCKING COM- )  
PANY," 1700 FIFTEENTH STREET, )  
DENVER, COLORADO. )  
- - - - - )

- - - - -  
July 2, 1962  
- - - - -

Appearances: Warren W. Lattimer, Esq.,  
Pueblo, Colorado, for  
Transferor;  
R. B. Danks, Esq., Denver,  
Colorado, for Weicker  
Transfer & Storage Company;  
Hubert Work, Denver, Colorado,  
for Weicker Transfer & Stor-  
age Company, for copy of Order.

S T A T E M E N T

By the Commission:

On April 6, 1962, the Commission entered its Decision No. 58327 in the above-styled application, authorizing transfer of PUC No. 480 and PUC No. 480-I from Reyher Trucking Company, Pueblo, Colorado, to Weicker Transfer & Storage Company, doing business as "Reyher Trucking Company," Denver, Colorado.

On April 25, 1962, the Commission entered its Decision No. 58483, extending time within which Acceptance of Transfer of said operating rights from April 27, 1962, until July 2, 1962.

The Commission is now in receipt of a communication from Attorney for Transferee herein, requesting further extension of time within which to file said Acceptance of Transfer, until September 4, 1962.

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 time within which to file Acceptance of Transfer of PUC No. 480 and PUC No. 480-I, by Weicker Transfer & Storage Company, doing business as "Reyher Trucking Company," Denver, Colorado, in accordance with transfer authorized by Decision No. 58327, of date April 6, 1962, be, and the same hereby is, further extended, from July 2, 1962, until September 4, 1962.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 2nd day of July, 1962.

ea

*Original*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JAMES M. BORQUEZ, 7320 GRANADA, )	
DENVER, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 19149-PF
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	
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-----  
July 5, 1962  
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Appearances: James M. Borquez, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission; 532 State Services Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due

notice thereof being forwarded to all parties in interest.

On June 111, 1962, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that in the event authority herein sought is granted, he will obey all Rules and Regulations of the Commission; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he is the owner of a 1957 Ford two and one-half ton truck; that he has a net worth of \$8,000.

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

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is presently a need for such 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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant' that applicant herein is qualified, financially and by experience, to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

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

That James M. Borquez, Denver, 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 being restricted against the use of tank vehicles.

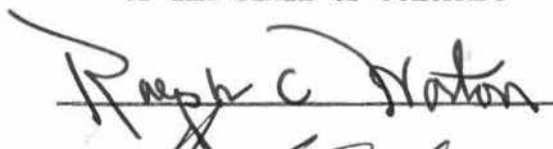

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT ROY WITCHEL, DOING BUSINESS )  
AS "WITCHEL & SON," 7280 KRAMERIA )  
STREET, DERBY, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 19148-PP

-----  
July 5, 1962  
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Appearances: Robert Roy Witchel, Derby,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services

Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 11, 1962, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that in the event authority herein sought is granted, he will obey all Rules and Regulations of the Commission; that he is presently operating under Temporary Authority issued by the Commission; that he has received numerous requests for his proposed services; that he is the owner of a two and one-half-ton International Dump truck; that he has a net worth of \$5,000.

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

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is presently a need for such 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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant; that applicant herein is qualified, financially and by experience to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

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

That Robert Roy Witchel, Derby, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and 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 being 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
OTIS WATSON, 2022 MARSHALL STREET, )	
DENVER, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE CAR- )	<u>APPLICATION NO. 19146-PP</u>
RIER BY MOTOR VEHICLE FOR HIRE. )	
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-----  
July 5, 1962  
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Appearances: Otis Watson, Denver, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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, grit, 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due

notice thereof being forwarded to all parties in interest.

On June 11, 1962, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that in the event authority herein sought is granted, he will obey all Rules and Regulations of the Commission; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he is the owner of a 1959 Dodge two and one-half-ton dump truck; that he has a net worth of \$15,000.

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

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is presently a need for such 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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant; that applicant herein is qualified, financially and by experience, to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

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

That Otis Watson, 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 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 being restricted against the use of tank ve-

hicles.

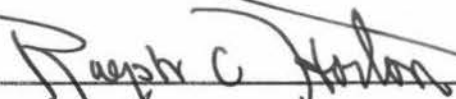

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. DIGBY, INC. )  
210 West 2nd )  
Reno, Nevada )  
----- )

AUTHORITY NO. PUC 1756-I  
M 2358  
CASE NO. 8612 Ins.

-----  
July 5, 1962  
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S T A T E M E N T

By the Commission:

On May 15, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Thomas C. [unclear]  
Arthur E. [unclear]  
Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1962

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TRANS-WESTERN EXPRESS, INC. )  
1434 So. 3rd West )  
Salt Lake City, Utah )  
----- )

PUC 722-I  
M 10731

AUTHORITY NO. \_\_\_\_\_

CASE NO. 8611 Ins. \_\_\_\_\_

-----  
July 5, 1962  
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S T A T E M E N T

By the Commission:

On May 15, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Houston  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1962

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF )  
BOULDER TRUCK SERVICE INC. )  
4420 Madison St. )  
Denver 16, Colorado )  
----- )

AUTHORITY NO. PUC 949-I  
CASE NO. 8610 Ins.

-----  
July 5, 1962  
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S T A T E M E N T

By the Commission:

On July 5, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1962

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BOULDER TRUCK SERVICE, INC. )  
Longmont, Colorado )  
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 )  
----- )

AUTHORITY NO. PUC 509

CASE NO. 8609 Ins.

-----  
July 5, 1962  
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S T A T E M E N T

By the Commission:

On May 15, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1962

original

(Decision No. 58880)

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 )  
COLORADO, 1953, FOR EMERGENCY )  
MOVEMENT OF VEGETABLE CROPS )  
AND GRAIN. )  
----- )

APPLICATION NO. 19198

-----  
July 5, 1962  
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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 will exist because of shortage of trucks for transportation of vegetable crops and grain in the Counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, commencing on July 15, 1962, to and including September 15, 1962.

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

F I N D I N G S

THE COMMISSION FINDS:

That an emergency will exist because of shortage in certificated trucks for transportation of vegetable crops and grain in the counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, 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 vegetable crops and grain, from fields to places of storage, processing plants

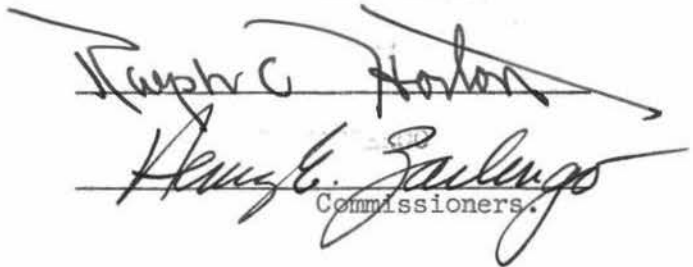
and railroad sidings, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective from July 15, 1962, to September 15, 1962, both dates inclusive.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and hereby are, authorized to be issued for the operation of motor vehicles, for the transportation of vegetable crops and grain, from fields to places of storage, processing plants, and railroad sidings, in the Counties of Alamosa, Costilla, Conejos, Rio Grande, and Saguache, Colorado, said certificates to be effective July 15, 1962, and to continue in force up to and including September 15, 1962, no such certificate to issue for transportation of such products by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)	
HARLAN E. ANDERSON, 415 SOUTH )	
EMERSON STREET, DENVER, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	APPLICATION NO. 19139-PP
AS A PRIVATE CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
----- )	

-----  
July 5, 1962  
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Appearances: Harlan E. Anderson,  
Denver, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 11, 1962, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that in the event authority herein sought is granted, he will obey all Rules and Regulations of the Commission; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he is the owner of a 1953 G.M.C. two-ton dump truck; that he has a net worth of \$7,000.

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

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is presently a need for such 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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant; that applicant herein is qualified, financially and by experience, to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Harlan E. Anderson, 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 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 being restricted against the use of tank vehicles.

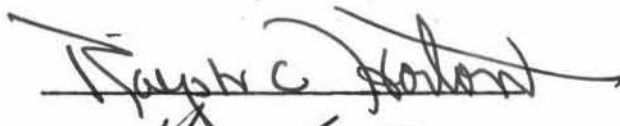

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DONN BIVIAN, 16 ANNIVERSARY LANE, )	
LONGMONT, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 19135-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
- - - - - )	

- - - - -  
July 5, 1962  
- - - - -

Appearances: Donn Bivians, Longmont,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 11, 1962, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating that in the event authority herein sought is granted, he will obey all Rules and Regulations of the Commission; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he is the owner of a 1957 two-ton dump truck; that he has a net worth of \$25,000.

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

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

Findings of the Examiner are that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is presently a need for such 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.

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant; that applicant herein is qualified, financially and by experience, to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Donn Bivians, Longmont, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and 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 being 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH SANDERS, BOX 16, ROUTE 2, )  
LAMAR, COLORADO. )

PERMIT NO. M-1462

July 5, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph Sanders,  
Lamar, Colorado  
requesting that Permit No. M-1462 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-1462, heretofore issued to Ralph Sanders,  
Lamar, Colorado be,  
and the same is hereby, declared cancelled effective April 27, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Hordant  
Kurt E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 5th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NORMAN A. TOMKINS AND JANIECE L. )  
TOMKINS, DOING BUSINESS AS, "THE )  
NORJAN COMPANY", P. O. BOX 552, )  
WALDEN, COLORADO. )  
-----)

PERMIT NO. M-4769

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July 5, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Norman A. Tomkins and Janiece L. Tomkins, dba "The Norjan Company", Walden, Colorado requesting that Permit No. M-4769 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4769, heretofore issued to Norman A. Tomkins and Janiece L. Tomkins, dba "The Norjan Company", Walden, Colorado be, and the same is hereby, declared cancelled effective July 2, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Holton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 5th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NORMAN A. TOMKINS AND JANIECE L. )  
TOMKINS, DOING BUSINESS AS, "THE )  
NORJAN COMPANY", P. O. BOX 552, )  
WALDEN, COLORADO. )  
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PERMIT NO. M-4769

-----  
July 5, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Norman A. Tomkins and Janiece L. Tomkins, dba "The Norjan Company", Walden, Colorado requesting that Permit No. M-4769 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4769, heretofore issued to Norman A. Tomkins and Janiece L. Tomkins, dba "The Norjan Company", Walden, Colorado be, and the same is hereby, declared cancelled effective July 2, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
James C. Holton  
Henry E. Zandberg  
Commissioners

Dated at Denver, Colorado,

this 5th day of July, 19 62.

original

(Decision No. 58885)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. E. (ABE) ADAMS, 2213 WEST 58TH )  
PLACE, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 19138-PP

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July 5, 1962  
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Appearances: Mrs. Phyllis Adams, Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services

Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 11, 1962, 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 time and place designated for hearing, Mrs. Phyllis Adams, wife of applicant herein, appeared and testified in support of the application, stating applicant was working and unable to attend the hearing; that he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1958 Ford Tandem two and one-half-ton truck; that he has a net worth of \$18,000; that he has received numerous requests for his proposed services; that in the event authority herein sought is granted, applicant 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 the services herein sought; that there is a present need for such service; that the granting of authority herein sought would not impair the efficient public service of any authorized motor vehicle common carrier.

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

## F I N D I N G S

### THE COMMISSION FINDS:

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

After reviewing the evidence adduced at the hearing, as reported by the Examiner herein, we find that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant herein; that applicant is qualified, financially and by experience, to conduct his proposed operations; that permit should issue to applicant herein, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

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

That L. E. (Abe) Adams, 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 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 being restricted against the use of tank

vehicles.

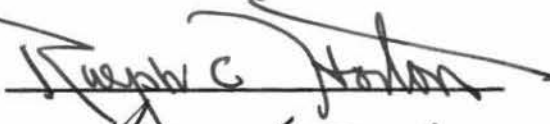

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY GAVITO, JR., 5755 NORTH WASH- )  
INGTON STREET, DENVER, COLORADO, FOR ) APPLICATION NO. 19141-PP-Extension  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-5402. )  
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July 5, 1962  
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Appearances: Mrs. Tony Gavito, Jr., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-5402, he being the owner and operator thereof. Under said Permit No. B-5402, applicant is presently authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, said operations to be limited to the use of dump trucks, only.

By the above-styled application, applicant herein seeks authority to extend operations under Permit No. B-5402, to include the right to transport sand, gravel, and other road-surfacing materials used in the

construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, June 18, 1962, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On June 11, 1962, 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, Mrs. Tony Gavito, Jr., appeared and testified in support of the application, stating she is wife of applicant herein; that applicant was working and unable to attend the hearing; that he is the owner and operator of Permit No. B-5402; that he is presently operating under Temporary Authority covering the proposed extension of his operation; that he is the owner of a 1959 two-ton dump truck; that he has sufficient net worth and operating experience to render his proposed extended service; that

he has received numerous requests for said service; that if authority herein sought is granted, he will obey the Rules and Regulations of this Commission.

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

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

Findings of the Examiner are that applicant herein is a fit and proper person, has sufficient equipment, and is financially able to render the service herein sought; that there is a present need for such service; that the granting of authority herein sought would not impair the efficient public service of any authorized motor vehicle common carrier.

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 that the granting of authority herein sought will not impair the efficiency of any common carrier service operating in the territory sought to be served by applicant; that applicant herein is qualified, financially and by experience, to conduct his proposed extended operations; that authority to extend operations under Permit No. B-5402 should be granted to applicant herein, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and

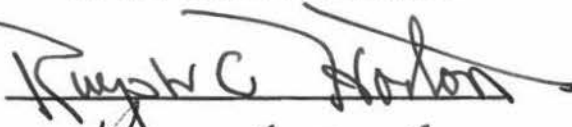
foregoing Findings be, and the same hereby is, approved.

That Tony Gavito, Jr., Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5402, so that said Permit No. B-5402, as extended, shall authorize 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 being restricted against the use of tank vehicles.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 5th day of June, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MILLARD L. SMITH, ROUTE 1 BOX 118 AAA,  
FLORENCE, COLORADO.

PERMIT NO. M-15154

July 5, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Millard L. Smith,  
Florence, Colorado  
requesting that Permit No. M-15154 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15154, heretofore issued to Millard L. Smith,  
Florence, Colorado be,  
and the same is hereby, declared cancelled effective June 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Horton  
Wm. E. Zink  
Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MORROW-THOMAS HARDWARE COMPANY (CORP-)  
ORATION), P. O. BOX 1541, AMARILLO, )  
TEXAS. )  
----- )

PERMIT NO. M-3508

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July 5, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Morrow-Thomas Hardware Company (Corporation), Amarillo, Texas

requesting that Permit No. M-3508 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3508, heretofore issued to Morrow-Thomas Hardware Company (Corporation), Amarillo, Texas be,

and the same is hereby, declared cancelled effective July 12, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Norton  
Henry E. Zurlungo  
Commissioners

Dated at Denver, Colorado,

this 5th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
D. D. HANEY, DOING BUSINESS AS, )  
"HANEY DISTRIBUTING COMPANY", 432 )  
WEST 6TH STREET, WALSENBURG, COLO- )  
RADO. )  
-----)

PERMIT NO. M-11148

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July 5, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from D. D. Haney, doing  
business as, "Haney Distributing Company", Walsenburg, Colorado  
requesting that Permit No. M-11148 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11148, heretofore issued to D. D. Haney, doing  
business as, "Haney Distributing Company", Walsenburg, Colorado be,  
and the same is hereby, declared cancelled effective June 30, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Zank  
Commissioners

Dated at Denver, Colorado,

this 5th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
TEMPCO INSULATION, INCORPORATED, )  
2290 SOUTH LIPAN STREET, DENVER 23, )  
COLORADO. )  
----- )

PERMIT NO. M-13508

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July 10, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Tempco Insulation, Inc., Denver 23, Colorado

requesting that Permit No. M-13508 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13508, heretofore issued to Tempco Insulation, Inc., Denver 23, Colorado be,  
and the same is hereby, declared cancelled effective June 30, 1962.

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 July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AUTOMATION INDUSTRIES, INCORPORATED, )  
INDUSTRIAL PARK, BOULDER, COLORADO. )  
----- )

PERMIT NO. M-12897

-----  
July 10, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Automation Industries,  
Inc., Boulder, Colorado  
requesting that Permit No. M-12897 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12897, heretofore issued to Automation Industries, Inc.,  
Boulder, Colorado be,  
and the same is hereby, declared cancelled effective June 17, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Houtant  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,  
this 10th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GERTRUDE LOVELY, 4754 BRIGHTON )  
BOULEVARD, DENVER 16, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-5615

-----  
July 10, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gertrude Lovely,  
Denver 16, Colorado

requesting that Permit No. M-5615 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5615, heretofore issued to Gertrude Lovely,  
Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective July 13, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zuberger  
Commissioners

Dated at Denver, Colorado,

this 10th day of July, 19 62.

original

(Decision No. 58893)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DELBERT D. METHENY, DOING BUSINESS )	
AS "DEL'S BALING," BOX 213, OVID, )	
COLORADO, FOR A CLASS "B" PERMIT TO )	<u>APPLICATION NO. 19157-PP</u>
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
-----	

-----  
July 9, 1962  
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Appearances: Delbert D. Metheny, Ovid,  
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 hay and straw, from point to point within Sedgwick County, Colorado, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on June 27, 1962, at ten o'clock A. M., at the Court House, Fort Morgan, 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 there is a need for the proposed transportation services and 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 Delbert D. Metheny, doing business as "Del's Baling," Ovid, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of hay and straw, from point to point within Sedgwick County, Colorado, and this Order is a permit therefor.

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.

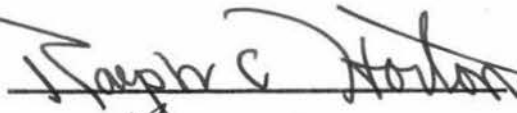

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 9th day of July, 1962.

  
  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MELVIN LEE BROCK, DOING BUSINESS AS )	
"MELVIN'S TAXI," BOX 22, BRUSH, )	
COLORADO, FOR A CERTIFICATE OF PUB- )	APPLICATION NO. 19158
LIC CONVENIENCE AND NECESSITY TO )	
OPERATE AS A COMMON CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
-----	

-----  
July 9, 1962  
-----

Appearances: William Paynter, Esq., Brush,  
Colorado, for Applicant;  
Robert Knight, Fort Morgan,  
Colorado, for Morgan Cab  
Company.

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 for the transportation of passengers, on call and demand, in the City of Brush, Colorado, and a radius of fifty miles therefrom in all directions.

The application was set for hearing on June 27, 1962, at ten o'clock A. M., at the Court House, Fort Morgan, 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 there is a need for the proposed transportation service and the applicant will have sufficient equipment and experience to carry on the proposed service and the applicant's financial standing is established to the satisfaction of the Commission.

That the present and future public convenience and necessity require, and will require, the transportation services for which applicant herein seeks authority, and the application should be granted.

O R D E R

THE COMMISSION ORDER:

That authority be, and the same hereby is, granted to Melvin Lee Brock, doing business as "Melvin's Taxi," Brush, Colorado, for the transportation of passengers, on call and demand, between points in the City of Brush, Colorado, and from and to points in the City of Brush, to and from points within a fifty mile radius thereof.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Hohn*  
*Paul E. Gullings*  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 9th day of July, 1962.  
mls

original

(Decision No. 58895)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK E. MILLER AND KEITH MILLER, )  
DOING BUSINESS AS "FRANK E. MILLER )  
& SON," 340 DOUGLAS STREET, WRAY, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 19160-PP-Transfer  
PERMIT NO. B-3570 TO HAROLD MILLER, )  
340 DOUGLAS STREET, WRAY, COLORADO. )  
- - - - - )

- - - - -  
July 9, 1962  
- - - - -

STATEMENT AND FINDINGS OF FACT

By the Commission:

Frank E. Miller and Keith Miller, doing business as  
"Frank E. Miller & Son," Wray, Colorado, are the owners and operators  
of Permit No. B-3570, authorizing:

Transportation of sand, gravel and other road-  
surfacing materials from pits and supply points  
within a radius of fifty (50) miles of Wray,  
Colorado, to road and building construction jobs  
within said area; coal from Wray to points in  
Wray and points within a 15-mile radius thereof;  
and garbage, trash and ashes between points within  
said 15-mile radius of Wray, Colorado.

Transportation of sand, gravel, and other road-  
surfacing materials used in the construction of  
roads and highways, from pits and supply points  
in the State of Colorado, to road jobs, mixer  
and processing plants within a radius of fifty  
miles of said pits and supply points; sand and  
gravel, from pits and supply points in the State  
of Colorado, to railroad loading points, and to  
homes and small construction jobs within a radius  
of fifty miles of said pits and supply points;  
sand, gravel, dirt, stone, and refuse, from and  
to building construction jobs, to and from points  
within a radius of fifty miles of said jobs;  
insulrock, from pits and supply points in the  
State of Colorado, to roofing jobs within a radius  
of fifty miles of said pits and supply points;  
pea gravel, and rocks, from Denver, Colorado, to  
points within a radius of fifty miles of Wray,  
Colorado, for roofing, water wells, and private  
driveways; provided, however, that the applicants  
in the exercise of this authority shall use no  
vehicles except dump trucks.

By the instant application, said permit-holders seek authority to transfer said Permit No. B-3570 to Harold Miller, 340 Douglas Street, Wray, Colorado.

The application was set for hearing on June 27, 1962, at ten o'clock A. M., at the Court House, Fort Morgan, Colorado. The same was then and there called by an Examiner duly designated and to whom the hearing was assigned by the Commission. At 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 when the above-entitled matter came on for hearing, the applicants failed to appear, either in person or by representative, at the time and place designated for said hearing, and no protestant appearing, the files were made a part of the record and the matter was taken under advisement.

That the transferors have been operating under Permit No. B-3570 continuously since granted by the Commission; that there are no outstanding debts against said permit; that the transferee will have sufficient equipment, net worth and operating experience to properly render and continue operations under said permit, and 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:

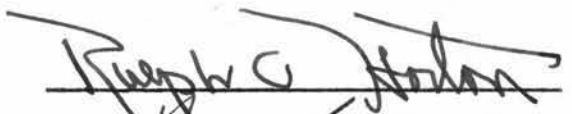

That Frank E. Miller and Keith Miller, doing business as "Frank E. Miller & Son," Wray, Colorado, be, and hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3570 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Harold Miller, Wray, Colorado, subject to payment of outstanding indebtedness against said operations, 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 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 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 9th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE COSTA, JR., DOING BUSINESS AS )  
"TRINIDAD FREIGHT SERVICE," 211 )  
WHITE AVENUE, TRINIDAD, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 1941 AND PUC NO. 1941-I. )  
----- )

APPLICATION NO. 19165-Extension  
AMENDED

-----  
July 10, 1962  
-----

Appearances: Harry R. Sayre, Esq.,  
Trinidad, Colorado,  
for Applicant;  
Truman A. Stockton, Esq.,  
Denver, Colorado, for  
Couey Storage and  
Transfer;  
Carmel Garlutzo, Esq.,  
Trinidad, Colorado, for  
Vincent Alishio.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of PUC No. 1941 and PUC No. 1941-I, which authorizes operation as a common carrier by motor vehicle for hire, as follows:

Transportation service, on call and demand, in interstate commerce only, for the conduct of a pickup and delivery service between points within a radius of ten (10) miles of and including the City of Trinidad, Colorado, said service to be limited to two customers, viz., Bennett Truck Line and Harris Truck Line.

Transportation service, on call and demand, in intrastate and interstate commerce, for pickup and delivery of freight from and to the dock of the applicants in Trinidad, Colorado, to and from points within a radius of ten (10) miles of Trinidad, Colorado, for motor vehicle common carriers of freight docking at their said dock, only,

and by the instant application, applicant seeks to extend and enlarge such certificates to authorize transportation service, on call and demand, in intrastate and interstate commerce, for pickup and delivery of freight, from and to the dock of the applicant in Trinidad, Colorado,

to the boundaries of Las Animas County, Colorado, for motor vehicle common carriers of freight docking at their said dock, only.

The application was set for hearing on July 2, 1962, at ten o'clock A. M., in the Court House, Trinidad, 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 during the commencement of the hearing, applicant herein moved to amend his application, to seek the following authority, to-wit:

Transportation service, on call and demand, in intrastate and interstate commerce, for pickup and delivery of freight, from and to the dock of the applicant in Trinidad, Colorado, to that portion of Las Animas County, Colorado, east of U. S. Highways 85-87, except points in said County within a twenty-five mile radius of Kim, Colorado, for motor vehicle common carriers of freight docking at their said dock, only.

That all parties appearing at the hearing agreed and stipulated to the amendment; therefore, said amendment, restrictive in nature, was permitted.

That in view of said amendment protestants herein, accordingly, withdrew their protests to the granting of authority as herein sought.

That the applicant will have sufficient equipment and experience to properly carry on the proposed transportation services, and the applicant's financial standing is established to the satisfaction of the Commission.

That public convenience and necessity require the transportation services for which applicant herein seeks authority, and 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 service of Joe Costa, Jr., doing business as "Trinidad Freight Service," Trinidad, Colorado, under PUC No. 1941 and PUC No. 1941-I, to include the transportation service, on call and demand, in intrastate and interstate commerce, for pickup and delivery of freight, from and to the dock of the applicant in Trinidad, Colorado, to that portion of Las Animas County, Colorado, east of U. S. Highways 85-87, except points in said County within a twenty-five mile radius of Kim, Colorado, for motor vehicle common carriers of freight docking at their said dock, only, 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.

That extension of interstate operations herein granted shall be 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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 10th day of July, 1962.

ea

*Joseph C. Horton*  
*Henry E. Zuleygo*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
A. B. MOORE, DOING BUSINESS AS )	
"TRINIDAD CLAY COMPANY," P. O. BOX )	
156, TRINIDAD, COLORADO, FOR A CLASS )	APPLICATION NO. 18260-PP
"B" PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
July 10, 1962  
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STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of clay, between points within a radius of fifty miles of Trinidad, Colorado, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on July 2, 1962, at ten o'clock A. M., at the Court House, Trinidad, 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 there is a need for the proposed transportation services and 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 granting of 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 A. B. Moore, doing business as "Trinidad Clay Company," Trinidad, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of clay, between points within a radius of fifty miles of Trinidad, Colorado, and this Order is a permit therefor.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.

ea

original

(Decision No. 58898)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE E. VIGIL, P. O. BOX 72, WESTON, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 19162-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
July 10, 1962  
- - - - -

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of timber, mine props, and used lumber, from Frederick Mine, at Valdez, Colorado, to Allen Mine, near Stonewall, Colorado, both mines being situated on State Highway No. 12; hay, baled or loose, from farms and ranches within a radius of ten miles of Hoehne, Colorado, to farms and ranches at Stonewall, Colorado, and points within a radius of ten miles thereof; coal, from coal mines in Las Animas County west of U. S. Highway No. 85, to coal users in Las Animas County west of U. S. Highway No. 85.

The application was set for hearing on July 2, 1962, at ten o'clock A. M., at the Court House, Trinidad, Colorado. The same was then and there called for hearing 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, with a written statement of his findings of fact and conclusions.

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 notwithstanding said notice, applicant failed to appear either in person or by counsel at the time and place designated for hearing.

That the files were made a part of the record and the matter was taken under advisement.

That there is a need for the proposed transportation services and 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 Pete E. Vigil, Weston, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of timber, mine props, and used lumber, from Frederick Mine, at Valdez, Colorado, to Allen Mine, near Stonewall, Colorado, both mines being situated on State Highway No. 12; hay, baled or loose, from farms and ranches within a radius of ten miles of Hoehne, Colorado, to farms and ranches at Stonewall, Colorado, and points within a radius of ten miles thereof; coal, from coal mines in Las Animas County west of U. S. Highway No. 85, to coal users in Las Animas County west of U. S. Highway No. 85, and this Order is a permit therefor.

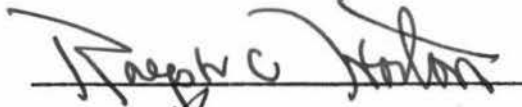

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOWARD SCHENCK, 6516 LEE STREET, )  
ARVADA, COLORADO. )  
}

PUC NO. 5288-I

-----  
July 10, 1962  
-----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. 5288-I be suspended for six months from June 16, 1962.

F I N D I N G STHE COMMISSION FINDS:

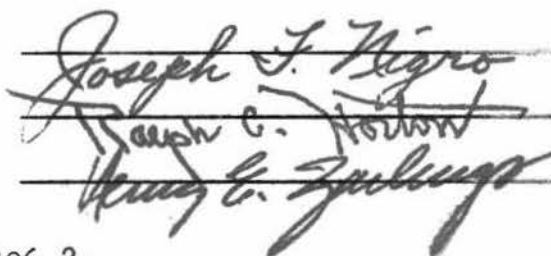
That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Howard Schenck, Arvada, Colorado

\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 5288-I until December 16, 1962.

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

Dated at Denver, Colorado,  
this 10th day of July, 196 2.

original

(Decision No. 58900)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PETE CHAVEZ, COKEDALE, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	<u>APPLICATION NO. 19163-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE- )	
HICLE FOR HIRE. )	
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-----  
July 10, 1962  
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STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of logs and timber products, from point to point within a radius of seventy-five miles of Trinidad, Colorado.

The application was set for hearing on July 2, 1962, at ten o'clock A. M., at the Court House, Trinidad, Colorado. The same was then and there called for hearing 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 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 notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

That the files were made a part of the record and the matter was taken under advisement.

That there is a need for the proposed transportation services and 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 Pete Chavez, Cokedale, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and timber products, from point to point within a radius of seventy-five miles of Trinidad, Colorado, and this Order is a permit therefor.

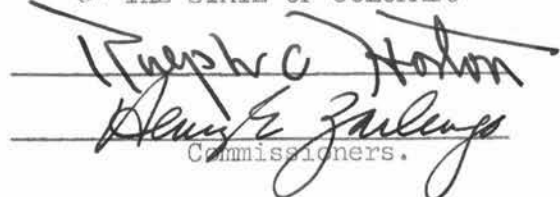
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CORINE GARCIA, DOING BUSINESS AS  
"CITY TAXI SERVICE," 822 MAIN  
STREET, WALSENBURG, COLORADO, FOR  
AUTHORITY TO TRANSFER PUC NO. 4708  
TO V. P. SANDOVAL, DOING BUSINESS  
AS "CHECKER CAB," 822 MAIN STREET,  
WALSENBURG, COLORADO.

APPLICATION NO. 19164-Transfer

-----  
July 10, 1962  
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Appearances: Angelo F. Mosco, Esq., Walsen-  
burg, Colorado, for Trans-  
feror;  
V. P. Sandoval, Walsenburg,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Corine Garcia, doing business as "City Taxi Service,"  
Walsenburg, Colorado, is the owner and operator of PUC No. 4708,  
authorizing:

transportation of passengers and their  
baggage, from point to point within the  
City of Walsenburg, Colorado, and a ra-  
dius of twenty-five miles thereof,

and by the instant application, seeks authority to transfer said  
PUC No. 4708 to V. P. Sandoval, doing business as "Checker Cab,"  
Walsenburg, Colorado.

The application was set for hearing on July 2, 1962, at  
ten o'clock A. M., at the Court House, Trinidad, 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 Commis-  
sion 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate; that the consideration for the transfer is \$250.00; and that the transferee's financial standing is established to the satisfaction of the Commission.

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 Corine Garcia, doing business as "City Taxi Service," Walsenburg, Colorado, be, and hereby is, authorized to transfer all her right, title, and interest in and to PUC No. 4708 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to V. P. Sandoval, doing business as "Checker Cab," Walsenburg, 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

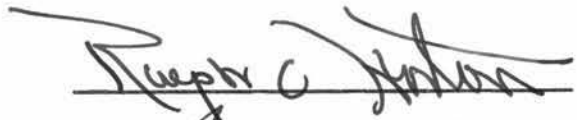

Commission, unless such time shall be extended by the Commission, upon proper application.

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

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) J. B. COGBURN, WALSH, COLORADO, FOR ) AUTHORITY TO TRANSFER PUC NO. 1478 ) TO H. W. BILLINGS, 601 WEST 6TH, ) SPRINGFIELD, COLORADO. )	<u>APPLICATION NO. 19166-Transfer</u>
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-----  
July 10, 1962  
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STATEMENT AND FINDINGS OF FACT

By the Commission:

J. B. Cogburn, Walsh, Colorado, is the owner and operator  
of PUC No. 1478, authorizing:

transportation of farm products, including  
livestock, used farm machinery, rock, sand,  
and other building materials, between points  
within the area extending to the Colorado-  
Kansas State Line, on the east, the Colorado-  
Oklahoma State Line on the south, the Baca-  
Prowers County Line on the north, and a line  
drawn north and south through a point ten  
miles west of Walsh, Colorado, on the west,  
and the transportation of buildings between  
points in Baca County,

and by the instant application seeks authority to transfer said PUC  
No. 1478 to H. W. Billings, Springfield, Colorado, and in the event  
authority herein sought is granted, transferee requests consolidation  
of said operating rights with PUC No. 1229, being authority presently  
owned and operated by him.

The application was set for hearing on July 2, 1962, at ten  
o'clock A. M., at the Court House, Trinidad, 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate, and the transferee's financial standing is established to the satisfaction of the Commission.

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

That the authority under PUC No. 1478 should be consolidated with and made a part of PUC No. 1229.

#### O R D E R

##### THE COMMISSION ORDERS:

That J. B. Cogburn, Walsh, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1478 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to H. W. Billings, Springfield, 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.

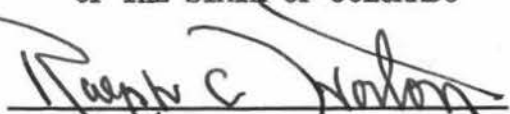

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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.

That operating rights transferred under PUC No. 1478 be, and the same hereby are, consolidated with and made a part of PUC No. 1229.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.

mls

IN THE MATTER OF THE APPLICATION )  
TO ISSUE SECURITIES )

LEADVILLE UTILITIES COMPANY )

Petitioner )

APPLICATION NO. 19212  
Securities

S T A T E M E N T

By the Commission:

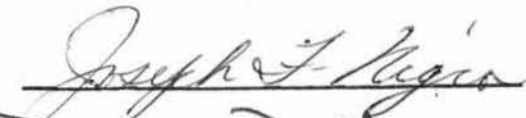
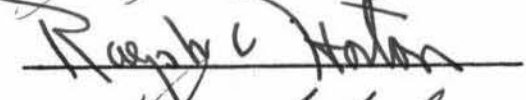
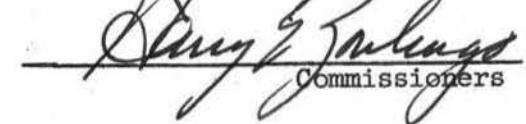
Upon consideration of the application of Leadville  
Utilities Company, a Corporation in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on July 31, 1962,  
at 10:00 o'clock A. M. , 532 State Services Building, Denver, Colorado,  
respecting the matters involved and issues presented in the proceeding.  
Any interested municipality or any representative of interested consumers  
or security holders of applicant corporation, and any other person  
whose participation herein is in the public interest, may intervene in  
said proceedings. Intervention petitions should be filed with the  
Commission on or before July 25, 1962, and should set forth the grounds  
of the proposed intervention and the position and interest of the  
petitioners, in the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of July, 1962.

original

(Decision No. 58904)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION )	
OF TARIFF COLORADO P.U.C. NO. 2, )	<u>INVESTIGATION AND SUSPENSION</u>
OF THE MESA WATER WORKS COMPANY, )	<u>DOCKET NO. 486</u>
MESA, COLORADO. )	
- - - - - )	

- - - - -  
July 10, 1962  
- - - - -

Appearances: O. N. Wyatt, Mesa, Colo-  
rado, for Applicant, The  
Mesa Water Works Company;  
Clyde Lowe, Mesa, Colorado,  
for Protestants.

S T A T E M E N T

By the Commission:

On February 8, 1962, Mr. O. N. Wyatt, Secretary-Treasurer of The Mesa Water Works Company, filed on behalf of the Water Company a new tariff designated Colorado P.U.C. No. 2 to cancel and supersede the existing Tariff, Colorado P.U.C. No. 1. The new tariff consists of six sheets, proposed to increase the rates and charges for water service to all classes of users, and also revises the rules and regulations of Colorado P.U.C. No. 1. The new tariff was to become effective April 1, 1962, unless otherwise ordered.

The Company, in accordance with the Rules and Regulations of the Company, duly notified its customers of the proposed increase in rates, and of the changes in the Rules and Regulations. Numerous complaints were received by the Commission objecting to the increase in rates and, in order to protect the interests of all concerned, the Commission suspended the effective date of the proposed new tariff and ordered an investigation in regard to the matter. Accordingly, on March 27, 1962, by Decision No. 58277, the Commission instituted Investigation and Suspension Docket No. 486, and suspended

the effective date of the new tariff from April 1, 1962 until July 30, 1962, unless otherwise ordered.

This matter was set for hearing by the Commission after due notice to all interested parties, in the Court House at Grand Junction, Colorado, at ten o'clock A. M., on Tuesday, June 12, 1962. At said time and place this matter was duly heard by the Commission and at the conclusion thereof, taken under advisement.

Mr. O. N. Wyatt testified on behalf of the Water Company as to the need for an increase in rates.

Mr. Clyde Lowe testified in behalf of Protestants in opposition to the rate increase. Mr. Lowe, in addition to being a customer of the Water Company himself, represented over thirty customers who had filed a Petition with the Commission in protest.

This Company, in accordance with the Commission's rules, has been filing its Annual Reports with the Commission and an examination of the report for the year ending December 31, 1961, reveals that this Company had a net operating revenue of \$197.41 for the year. If we relate this operating income to the utility plant as shown on the same Annual Report, after deducting the depreciation reserve, the rate of return is less than 4%. The proposed increase in rates would bring in an estimated additional \$450.00 a year, as calculated by the Company and transmitted to the Commission with its proposed new tariff.

After considering testimony at the hearing, we believe that the Company is entitled to a rate increase, and that the rates as proposed in its Colorado P.U.C. No. 2, are just and reasonable, with one exception. Applicant proposed to increase the commercial rate for Hotels, Cafes, Bars, and Recreation Halls from the existing \$18.00 per year to \$60.00 per year. This category had the largest increase of any proposed by the Company. In the specific testimony given at the hearing, we can see no justification for such a large increase, since the possible use of water by this category is not as large, actually, as the classification would normally imply. There

is nothing in this record to justify the amount of increase as proposed, and therefore the rate of \$60.00 per year will be disallowed, but Applicant will be permitted to file a rate for this classification in the amount of \$40.00 per year.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant, and of the subject matter herein.

That the Commission is fully advised in the premises.

That the above Statement be made a part hereof by reference.

That the rate proposed by Applicant for Hotels, Cafes, Bars, and Recreation Halls, in the amount of \$60.00 is unjust, unreasonable, and discriminatory, and should not be allowed.

That a rate for Hotels, Cafes, Bars, and Recreation Halls, in the amount \$40.00 per year should be permitted to be filed, and hereby is found to be just, reasonable, and non-discriminatory.

That the other rates, as set forth in the proposed tariff of Applicant, being Colorado P.U.C. No. 2, are just, reasonable and non-discriminatory and should be permitted to be filed, in accordance with the Order to follow.

#### O R D E R

##### THE COMMISSION ORDERS:

That the rate for commercial service to Hotels, Cafes, Bars, and Recreation Halls, as filed by The Mesa Water Works Company in its Colorado P.U.C. No. 2, be, and it hereby is, disallowed.

That The Mesa Water Works Company be, and it hereby is, permitted to file a new rate for commercial service to Hotels, Cafes, Bars, and Recreation Halls in the amount of \$40.00 per year, which rate is just, reasonable and non-discriminatory.

That all other Rates, Rules and Regulations as filed by Applicant in its proposed Tariff, being Colorado P.U.C. No. 2, be, and hereby are declared to be just and reasonable and non-discriminatory, and are permitted to become effective for all water used on and after August 1, 1962.


That, in order to correct its filing for commercial service to Hotels, Cafes, Bars, and Recreation Halls, which has been disallowed herein, Applicant should refile in its Tariff Colorado P.U.C. No. 2, First Revised Sheet No. 3, cancels Original Sheet No. 3, inserting on said sheet the rate authorized herein for service for commercial service to Hotels, Cafes, Bars, and Recreation Halls, in the amount of \$40.00 per year.

That said First Revised Sheet No. 3 should be filed at least three (3) days prior to the effective date of August 1, 1962.

That Investigation and Suspension Docket No. 486, be, and it hereby is closed.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.

ea

original

(Decision No. 58905)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DUANE KNAUS, 4435 UMATILLA STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 3483 TO DUANE KNAUS ) APPLICATION NO. 19187-Transfer  
AND RAY TIPTON, 4435 UMATILLA STREET, )  
DENVER, COLORADO. )  
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July 11, 1962  
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Appearances: Ray Tipton, Denver, Colo-  
rado, for Applicants.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Duane Knaus, 4435 Umatilla Street, Denver, Colorado, is the  
owner and operator 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 regularly-  
designated and approved dumps and disposal  
places in the Counties of Adams, Arapahoe,  
and Jefferson, State of Colorado,

and by the instant application, seeks authority to transfer said PUC  
No. 3483 to Duane Knaus and Ray Tipton, 4435 Umatilla Street, Denver,  
Colorado.

The application was set for hearing on July 3, 1962, at ten  
o'clock A. M., in the Hearing Room of the Commission, 532 State Services  
Building, Denver, Colorado. The same was then and there heard by an Ex-  
aminer duly designated and to whom the hearing was assigned by the Com-  
mission. 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 transferees are fit and proper persons, will have sufficient equipment and experience to continue operations under said certificate, and their financial standing is established to the satisfaction of the Commission.

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 Duane Knaus, Denver, Colorado, be, and hereby is, authorized to transfer all his 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 and Ray Tipton, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there is, whether secured or unsecured.

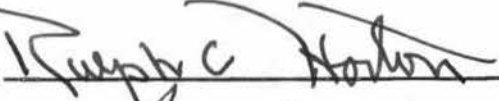
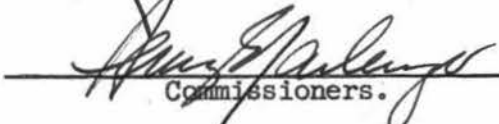
That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 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 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

  
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\_\_\_\_\_  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

mls

original

(Decision No. 58906)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRANK E. WATERHOUSE AND HENRY W. )	
FEHLMAN, DOING BUSINESS AS "SANITARY )	
ASH & TRASH REMOVAL," 6424 WEST )	
CENTER AVENUE, DENVER, COLORADO, FOR )	APPLICATION NO. 19188-Transfer
AUTHORITY TO TRANSFER PUC NO. 3316 )	
TO LARRY J. CURTIS, DOING BUSINESS )	
AS "SANITARY ASH & TRASH REMOVAL," )	
2709 SOUTH ADAMS STREET, DENVER, )	
COLORADO. )	
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July 11, 1962  
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Appearances: Frank E. Waterhouse, Denver,  
Colorado, pro se;  
Larry J. Curtis, Denver,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Frank E. Waterhouse and Henry W. Fehlman, doing business as  
"Sanitary A h & Trash Removal," Denver, Colorado, are the owners and  
operators of PUC No. 3316, authorizing:

transportation of ashes, trash, and other  
refuse, between points in the City and  
County of Denver, and from points in 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,

and by the instant application, seek authority to transfer said PUC  
No. 3316 to Larry J. Curtis, doing business as "Sanitary Ash & Trash  
Removal," 2709 South Adams Street, Denver, Colorado.

The application was set for hearing on Tuesday, July 3, 1962,  
at ten o'clock A. M., in the Hearing Room of the Commission, 532 State  
Services Building, Denver, 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Frank E. Waterhouse and Henry W. Fehlman, doing business as "Sanitary Ash & Trash Removal," Denver, Colorado, be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3316 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Larry J. Curtis, doing business as "Sanitary Ash & Trash Removal," 2709 South Adams Street, 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

  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOUIS J. THIEL, ROUTE 1, BOX 97, )  
PARKER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 614 TO LENNART ) APPLICATION NO. 19182-Transfer  
WALLDEN, DOING BUSINESS AS "HILL )  
TOP-DENVER TRUCK LINE," PARKER, )  
COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
LOUIS J. THIEL, ROUTE 1, BOX 97, )  
PARKER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 1811 TO LENNART ) APPLICATION NO. 19183-Transfer  
WALLDEN, DOING BUSINESS AS "HILL )  
TOP-DENVER TRUCK LINE," PARKER, )  
COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
LOUIS J. THIEL, ROUTE 1, BOX 97, )  
PARKER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 2242 TO LENNART ) APPLICATION NO. 19184-Transfer  
WALLDEN, DOING BUSINESS AS "HILL )  
TOP-DENVER TRUCK LINE," PARKER, )  
COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
LOUIS J. THIEL, ROUTE 1, BOX 97, )  
PARKER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 1556 TO LENNART ) APPLICATION NO. 19185-Transfer  
WALLDEN, DOING BUSINESS AS "HILL )  
TOP-DENVER TRUCK LINE," PARKER, )  
COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
LOUIS J. THIEL, ROUTE 1, BOX 97, )  
PARKER, COLORADO, FOR AUTHORITY TO )  
LEASE A PORTION OF PUC NO. 1556 TO )  
FRANK TWEEDY, DOING BUSINESS AS )  
"TWEEDY TRANSFER," ELBERT, COLORADO. ) APPLICATION NO. 15282-Lease  
(BY SUPPLEMENTAL PROCEEDINGS, AUTHOR- ) SUPPLEMENTAL PROCEEDINGS  
ITY IS SOUGHT (IN THE EVENT AUTHOR- )  
ITY SOUGHT IN APPLICATION NO. 19185- )  
Transfer IS GRANTED) TO SUBSTITUTE )  
LENNART WALLDEN, DOING BUSINESS AS )  
"HILL TOP-DENVER TRUCK LINE," PARKER, )  
COLORADO, FOR LESSOR, IN LIEU OF )  
LOUIS J. THIEL). )  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Louis J. Thiel, Parker, Colorado, is the owner and operator  
of PUC Nos. 614, 1811, 2242, and 1556, authorizing the following:

PUC NO. 614:

Transportation of milk, cream and dairy products to the City of Denver, from territory lying within  $1\frac{1}{2}$  miles of the following route or routes: Beginning at a point on the airline highway one mile east of Denver-Parker Highway; thence east on said airline highway to a point  $\frac{1}{2}$  mile east of the line dividing Ranges 63 and 62; thence back along said airline highway to the SW corner of Section 2, T. 5 S., R. 64-W; thence south to the SW corner of Section 14 in said last described township and range; thence west 4 miles; thence back along said route to said airline highway and west thereon to the SW corner of Section 4, T. 5 S., R. 65 W.; thence south one mile; thence east  $\frac{1}{2}$  mile; thence south  $1\frac{1}{2}$  miles; thence southwest to a point on the north  $\frac{1}{2}$  of Section 6, T. 6 S., R. 65 W.; thence southeast to the Smoky Hill Road; thence northwest along said road to a point one mile east of the Denver-Parker Highway; provided, however, that territory shall include no territory west of points on the airline and Smoky Hill Highways 1 mile east of the Denver-Parker Highway, and shall include no territory in Douglas County lying in Range 66; transportation to Denver of farm products from the territory above described and the transportation of farm supplies from Denver to milk producers served by applicant in said territory; transportation of milk and dairy products between Denver and all points in the territory described as: Sections 13 to 36, inclusive, R. 66 W., T. 4 S.; Sections 17, 18, 19, 20, 29, 30, 31, 32 and 33, R. 65 W., T. 4 S., Sections 1 to 6, R. 66 W., T. 5 S.; Sections 4, 5, 6, R. 65 W., T. 5 S.; Sections 13, 14, 15, 23, 24, 25, R. 67 W., T. 4 S.; Arapahoe County, Colorado, and the right to transport all farm supplies except grain and feed from Denver back to milk producers residing in the above-described area, no authority being granted hereby to move freight, except milk and dairy products in this area to Denver, Colorado.

PUC NO. 1811:

Transportation of milk from farms within the area described as: Beginning at the northwest corner of Section 36, T. 4 S., R. 68 W.; thence east three miles; thence south one mile; thence east one mile;

thence south one mile; thence east one mile;  
thence south two miles; thence east one mile;  
thence south one mile; thence east one mile;  
thence south five miles to the southeast corner of Section 13, T. 6 S., R. 67 W.; thence west five miles; thence north six miles; thence west two miles; thence north four miles to a point of beginning; to Denver and points within a radius of two miles thereof, with back-haul of empty cans.

PUC NO. 2242:

Transportation of milk and cream, as follows: Beginning at the east center of Section 31, T. 5 S., R. 67 W.; thence due west through the center of that section and Sections 32, 33, 34, 35 and 36, T. 5 S., R. 68 W., to the Platte River; thence southwesterly along the Platte River to the northeast corner of Section 14, T. 6 S., R. 69 W.; thence due west along the south side of Sections 9, 10, 11 to the southwest corner of Section 9 in said Township and Range, a complete description being: Using the above line as the northern Boundary; thence from said southwest corner of said Section 9 due south 22 miles to the southwest corner of Section 33, T. 9 S., R. 69 W.; thence due east 13 miles to the old Highway No. U. S. 85; thence following that highway northerly to its intersection within a circle 6 miles from Castle Rock at approximately the center of Section 4, T. 9 S., R. 67 W.; thence following a circle within a 6 mile radius of Castle Rock to its intersection within a 3 mile radius of Sedalia within approximately the center of Section 8, T. 7 S., R. 67 W.; thence following a circle within a radius of 3 miles of Sedalia to the northwest corner of Section 6, T. 7 S., R. 67 W.; thence due east 1 mile; thence due north  $6\frac{1}{2}$  miles to the point of beginning.

PUC NO. 1556:

Transportation of freight, between Denver and the territory described as follows: beginning at the City Limits of Denver at a point which intersects said City Limits one mile east of the Denver-Parker Highway; thence along the line paralleling said highway a distance of one mile east thereof to a point where said line would intersect the north section line of Section 3, Township 6 South, Range 66 West; thence east to the northeast corner of Section 1, T. 6 S., R. 66 W.; thence one mile south to the southeast corner of said Section 1; thence southwesterly to the southwest corner of Section 28, T. 6 S., R. 66 W.; thence northwesterly to the northwest corner of Section 3, T. 6 S., R. 67 W.; thence one mile, more or less, to the southwest corner of Section 35, T. 5 S., R. 67 W.; thence north five miles to the northwest corner of Section 11, T. 5 S., R. 67 W.; thence west one mile;

thence north one mile; thence west one mile to the southwest corner of Section 33, T. 4 S., R. 67 W.; thence north two miles, more or less to the channel of Cherry Creek; thence northwesterly along the channel of Cherry Creek to the City Limits of the City and County of Denver, and also milk and cream to Denver from that part of the above-described territory lying east of Cherry Creek; all of above operating rights lying west of Cherry Creek being transferred out of said authority by Decision No. 29455: milk and cream to Denver, from the following-described area, and freight and express, generally, between Denver, Colorado, and the following-described area: beginning at a point where the Parker-Happy Canon crosses Cherry Creek, as located in the NE $\frac{1}{4}$  of Section 21, T. 6 S., R. 66 W.; thence south along the channel of Cherry Creek to the Parker-Castle Rock Road, being approximately on the south line of Section 34, T. 6 S., R. 66 W.; thence southwesterly along said Parker-Castle Rock Road to a point on the south line of Section 4, T. 7 S., R. 66 W.; thence west approximately one-half mile, more or less, to the southwest corner of said Section 4; thence north two miles to the southwest corner of Section 28, T. 6 S., R. 66 W.; thence northwesterly approximately four miles on a diagonal line through Sections 29 and 19, T. 6 S., R. 66 W.; and Sections 13 and 11, T. 6 S., R. 67 W.; to a junction with the Parker-Happy Canon Road, as located in the SE $\frac{1}{4}$  of Section 11; thence southeasterly on the Parker-Happy Canon Road to Cherry Creek, being the point of beginning.

That portion of authority authorizing the transportation of freight in line-haul service leased to Frank Tweedy, doing business as "Tweedy Transfer,"

and by the instant applications, seeks authority to transfer said certificates to Lennart Wallden, doing business as "Hill Top-Denver Truck Line," Parker, Colorado, and to substitute Lennart Wallden, doing business as "Hill Top-Denver Truck Line," as Lessor, in Application No. 15282-Lease, in the present lease of a portion of PUC No. 1556 to Frank Tweedy, doing business as "Tweedy Transfer," Denver, Colorado.

The applications were set for hearing on Tuesday, July 3, 1962, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado. The same were then and there heard by an Examiner duly

designated and to whom the hearings were assigned by the Commission. After the conclusion of the hearings, said Examiner transmitted to the Commission the record and exhibits of said proceedings, 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said certificates, and the transferee's financial standing is established to the satisfaction of the Commission.

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

That the operations of transferee under PUC No. 614, PUC No. 1811, PUC No. 2242, and a portion of PUC No. 1556 shall be consolidated with his present certificate, PUC No. 455, and that Lennart Wallden, doing business as "Hill Top-Denver Truck Line," should be substituted as Lessor, in lieu of Louis J. Thiel, in the lease of a portion of PUC No. 1556 to Frank Tweedy, doing business as "Tweedy Transfer," in the matter of Application No. 15282-Lease-Supplemental Proceedings.

#### O R D E R

##### THE COMMISSION ORDERS:

That Louis J. Thiel, Parker, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 614, PUC No. 1811, PUC No. 2242, and PUC No. 1556 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Lennart Wallden, doing business as "Hill Top-Denver Truck Line," Parker, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or un-

secured; and that operations thereunder be consolidated with PUC No. 455 presently held by transferee herein.

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

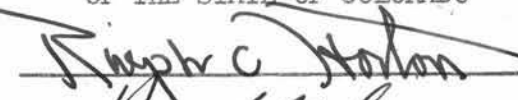
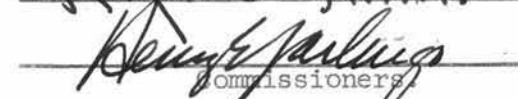
The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That Lennart Wallden, doing business as "Hill Top-Denver Truck Line," Parker, Colorado, be substituted as Lessor in lieu of Louis J. Thiel, Parker, Colorado, in the lease of a portion of PUC No. 1556 to Frank Tweedy, doing business as "Tweedy Transfer," Parker, Colorado.

This Order shall become effective twenty one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM B. MC CRUM AND SYLVIA G. )  
STRANGE, DOING BUSINESS AS "A-1 )  
RUBBISH SERVICE," 965 PERRY STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 19186-Transfer  
TRANSFER PUC NO. 3711 TO SYLVIA G. )  
STRANGE, DOING BUSINESS AS "A-1 )  
RUBBISH SERVICE," 763 RALEIGH )  
STREET, DENVER, COLORADO. )  
- - - - - )

- - - - -  
July 11, 1962  
- - - - -

Appearances: Sylvia G. Strange, Denver,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

William B. McCrum and Sylvia G. Strange, doing business as  
"A-1 Rubbish Service," Denver, Colorado, are the owners and operators  
of PUC No. 3711, 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-design-  
ated and approved dumps and disposal places  
within the Counties of Adams, Arapahoe, and  
Jefferson, State of Colorado,

and by the instant application, seek authority to transfer said PUC  
No. 3711 to Sylvia G. Strange, doing business as "A-1 Rubbish Service,"  
Denver, Colorado.

The application was set for hearing on July 3, 1962, at ten  
o'clock A. M., in the Hearing Room of the Commission, 532 State Services  
Building, Denver, 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 trans-  
mitted 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 transferee is a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate, and that the transferee's financial standing is established to the satisfaction of the Commission.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That William B. McCrum and Sylvia G. Strange, doing business as "A-1 Rubbish Service," Denver, Colorado, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3711 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Sylvia G. Strange, doing business as "A-1 Rubbish Service," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

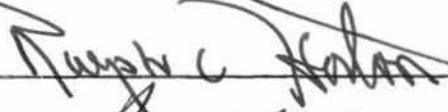

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN G. BURGER, CASTLE ROCK, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC ) APPLICATION NO. 19173-Transfer  
NO. 3984, TO REUBEN SWALLEY, CASTLE )  
ROCK, COLORADO. )  
----- )

-----  
July 11, 1962  
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Appearances: Howard S. Pine, Esq.,  
Castle Rock, Colorado,  
for Transferor and  
Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

John G. Burger, Castle Rock, Colorado, is the owner and  
operator of PUC No. 3984, authorizing:

On call and demand, for the transportation  
of: ashes and trash, building refuse, and  
tree limbs, within the Town of Castle Rock,  
Colorado, and the Castle Rock Town Dump,  
limited to the use of one truck, only,

and by the instant application, seeks authority to transfer said PUC  
No. 3984 to Reuben Swalley, Castle Rock, Colorado.

The application was set for hearing on July 3, 1962, at ten  
o'clock A. M., at 532 State Services Building, Denver, 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 a fit and proper person, will have  
sufficient equipment and experience to continue operations under said

certificate, and the transferee's financial standing is established to the satisfaction of the Commission.

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

### O R D E R

#### THE COMMISSION ORDERS:

That John G. Burger, Castle Rock, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3984 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Reuben Swalley, Castle Rock, 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 the, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NEGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

original

(Decision No. 58910)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN PALMER, DOING BUSINESS AS )	
"JACK PALMER EXCAVATING," 7050 )	
SOUTH PENNSYLVANIA STREET, LITTLE- )	
TON, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 19174-PP-Transfer
TRANSFER PERMIT NO. B-6137 TO )	
JACK PALMER EXCAVATING, INC., )	
4060 SOUTH KALAMATH, ENGLEWOOD, )	
COLORADO. )	
- - - - - )	

- - - - -  
July 11, 1962  
- - - - -

STATEMENT AND FINDINGS OF FACT

By the Commission:

John Palmer, doing business as "Jack Palmer Excavating,"  
Littleton, Colorado, is the owner and operator of Permit No. B-6137,  
authorizing:

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 75  
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 75 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 75 miles of said jobs; insulrock,  
from pits and supply points in the State of Colo-  
rado, to roofing jobs within a radius of 75 miles  
of said pits and supply points, transportation of  
road-surfacing materials restricted against the  
use of tank vehicles,

and by the instant application, seeks authority to transfer said permit  
No. B-6137 to Jack Palmer Excavating, Inc., a corporation, Englewood,  
Colorado.

The application was set for hearing on July 3, 1962, at ten  
o'clock A. M., at 532 State Services Building, Denver, Colorado. The  
same was then and there called for hearing by an Examiner duly designated  
and to whom the hearing was assigned by the Commission.

Notwithstanding said Notice of Hearing, applicant failed to appear, either in person or by counsel at the time and place designated in te said Notice, nor did anyone appear in protest, whereupon the files were made a part of the record and the Examiner transmitted to the Commission 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 for transfer.

That Articles of Incorporation of transferee corporation are on file with the Commission; that financial statement of transferee is also on file, and that there is no indebtedness against the permit.

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

#### O R D E R

##### THE COMMISSION ORDERS:

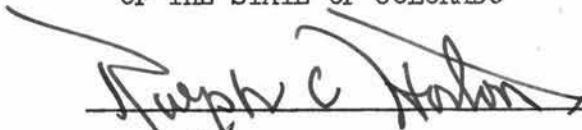

That John Palmer, doing business as "Jack Palmer Excavating," Littleton, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-6137 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Jack Palmer Excavating, Inc., a corporation, Englewood, 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 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

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

original

(Decision No. 58911)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KELLOGG GRAIN COMPANY TRUCK DIVI- )  
SION, DOING BUSINESS AS "KIOWA )  
VALLEY TRUCK LINE," 4661 BRIGHTON )  
BOULEVARD, DENVER, COLORADO, FOR ) APPLICATION NO. 19176-Transfer  
AUTHORITY TO TRANSFER PUC NO. 894 )  
TO KELLER H. LIGHT, DOING BUSINESS )  
AS "KIOWA VALLEY TRUCK LINES," 5600 )  
BRIGHTON BOULEVARD, DENVER, COLORADO. )  
- - - - - )

IN THE MATTER OF THE APPLICATION OF )  
KELLOGG GRAIN COMPANY TRUCK DIVI- )  
SION, DOING BUSINESS AS "KIOWA )  
VALLEY TRUCK LINE," 4661 BRIGHTON ) APPLICATION NO. 19177-Transfer  
BOULEVARD, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 3741 )  
TO KELLER H. LIGHT, DOING BUSINESS )  
AS "KIOWA VALLEY TRUCK LINES," 5600 )  
BRIGHTON BOULEVARD, DENVER, COLORADO. )  
- - - - - )

IN THE MATTER OF THE APPLICATION OF )  
KELLOGG GRAIN COMPANY TRUCK DIVI- )  
SION, 4661 BRIGHTON BOULEVARD, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 19178-PP-Transfer  
TRANSFER PERMIT NO. B-2753 TO )  
KELLER H. LIGHT, DOING BUSINESS AS )  
"KIOWA VALLEY TRUCK LINES," 5600 )  
BRIGHTON BOULEVARD, DENVER, COLORADO. )  
- - - - - )

IN THE MATTER OF THE APPLICATION OF )  
KELLOGG GRAIN COMPANY TRUCK DIVI- )  
SION, 4661 BRIGHTON BOULEVARD, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 19179-PP-Transfer  
TRANSFER PERMIT NO. B-5774 TO )  
KELLER H. LIGHT, DOING BUSINESS AS )  
"KIOWA VALLEY TRUCK LINES," 5600 )  
BRIGHTON BOULEVARD, DENVER, COLORADO. )  
- - - - - )

- - - - -  
July 11, 1962  
- - - - -

Appearances: Robert D. Means, Esq.,  
Denver, Colorado, for  
Transferor and Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Kellogg Grain Company Truck Division, doing business as  
"Kiowa Valley Truck Line," 4661 Brighton Boulevard, Denver, Colorado,

is the owner and operator of PUC Nos. 894 and 3741, and Permits

Nos. B-2753 and B-5774, with authority as follows:

PUC-894:

Beginning at the northwest corner of Section 28, Township 4-South, Range 65-West; thence south three miles; thence east one mile; thence south seven miles; thence east three miles; thence south four miles; thence east seventeen miles; thence north fourteen miles; thence west twenty-one miles to point of beginning, for transportation, on schedule, of milk and cream, dairy supplies, poultry and farm supplies, including groceries for farmers between said area and Denver; and on call and demand for transportation of farm products (excluding beans and livestock), from points in said area, to railroad loading points, elevators, and markets located at Watkins and points east thereof; freight, generally, including beans and livestock, from point to point in that portion of area lying west of the Range Line between Ranges 63 and 64, and from and to points therein, to and from outside places; all to be for customers residing in area, provided transportation of all freight other than livestock, pelts, hides and household goods between points served singly or in combination by scheduled motor or railroad common carriers, applicants shall charge rates of twenty per cent in excess of those charged by said scheduled carriers.

PUC 3741:

The conduct of a general transfer and cartage business, between points within the City and County of Denver, State of Colorado.

Permit B-2753:

Transportation of loose hay, only, between points within a radius of one hundred miles of Denver, Colorado; transportation of farm produce, except milk and livestock, and including dried beet pulp, from points within a radius of one hundred miles of Denver, Colorado, to farms, dairies, feed lots, markets, and storage points in said area, without the right to transport dried beet pulp or said products not in bulk between points served by line-haul motor vehicle common carriers in competition therewith.

Permit B-5774:

Transportation of wheat, corn, barley, oats, rye, grain, sorghum, flaxseed, millet, milo, soy beans, beans and seed, livestock feed and poultry feed, in bulk, from and to all points within the State of Colorado, for Colorado Milling and Elevator Company, Denver, Colorado; Mountain States Mixed Feed Company, Denver, Colorado; Plains Grain Company, Burlington, Colorado; and Williams Grain Company, Aurora, Colorado; Transportation of barley and spent grain pellets, for Adolph Coors Company, in Golden, Colorado, from and to all points within the State of Colorado. Authorized to add and serve the following customers: Ralston Purina Company, 46th Avenue and York Street, Denver, Colorado, Arch Sales Company, 1406 East 46th Avenue, Denver, Colorado, George O'Day Company, 5300 Race Court, Denver, Colorado, and Leo H. Connell Grain Company, 506 Boston Building, Denver, Colorado,

and by the instant applications, seeks authority to transfer said operating rights to Keller H. Light, doing business as "Kiowa Valley Truck Lines," 5600 Brighton Boulevard, Denver, Colorado.

The four above-named applications were set for hearing on July 3, 1962, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. Said applications were then and there heard by an Examiner duly designated and to whom the hearings were assigned by the Commission, the four applications being consolidated and heard on a joint record. After the conclusion of the hearing, said Examiner transmitted to the Commission the record and exhibits of said proceedings, together with a written statement of his findings of fact and conclusions.

The Commission having considered the record and the written report of the Examiner, states and finds:

That no one protests the granting of the applications.

That the transferee is a fit and proper person, will have sufficient equipment and experience to continue operations under said certificates and permits, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Kellogg Grain Company Truck Division, doing business as "Kiowa Valley Truck Line," 4661 Brighton Boulevard, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 894 and PUC No. 3741 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Keller H. Light, doing business as "Kiowa Valley Truck Lines," 5600 Brighton Boulevard, Denver, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

That said transfers shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates (PUC No. 894 and PUC No. 3741) 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 transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That Kellogg Grain Company Truck Division, 4661 Brighton Boulevard, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permits Nos. B-2753 and B-5774 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Keller H. Light, doing business as "Kiowa Valley Truck Lines," 5600 Brighton Boulevard, Denver, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

That said transfers shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permits (B-2753 and B-5774) 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 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 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

  
  
Commissioners

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED TUXHORN, DOING BUSINESS AS "BYERS- )  
DENVER TRUCK LINE," 4201 FILLMORE )  
STREET, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PUC NO. 272 TO ) APPLICATION NO. 19180-Transfer  
MARTIN ROGELL, DOING BUSINESS AS )  
"BYERS-DENVER TRUCK LINE," 2635 )  
GARFIELD STREET, DENVER, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
ED TUXHORN, DOING BUSINESS AS "BYERS- )  
DENVER TRUCK LINE," 4201 FILLMORE )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 2030 TO ) APPLICATION NO. 19181-Transfer  
MARTIN ROGELL, DOING BUSINESS AS )  
"BYERS-DENVER TRUCK LINE," 2635 )  
GARFIELD STREET, DENVER, COLORADO. )  
----- )

-----  
July 11, 1962  
-----

Appearances: Harold Tuxhorn, Denver,  
Colorado, for Transferor;  
Martin Rogell, Denver,  
Colorado, Transferee,  
pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Ed Tuxhorn, doing business as "Byers-Denver Truck Line,"  
Denver, Colorado, is the owner and operator of PUC Nos. 272 and  
2030, authorizing:

PUC No. 272:

(a) Transportation of freight and merchandise  
not on schedule, and excluding livestock, milk  
and cream, between points in the following des-  
cribed territory, including Byers, and from  
and to the following described territory, in-  
cluding Byers, to and from Denver and Aurora,  
Colorado, excluding point-to-point service in  
Aurora: Starting at the County road junction  
of US 40-287 about one mile west of Byers;  
thence north some 20 miles to the north County  
line of Adams County; thence east 7 miles;  
thence south some 24 miles to a point located  
2 miles south of Peoria (Peoria being a point  
on the Union Pacific Railroad 6.5 miles south-  
east of Byers); thence west 2 miles; thence

south 16 miles; thence west 5 miles; thence north some 20 miles to the point of beginning.

(b) Transportation of freight and general commodities on schedule between Denver and Strasburg, Colorado, on US Highway 40 and including all points intermediate, except Fitzsimons Army Hospital, and excluding the transportation of uncrated used household goods between Denver and Aurora, Colorado.

Call and demand service for the transportation of general freight and merchandise as follows:

(a) between points within the City Limits of Denver, Colorado, for the pickup and delivery of goods having a prior or subsequent movement over the line-haul operation; (b) from points within the City Limits of Denver, Colorado, to Lowry Field and points on East Colfax Avenue in Denver.

PUC No. 2030:

Transportation of freight between all points which lie between a point ten (10) miles east of Byers, Colorado, and Last Chance, Colorado, via US 36, authority not to be combined, directly or indirectly, with any other certificate or permit.

(Above authority granted under Decision No. 31049, be, and hereby is, confirmed by Decision No. 33191, and shall not be affected by any limitation placed thereon by Decision No. 28059),

and by the instant applications, seeks authority to transfer said PUC Nos. 272 and 2030 to Martin Rogell, doing business as "Byers-Denver Truck Line," Denver, Colorado.

The applications were set for hearing on July 3, 1962, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The same were 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 applications.

That the transferee is a fit and proper person, will have sufficient equipment and experience to continue operations under said

certificates, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Ed Tuxhorn, doing business as "Byers-Denver Truck Line," Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 272 and PUC No. 2030 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Martin Rogell, doing business as "Byers-Denver Truck Line," Denver, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

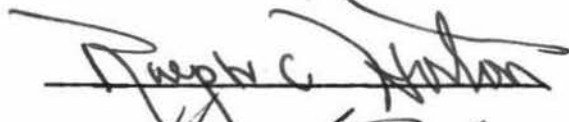
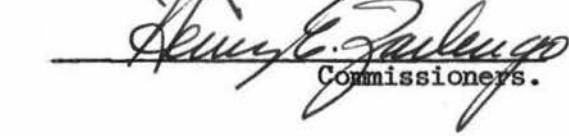
That said transfers shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates (PUC No. 272 and PUC No. 2030) have been formally assigned, and that said parties have accepted, and in the future will comply with, 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 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

original

(Decision No. 58913)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MELBOURNE D. BIGELOW, 3923 WYNKOOP )	
STREET, DENVER, COLORADO, FOR AU- )	
THORITY TO TRANSFER PERMIT NO. )	<u>APPLICATION NO. 19175-PP-Transfer</u>
B-6190 TO ROBERT L. HUFF, 6981 )	
LOCUST STREET, DERBY, COLORADO. )	
- - - - - )	

- - - - -  
July 11, 1962  
- - - - -

Appearances: Melbourne E. Bigelow,  
Denver, Colorado,  
Transferor, pro se;  
Robert L. Huff, Denver,  
Colorado, Transferee,  
pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Melbourne D. Bigelow, Denver, Colorado, is the owner and  
operator of Permit No. B-6190, authorizing:

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 seventy-  
five 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 seventy-five 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 seventy-  
five miles of said jobs; insulrock, from pits  
and supply points in the State of Colorado, to  
roofing jobs within a radius of seventy-five  
miles of said pits and supply points, trans-  
portation of road-surfacing materials being  
restricted against the use of tank vehicles,

and by the instant application, seeks authority to transfer said Permit  
No. B-6190 to Robert L. Huff, Derby, Colorado.

The application was set for hearing on Tuesday, July 3, 1962,  
at ten o'clock A. M., in the Hearing Room of the Commission, 532 State  
Services Building, Denver, Colorado, and 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, the 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said permit, and transferee's financial standing is established to the satisfaction of the Commission.

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:

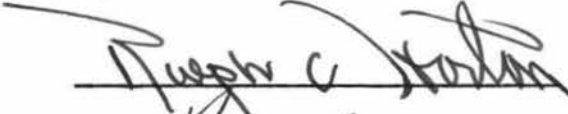

That Melbourne D. Bigelow, Denver, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-6190 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Robert L. Huff, Derby, Colorado, subject to payment 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 permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
FRANK FALSETTO, DOING BUSINESS  
AS "PICKETWIRE BUS COMPANY,"  
723 SAN JUAN STREET, TRINIDAD,  
COLORADO.

PUC No. 2430

July 10, 1962

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. 2430 be suspended until December 31, 1962.

F I N D I N G S

THE COMMISSION FINDS:

That Frank Falsetto, doing business as "Picketwire Bus Company," Trinidad, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 2430 until December 31, 1962.

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.

This Order shall become effective nunc pro tunc as of July 2, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*Henry E. Spilhaus*  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of July, 1962.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GREELEY BUILDING SUPPLY, INC. )  
630 26th St. )  
Greeley, Colorado )  
----- )

AUTHORITY NO. M 11330  
CASE NO. 9225 Ins.

-----  
July 12, 1962  
-----

S T A T E M E N T

By the Commission:

On July 5, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Spillings*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of July, 1962

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EASTERN COLORADO UTILITY COMPANY, )  
EADS, COLORADO, FOR AN ORDER AU- ) APPLICATION NO. 19119-Securities  
THORIZING IT TO ISSUE SECURITY AND )  
CREATE LIENS ON ITS PROPERTY. )  
-----)

-----  
June 22, 1962  
-----

S T A T E M E N T

By the Commission:

Application was filed on May 23, 1962, by Applicant herein, seeking an Order from this Commission authorizing it to issue security and to create liens on its property.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by the Commission on June 4, 1962, and June 6, 1962, and at that time was recessed until July 5, 1962.

Subsection 5 of Section 1, Paragraph 4, Chapter 115, 1953 Colorado Statutes Annotated, provides as follows:

"All applications for the issuance, assumption, or guaranty of securities shall be placed at the head of the Commission's docket and shall be disposed of promptly, and within thirty (30) days after petition is filed with the Commission unless it is necessary for good cause to continue same for a longer period. Whenever such application is continued beyond the thirty (30) days after the time it is filed, the Commission shall enter an order making such continuance and stating fully the facts necessitating same."

Applicant herein has a companion application pending before the Commission, being Application No. 19118, which application was also heard by the Commission on June 4, 1962, and June 6, 1962, and recessed until July 5, 1962.

Inasmuch as the above-styled application cannot be concluded by June 23, 1962, being thirty days from the filing date thereof, it appeared that said matter should be continued by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be continued,  
as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Application No. 19119-Securities, filed with the  
Commission on May 23, 1962, as hereinabove described, should be,  
and the same hereby is, continued for five working days after final  
decision has been entered by the Commission in Application No. 19118.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of June, 1962.

ea

original

(Decision No. 58917)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PICK-UP AND DELIVERY SERVICE, )	INVESTIGATION AND SUSPENSION
MINIMUM CHARGE PER SHIPMENT. )	<u>DOCKET NO. 493</u>
----- )	

-----  
July 11, 1962  
-----

S T A T E M E N T

By the Commission:

On June 14, 1962, the Commission entered its Decision No. 58730, instituting the above-styled proceedings, and suspending until October 13, 1962, operation of Supplement No. 1 to National Bus Traffic Association, Inc., Agent, Pick-Up and Delivery Tariff No. B-672-D, Colorado P.U.C. No. 107, as it pertains to the minimum per shipment charge at Denver, Colorado, issued to become effective June 15, 1962, as set forth in said Order.

The Commission is now in receipt of a request from P. J. Campbell, Chairman, National Bus Traffic Association, Inc., requesting discontinuance of said proceedings, and withdrawing said tariff filing.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

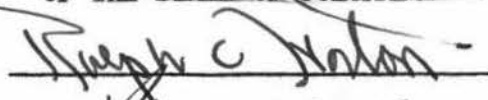

THE COMMISSION ORDERS:

That Investigation and Suspension Docket No. 493 be, and the same hereby is, closed upon the docket of this Commission, upon request of National Bus Traffic Association, Inc., tariff therein suspended having been withdrawn by Petitioner herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 11th day of July, 1962.

  
  
Commissioners.

original

(Decision No. 58918)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HELEN M. POWELL, PAXTON, NEBRASKA, )  
WIDOW OF MYRIL W. POWELL, DECEASED, )  
FOR AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO ARNOLD F. FREE- )  
MAN, PAXTON, NEBRASKA. )  
-----

PUC No. 2960-I-Transfer

-----  
July 11, 1962  
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S T A T E M E N T

By the Commission:

Heretofore, Myril W. Powell, Paxton, Nebraska, was granted a certificate of public convenience and necessity (PUC No. 2960-I), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

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

Said Myril W. Powell having departed this life, Helen M. Powell, his widow, by the above-styled application, seeks authority to transfer said PUC No. 2960-I to Arnold F. Freeman, Paxton, Nebraska.

Inasmuch as 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

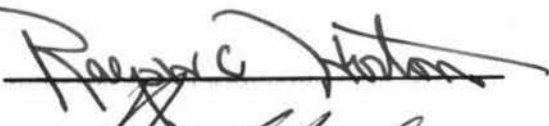
THE COMMISSION ORDERS:

That Helen M. Powell, Paxton, Nebraska, widow of Myril W. Powell, Deceased, be, and she hereby is, authorized to transfer all

right, title, and interest in and to PUC No. 2960-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Arnold F. Freeman, Paxton, Nebraska, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRANK FALSETTO, DOING BUSINESS AS )	
"PICKETWIRE BUS COMPANY," 723 SAN )	
JUAN, TRINIDAD, COLORADO, FOR AU- )	<u>APPLICATION NO. 19161-Transfer</u>
THORITY TO TRANSFER PUC NO. 2430 )	
TO RUDOLPH MAZZA, DOING BUSINESS )	
AS "PEAK BUS COMPANY," 904 ROBIN- )	
SON, TRINIDAD, COLORADO. )	
----- )	

-----  
July 12, 1962  
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STATEMENT AND FINDINGS OF FACT

By the Commission:

Frank Falsetto, doing business as "Picketwire Bus Company," Trinidad, Colorado, is the owner and operator of PUC No. 2430, authorizing:

Transportation of passengers, on schedule, between Trinidad, Colorado, and Stonewall, Colorado, and intermediate points on Colorado Highway No. 12, which said highway runs in an easterly and westerly direction from Trinidad, Colorado, to Stonewall, Colorado,

and by the instant application, seeks authority to transfer said PUC No. 2430 to Rudolph Mazza, doing business as "Peak Bus Company," 904 Robinson, Trinidad, Colorado.

The application was set for hearing on July 2, 1962, at ten o'clock A. M., at the Court House, Trinidad, Colorado. The same was then and there called for hearing 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 when the above entitled matter came on for hearing as provided in the Notice of Hearing heretofore issued herein, the applicant failed to appear, either in person or by representative, at the time and place designated for said hearing, and no protestant appeared, so, accordingly, the files were made a part of the record and the matter was taken under advisement.

That the instant application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Rueph C. Nolan*  
*Alvin E. Zuley*  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 12th day of July, 1962.

ea

original

(Decision No. 58920)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WESTERN POWER & GAS COMPANY, A )	
DELAWARE CORPORATION, 144 SOUTH 12TH )	
STREET, LINCOLN 1, NEBRASKA, FOR )	APPLICATION NO. 19170-Securities
AUTHORITY TO ISSUE 150,000 SHARES OF )	
ITS PREFERRED STOCK WITHOUT PAR )	
VALUE. )	
-----	

-----  
July 11, 1962  
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Appearances: J. W. Preston, Esq., Pueblo,  
Colorado, and  
Melvin A. Hardies, Esq.,  
Chicago, Illinois, for  
Applicant;  
E. R. Thompson, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

Western Power & Gas Company (Applicant) filed Application No. 19170-Securities with this Commission on June 15, 1962. By such application, Applicant seeks authority of this Commission to issue and to sell to the public through underwriters 150,000 shares of its preferred stock without par value but as to which a stated value of \$50 per share is expected to be fixed by Applicant's board of directors, pursuant to authority vested in the board by Applicant's certificate of incorporation.

Said application was set for hearing with notice to all interested parties in compliance with the statutes of Colorado and the rules and regulations of this Commission, at 2:00 o'clock P. M., on July 9, 1962, in Room 532, State Services Building, Denver, Colorado, and was there heard by the Commission and taken under advisement. No petitions were filed in opposition to the application, and no one

appeared at the hearing opposing the authority sought by the application.

Applicant is a corporation created, organized, and existing under the laws of the State of Delaware, as of December 31, 1935, and duly qualified to do business as a foreign corporation in Colorado. Its principal office in Colorado is at 115 West Second Street, Pueblo; its general offices are at 144 South 12th Street, Lincoln 1, Nebraska.

Applicant is engaged in the business of owning and operating electric utility properties in Colorado and gas utility properties in Nebraska and South Dakota. Applicant also owns a majority of the Common Stock of Central Telephone Company and Southeastern Telephone Company. Central Telephone Company in turn owns a majority of the Common Stock of LaCrosse Telephone Corporation, Middle States Telephone Company of Illinois and Virginia Telephone & Telegraph Company. These subsidiaries are all engaged in the business of providing telephone service in various partes of the states of Nevada, Minnesota, Illinois, Iowa, Wisconsin, Virginia, North Carolina and Florida.

By action of its directors and stockholders, Applicant increased its authorized common shares from 3,250,000 to 3,750,000 and its authorized preferred shares without par value from 199,915 (of which 19,915 are outstanding as "Cumulative Preferred Stock, \$2.75 Dividend Series") to 400,000. A copy of the amendment of Applicant's certificate of incorporation effecting such changes as of June 7, 1962, was filed in this proceeding as Exhibit 1.

Applicant's board proposes to designate up to 150,000 of such authorized and unissued preferred shares without par value as a new series (hereafter sometimes called the "New Preferred") with a stated value of \$50 per share. To July 1, 1967, the New Preferred will be redeemable at the option of the Company at approximately 110%

of the price at which it is initially offered to the public; and then and thereafter at approximately 105% of such initial public offering price; plus, in all cases, accrued dividends. It will be entitled to the benefit of a purchase fund under which Applicant will offer annually to purchase up to  $1\frac{1}{2}\%$  of the New Preferred tendered at not more than the initial public offering price plus accrued dividends; and also to the benefit of a limitation (less restrictive than that which is in effect and will remain so as long as any of the outstanding 100,000 shares of \$50 per share par value Series Cumulative Preferred Stock remains outstanding) on the issuance by Applicant of additional debt or preferred stock ranking equally with or prior to the New Preferred, unless certain earnings requirements are met.

The New Preferred will rank equally with all outstanding preferred shares in respect of dividends and assets, voting for directors upon default in dividend payments, and rights other than as described above.

Applicant has filed with the Securities and Exchange Commission a registration statement covering the New Preferred which is expected to become effective July 17, 1962, after amendment to reflect the dividend rate on the New Preferred, the underwriting spread, the initial public offering price and certain other details. A copy of the Preliminary Prospectus, dated June 12, 1962, filed as a part of such registration statement, has been filed in this proceeding as Exhibit 2. Applicant has applied to the Nebraska State Railway Commission for authorization to issue and sell the New Preferred and that Commission is expected to act upon such application July 16, 1962.

Applicant proposes to enter into an agreement with underwriters who will agree to purchase the New Preferred and to resell it to the public directly or through dealers. A draft of such agreement

with underwriters was filed herein as Exhibit 3. The discount or commission which the underwriters will receive has not been fixed but Applicant represents that it will not exceed  $3\frac{1}{4}\%$  of the initial public offering price. The underwriters will also be reimbursed for certain expenses in an amount not exceeding \$10,000. The dividend rate on the New Preferred to be fixed by Applicant's board of directors will not exceed 5% of the stated value of shares of the New Preferred nor  $5\frac{1}{8}\%$  of the initial public offering price of such shares.

The net proceeds from the New Preferred will be applied

- (1) to the prepayment (without premium) of \$2,500,000 of the \$10,000,000 of Applicant's notes to banks due September 26, 1964;
- (2) to the redemption of such of the \$188,000 principal amount outstanding at March 31, 1962, of Applicant's  $4\frac{1}{2}\%$  Convertible Subordinated Debentures due February 15, 1970, as shall not have been converted prior to the redemption date fixed in the call; (3) to Applicant's construction expenditures, estimated at \$5,000,000 to September 30, 1963; and (4) to further investment in subsidiaries' common stock. Applicant estimates its expenses, other than underwriting spread and reimbursable expenses of the underwriters, at \$42,000.

Applicant's financial statements included in Exhibit 2 indicate that Applicant may reasonably expect to have ample coverage for its interest and preferred stock dividend requirements after the issuance of the New Preferred and that its capital structure after the issuance of the New Preferred will not be unreasonable.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Western Power & Gas Company is a public utility as defined in Chapter 115-1-3, CRS, 1953.

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

That the Commission is fully advised in the premises.

That the proposed issue and sale by Western Power & Gas Company of up to 150,000 shares of its preferred stock, without par value but with a stated value of \$50 per share, on the terms (so far as now fixed) and within the limitations, hereinabove described (to the extent the terms of the New Preferred and of the issue and sale thereof remain to be fixed) are not inconsistent with the public interest; that such issue and sale are permitted by law and are consistent with the provisions of Chapter 115-1-4, CRS 1953; and that the Order sought should be issued and be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issue and sale by Western Power & Gas Company of up to 150,000 shares of preferred stock, without par value but with a stated value of \$50 per share, on the terms (so far as now fixed) and within the limitations, hereinabove described (to the extent the terms of the New Preferred and of the issue and sale thereof remain to be fixed) be, and they hereby are, authorized and approved.

That the securities issued hereunder shall bear on the face thereof for proper and easy identification thereof a legend as follows:

C.P.U.C. Identification No. 19170

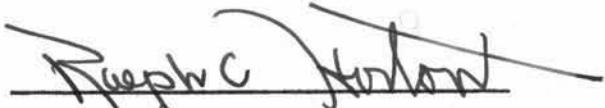

That within ninety (90) days after the issuance and sale of the New Preferred by Applicant to underwriters, Applicant shall file with the Commission a verified report stating the monies received therefrom, the initial public offering price thereof and the costs and expenses incurred by Western Power & Gas Company incident to such sale (including the underwriting spread and reimbursable expenses of the underwriters). Applicant shall file with such report

a copy of the final prospectus as used upon the initial public offering of the New Preferred.

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

This Order shall become effective as of the day and date hereof. The authorization hereby granted shall, however, expire if not exercised prior to September 30, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of July, 1962.

mls

original

(Decision No. 58921)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DELTA-MONTROSE RURAL POWER LINES )	
ASSOCIATION, DELTA, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 18619
AND NECESSITY FOR TERRITORY LOCATED )	<u>SUPPLEMENTAL ORDER</u>
IN DELTA, MONTROSE, SAN MIGUEL, )	
OURAY, HINSDALE, AND GUNNISON )	
COUNTIES, IN THE STATE OF COLORADO. )	
----- )	

-----  
July 12, 1962  
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Appearances: Moses and DeSouchet, Esqs.,  
Alamosa, Colorado, by  
Raphael J. Moses, Esq., and  
Roderick N. Stewart, Esq.,  
Delta, Colorado, for Delta-  
Montrose Rural Power Lines  
Association;  
Harrison Loesch, Esq., Montrose,  
Colorado, and  
S. G. Baucom, Esq., Salt Lake  
City, Utah, for Western  
Colorado Power Company;  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

On May 24, 1962, the Commission entered its Decision No. 58643 in the above-styled application, therein setting forth descriptions of certain areas of service in the Appendix as a part of said Order.

It now appears that certain errors were inadvertently made in parts of the descriptions set forth in said Appendix.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 58643, of date May 24, 1962, should be amended, nunc pro tunc, as of said 24th day of May, 1962, to conform with the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 58643, of date May 24, 1962, be, and the same hereby is, amended, nunc pro tunc, as of said 24th day of May, 1962, in the following particulars:

1. By striking Lines 29, 30, 31, 32, and part of 33, on Page 3 of the Appendix thereto attached, reading:

"thence West 1/2 mile to South 1/4 corner Section 17, Township 49-North, Range 9-West; thence North 1 mile to North 1/4 corner Section 17, Township 49-North, Range 9-West; thence West 1 mile to the North 1/4 corner Section 18,"

and inserting in lieu thereof the following:

"thence West 1/4 mile to the Southwest corner of Southeast 1/4 of Southeast 1/4; thence North 1 mile to the Northwest corner of Northeast 1/4 of Northeast 1/4; thence West 1-1/4 miles to the North 1/4 corner Section 18,"

2. By adding to the territory granted to Applicant herein, on a non-exclusive basis with Western Colorado Power Company, Montrose County, appearing on Page 4 of said Appendix, the following:

"Township 51-North, Range 10-West, the portion of Section 20 in Montrose County."

3. By adding to the exclusive territory of Western Colorado Power Company in Montrose County, appearing on Page 5 of said Appendix, the following:

"the Northwest 1/4 of Section 30, Township 50-North, Range 10-West."

4. By striking Line 7 of Page 7 of said Appendix, reading:

"thence South 2 miles to the mid-point of the West"

and inserting in lieu thereof the following:

"thence South 2 miles to the mid-point of the East"

5. By striking Lines 9, 10, and 11 of the first paragraph of "AREA II," also appearing on Page 7 of said Appendix, reading:

"of said Section 34; thence East 1 mile to the Northwest corner of said Section 34; thence North 1 mile to the Northeast corner of said Section 34; thence North 3"

and inserting in lieu thereof the following:

"of said Section 34; thence East 1 mile to the Northeast corner of said Section 34; thence North 3".

6. By striking the fifth paragraph on Page 11 of said Appendix, being description of exclusive territory granted to Applicant herein in Gunnison County, reading:

"Range 5-West, Township 48-North. Sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32."

and inserting in lieu thereof the following:

"Range 5-West, Township 48-North. Sections 4, 5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 29, 32, and 33."

7. By striking the seventh paragraph on Page 11 of said Appendix, reading:

"Range 5-West, Township 47-North. Sections 5, 6."

and inserting in lieu thereof the following:

"Range 5-West, Township 47-North. Sections 4 and 5."

That, except as herein amended, said Decision No. 58643 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 12th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION OF ALVIN CURRY  
DOING BUSINESS AS W. A. JONES  
TRANSFER COMPANY - COMMODITY  
RATE - SUGAR.

CASE 1585

July 12, 1962

S T A T E M E N T

BY THE COMMISSION:

On May 23, 1962, Alvin Curry, doing business as W. A. Jones Transfer Company, hereinafter called petitioner, filed an application to publish a rate of 65 cents per cwt. on sugar transported from Rocky Ford, Colorado, to Alamosa, Colorado.

The application of the petitioner is based upon the following facts as justification for the proposed rate:

1. Petitioner is presently hauling from Alamosa to points east, including Rocky Ford, Colorado. That on the back haul from Rocky Ford to Alamosa petitioner is usually empty.
2. That under the rates now applying under the schedule above, none of the scheduled carriers are carrying any sugar from Rocky Ford to Alamosa.
3. That sugar companies are themselves presently transporting their own sugar from Rocky Ford to Alamosa in their own trucks and that petitioner can economically back haul sugar from Rocky Ford to Alamosa at the rate of 65 cents per hundred weight, because petitioner is presently making the back haul without a load.
4. That no scheduled carrier will be injured by the exception since said carriers are not now hauling the sugar under the rates as published.
5. This matter has been discussed with representatives of the American Crystal Sugar Company, and there is attached hereto a letter from Mr. D. O. Ruthrauff, Traffic Manager, who indicates that a rate of 65 cents per hundred weight would be agreeable.

The petitioner prays that the proposed rate become effective on back haul traffic only from Rocky Ford to Alamosa and that an order be issued prescribing the proposed rate.

## F I N D I N G S

### THE COMMISSION FINDS, That:

After consideration of the facts presented, it is of the opinion, and so finds, that this matter is of sufficient importance to require a public hearing.

## O R D E R

### THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.
2. This application be and the same is hereby assigned for public hearing in the hearing room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver 2, Colorado, at 10:00 A. M. on July 30, 1962.
3. A copy of this order be forthwith served upon Alvin Curry, doing business as W. A. Jones Transfer Company, Alamosa, Colorado; George W. Woodward, Esq., Law Offices of Moses & DeSouchet, Alamosa, Colorado; Ernest P. Porter, Esq., Rio Grande Building, 1531 Stout Street, Denver 17, Colorado; Mr. R. E. Turano, General Traffic Manager, Rio Grande Motor Way, Inc., 775 Wazee Street, Denver, Colorado; Charles D. Mathews, Esq., Red Ball Motor Freight, Inc., 3177 Irving Road, P. O. Box 10837, Dallas, Texas; and D. O. Ruthrauff, Traffic Manager, American Crystal Sugar Company, Boston Building, Denver 1, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO NECESSARILY  
ABSENT AND DID NOT PARTICIPATE.

Dated at Denver, Colorado,  
this 12th day of July, 1962.

original

(Decision No. 58923)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILLIAM LINZY, LONG ROAD, ROUTE 2, )	
LITTLETON, COLORADO, FOR AUTHORITY )	
TO TRANSFER PUC NO. 3580 TO FRANK )	<u>APPLICATION NO. 19200-Transfer</u>
H. LINZY, 2841 STEELE STREET, )	
DENVER, COLORADO. )	
----- )	

-----  
July 12, 1962  
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Appearances: Robert G. McIlhenny, Esq.,  
Denver, Colorado, for  
Transferor and Transferee.

S T A T E M E N T

By the Commission:

William Linzy, Littleton, Colorado, is the owner and  
operator of PUC No. 3580, authorizing:

Transportation of ashes, trash, garbage, and  
other waste materials, from points within the  
following described territory: commencing at  
the southeast corner of East Hampden Avenue  
and South Clarkson Street; thence east to the  
intersection of said East Hampden Avenue and  
the Valley Highway; thence southeasterly along  
the west side of said Valley Highway to Orchard  
Avenue; thence westerly on said Orchard Avenue  
to South Washington Street; thence northerly to  
East Bellview Avenue; thence easterly to South  
Clarkson Street; thence northerly to the point  
of beginning, to dumps and disposal places within  
said territory.

Transportation of ashes, trash, and other debris,  
from point to point within the following described  
area: beginning at the intersection of East  
Hampden Avenue and the Valley Highway; thence east  
to Cherry Creek; thence southeasterly along Cherry  
Creek to the point where East Orchard Avenue ex-  
tended would intersect with Cherry Creek; thence  
west to the intersection of East Orchard Avenue  
and the Valley Highway; thence northwesterly along  
the Valley Highway to the point of beginning, and  
from said area to and from regularly designated  
and approved dumps and disposal places in the  
Counties of Arapahoe, Jefferson, and Denver,  
State of Colorado.

Extended to include the transportation of ashes,  
trash and other debris, from point to point within

the following described area: Beginning at the intersection of University Boulevard and East Orchard Avenue; thence south along said University Boulevard for a distance of one (1) mile; thence east on a line parallel with East Orchard Avenue to Cherry Creek; thence north along Cherry Creek to a point where East Orchard Avenue extended would intersect with Cherry Creek; thence west along East Orchard Avenue to the point of beginning,

and by the instant application, seeks authority to transfer said operating rights to Frank H. Linzy, 2841 Steele Street, Denver, Colorado.

The application was regularly set for hearing after statutory notice to all interested parties, and was heard July 9, 1962, at 2:30 o'clock P. M., at 532 State Services Building, Denver, Colorado, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that an Agreement of Transfer has been entered into between the transferor and transferee, there being no monetary consideration in the sale and purchase of the certificate; that there are no outstanding operating obligations against the certificate; that the transferee has a net worth of approximately \$49,500; that he is a fit and proper person; that he has ample and suitable equipment with which to carry on the operations; and that if the transfer is authorized, he will obey the rules and regulations of this Commission.

No one appeared in opposition to the granting of the application herein.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

That William Linzy, Littleton, Colorado, be, and hereby is,

authorized to transfer all his right, title and interest in and to PUC No. 3580 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Frank H. Linzy, 2841 Steele Street, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

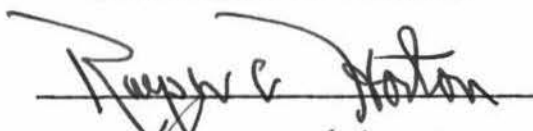

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 12th day of July, 1962.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASED RATES ON HOUSEHOLD GOODS -  
MERRITT PACKING & CRATING SERVICE  
APPLYING BETWEEN POINTS IN THE STATE  
OF COLORADO.

INVESTIGATION AND SUSPENSION

DOCKET NO. 484

July 12, 1962

S T A T E M E N T

BY THE COMMISSION:

On February 7, 1962, Keith S. Merritt, doing business as Merritt Packing & Crating Service, filed with this Commission revised pages to its Motor Freight Tariff No. 5, Colorado P.U.C. No. 5, naming increased hourly rates for the handling of household goods, issued to become effective March 19, 1962, as more fully set forth in Decision No. 58220, dated March 16, 1962.

Decision No. 58220 suspended the matter for a period of 120 days or until July 17, 1962. It now appears that the matter cannot be concluded within the 120-day suspension period and therefore should be further suspended for an additional period of six (6) months.

F I N D I N G S

THE COMMISSION FINDS, That:

The schedules set forth in Decision No. 58220, published to become effective March 19, 1962, should be further suspended for an additional period of six (6) months or until January 17, 1963.

O R D E R

THE COMMISSION ORDERS, That:

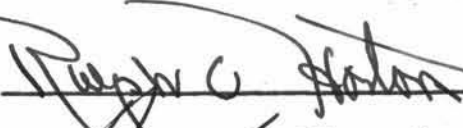

1. The Statement and Findings, be, and they are hereby made a part hereof.
2. The operation of said schedules set forth in the statement herein, shall be further suspended for an additional period of six (6) months or until January 17, 1963, unless otherwise ordered by the Commission and no change shall be made during the said period of suspension.

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

4. A copy of this order shall be filed with the said tariff in the office of the Commission and that copies be forthwith served upon Keith S. Merritt, doing business as Merritt Packing & Crating Service, 4200 Monroe Street, Denver 16, Colorado.

5. The necessary suspension supplement shall be issued to the tariff referred to in the statement hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO NECESSARILY  
ABSENT AND DID NOT PARTICIPATE.

Dated at Denver, Colorado,  
this 12th day of July, 1962.

ph

IN THE MATTER OF THE APPLICATION OF  
THE GUNNISON COUNTY ELECTRIC ASSOCIATION, INC.  
a Colorado Corporation, of Crested Butte,  
Colorado, FOR AN ORDER RATIFYING AND AUTHOR-  
IZING THE ISSUANCE OF SECURITIES, AND THE  
APPLICATION OF THE PROCEEDS THEREFROM TO  
CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 19215  
Securities

S T A T E M E N T

By the Commission:

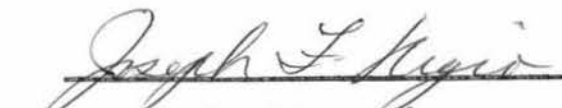
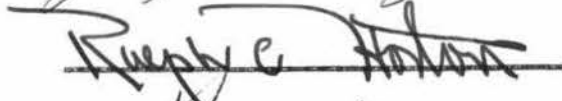

Upon consideration of the application of The Gunnison  
County Electric Association, Inc., a Corporation in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on July 31, 1962,  
at 10:00 o'clock A. M., 532 State Services Building, Denver, Colorado,  
respecting the matters involved and issues presented in the proceeding.  
Any interested municipality or any representative of interested consumers  
or security holders of applicant corporation, and any other person whose  
participation herein is in the public interest, may intervene in said pro-  
ceedings. Intervention petitions should be filed with the Commission on or  
before July 25, 1962, and should set forth the grounds of the proposed inter-  
vention and the position and interest of the petitioners, in the proceeding  
and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1962.

original

(Decision No. 58926)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WELCO MILK LINES, 801 IDAHO )  
STREET, EVANS, COLORADO. )  
(Applications Nos. 14868, )  
14869; 14870, Decision No. )  
46900). )  
----- )

CASE NO. 5220  
ORDER TO SHOW CAUSE

-----  
July 13, 1962  
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S T A T E M E N T

By the Commission:

On November 30, 1956, the Commission entered its Decision No. 46900 in Applications Nos. 14868-Transfer, 14869-Transfer, and 14870-Transfer.

On May 28, 1962, "Petition for Partial Rescission and Amendment of Order" was filed with the Commission by Jones, Meiklejohn, Kilroy and Kehl, Esqs., for and on behalf of Colorado Milk Transport, Inc., wherein it is prayed:

" . . . that this Commission forthwith issue an Order commanding William E. Ankeney, E. D. Mapes, Walter H. Short, Wallace H. Short, and Harry Connell, co-partners, doing business as 'Welco Milk Lines' to appear and show cause, if any, why Certificate of Public Convenience and Necessity P.U.C.No. 556 should not be partially rescinded and amended so as to comport with the true meaning and lawful scope of Decision No. 46900, dated November 30, 1956.

"AND FURTHER PRAYED that, after appropriate hearing and proceedings in the matter, this Commission make and enter its Supplemental Order in the title applications, partially rescinding and amending its Decision No. 46900, dated November 30, 1956, by striking and removing therefrom the following language:

" 'That the words 'Windsor Farm Dairy' wherever the same appear in the three authorities to be transferred should be, and are hereby, amended to read 'Beatrice Foods Co.' "

"AND FURTHER PRAYED that the Commission make and enter its Order declaring that the service heretofore authorized to Denver 'for the Windsor Farm Dairy' and 'to Windsor Farm Dairy' in Denver under said Certificates of Public Convenience and Necessity P.U.C. Nos. 556, 1425 and 1427, as consolidated in Certificate P.U.C. No. 556 in the title proceedings, is restricted, confined and limited to transportation to the site of the dairy, formerly known as 'Windsor Farm Dairy' and now known as 'Meadow Gold Dairies, Inc.', located at 1855 Blake Street, Denver, Colorado.

"AND FURTHER PRAYED that the Commission enter its Order commanding and requiring Welco Milk Lines to cease and desist from the involved transportation of milk to the City Park-Brookridge Farms, Inc. dairy located at 5512 Leetsdale Drive, Denver, Colorado."

### F I N D I N G S

#### THE COMMISSION FINDS:

That Welco Milk Lines, Evans, Colorado, Respondent herein, should be required to show cause why Decision No. 46900, of date November 30, 1956, should not be partially rescinded, as prayed by Colorado Milk Transport, Inc., and that hearing should be held upon said matter, as provided in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Welco Milk Lines, Evans, Colorado, be, and hereby is, required to show cause or answer on or before the 6th day of August, 1962, why Decision No. 46900, of date November 30, 1956, should not be partially rescinded, as prayed by Colorado Milk Transport, Inc., as set forth in the Statement preceding, which is made a part hereof, by reference.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 13th day of July, 1962.

ea

*Joseph F. Nigro*  
*Rueph C. Holton*  
*Henry E. Zuley*  
Commissioners.

IN THE MATTER OF THE APPLICATION  
OF THE MOON LAKE ELECTRIC ASSOCI-  
ATION, INC., VERNAL, UTAH, TO HAVE  
AUTHORITY TO EXECUTE AND DELIVER  
CERTAIN LOAN CONTRACTS TO THE RURAL  
ELECTRIFICATION ADMINISTRATION.

APPLICATION NO.19217  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application of Moon  
Lake Electric Association, Inc., a non-profit corporation in  
the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on  
July 25, 1962, at 9:00 o'clock A. M., 532 State Services Building,  
Denver, Colorado, respecting the matters involved and issues  
presented in the proceeding. Any interested municipality or any  
representative of interested consumers or security holders of  
applicant corporation, and any other person whose participation  
herein is in the public interest, may intervene in said pro-  
ceedings. Intervention petitions should be filed with the Commis-  
sion on or before July 19, 1962, 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 inter-  
veners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Rueph C. Hutton*  
*Henry E. Kellings*  
Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ITEM NO. 865, FREIGHT TRANSPORTED )  
 IN "CARGOTAINERS," COLORADO MOTOR )  
 CARRIERS' ASSOCIATION, AGENT, TARIFF )  
 NO. 12-A, COLORADO P.U.C. NO. 11. )  
 - - - - -

INVESTIGATION AND SUSPENSIONDOCKET NO. 495

- - - - -  
 July 16, 1962  
 - - - - -

S T A T E M E N TBY THE COMMISSION:

On June 14, 1962, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed with the Commission, 1st Revised Page No. 89-A to its Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, scheduled to become effective July 20, 1962, proposing reduced charges on freight transported in "Cargotainers," said item reading as follows:

RULES AND REGULATIONS	
Item No.	Application
865	<p><u>Freight Transported in "Cargotainers":</u>          Freight, weighing 1,500 pounds or more per container, transported in shipping containers referred to as "Cargotainers" (as described in Note 1 below) will be charged for at the actual weight of the freight contained therein when the weight of the cargotainer is shown as a separate item on the shipper's Bill of Lading.</p> <p><u>NOTE 1:</u> When reference is made to this note, the word "Cargotainers" will mean only a specifically designed, collapsible, steel wire mesh container which will be no less than 36 inches wide, 46 inches in length and 24 inches in height. (The provisions of this item will not apply via Frederic A. Bethke, d/b/a Bethke Truck Lines.)</p>

/ - Denotes addition.  
 (R) - Denotes reduction.

The provisions as set forth above may, if permitted to become effective, result in charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of the said schedules should be suspended and an investigation instituted upon the Commission's own motion concerning the lawfulness of the rates and charges contained therein.

## F I N D I N G S

### THE COMMISSION FINDS:

That upon its own motion, without formal pleading, the schedule as referred to in the statement herein should be suspended and that it enter upon a hearing concerning the lawfulness thereof.

## O R D E R

### THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.
2. It shall, upon its own motion, enter upon a hearing concerning the lawfulness of the changes published in Item No. 865, Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, P.U.C. No. 11, issued to become effective July 20, 1962.
3. The operation of said schedule shall be suspended and the use of the said schedule shall be deferred 120 days, or until November 17, 1962, unless otherwise ordered by the Commission, and no change shall be made during the said period of suspension.
4. The rates, rules and regulations thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.
5. Seven days prior to the hearing date hereon, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which respondent intends to introduce in evidence in support of its case.
6. A copy of this order shall be filed with said tariff in the office of the Commission and that a copy hereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado.
7. This Investigation and Suspension Docket No. 495 be assigned for hearing at a future date to be determined by the Commission,

due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hahn  
Sam E. Spalding  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of July, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DEL TEET FURNITURE COMPANY )  
621 E. Colfax )  
Denver 2, Colorado )  
----- )

AUTHORITY NO. M 6653

CASE NO. 9203 Ins.

-----  
July 18, 1962  
-----

S T A T E M E N T

By the Commission:

On July 5, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Hooton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,  
this 18th day of July, 1962

original

(Decision No. 58930)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM R. MOORE, DOING BUSINESS AS )  
KING VAN OF DENVER, FOR AUTHORITY )  
TO MORTGAGE PUC CERTIFICATE NO. 334 )  
TO PIKE'S PEAK BANK OF COMMERCE, )  
COLORADO SPRINGS, COLORADO. )  
----- )

APPLICATION NO. 19216-Mortgage

-----  
July 17, 1962  
-----

S T A T E M E N T

By the Commission:

The above-styled certificate-holder seeks authority to mortgage PUC No. 334 heretofore issued to him by this Commission, to Pike's Peak Bank of Commerce, Colorado Springs, Colorado, to secure payment of the sum of \$27,500.00, in accordance with the terms and conditions set forth in Chattel Mortgage, of date July 10, 1962, executed by William R. Moore, payable to Pike's Peak Bank of Commerce, said Mortgage, by reference, being made a part hereof.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.



O R D E R

THE COMMISSION ORDERS:

That William R. Moore, doing business as "King Van of Denver," should be, and hereby is, authorized to mortgage all his right, title and interest in and to PUC No. 334 to Pike's Peak Bank of Commerce, Colorado Springs, Colorado, to secure payment of the sum of \$27,500.00, as set forth in the Statement preceding.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT ROY WITCHEL, DOING BUSINESS )	
AS "WITCHEL & SON," 7280 KRAMERIA )	
STREET, DERBY, COLORADO, FOR A CLASS )	APPLICATION NO. 19148-PP
"B" PERMIT TO OPERATE AS A PRIVATE )	<u>SUPPLEMENTAL ORDER</u>
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
July 17, 1962  
-----

Appearances: Robert Roy Witchel, Derby,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 58874, of date July 5, 1962, the applicant herein, Robert Roy Witchel, doing business as "Witchel & Son," Derby, Colorado, was authorized to engage in sand and gravel trucking operations. It has now been learned that the applicant also desired the transportation of natural fertilizer within a fifty mile radius of Denver, Colorado, which was inadvertently omitted from applicant's authority, and said Order should be amended to include the transportation of natural fertilizer.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 58874 should be amended, as provided in the Order following.

O R D E R

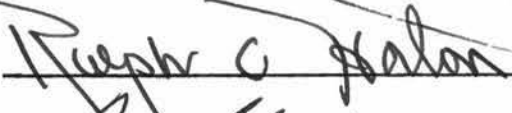

THE COMMISSION ORDERS:

That Decision No. 58874, of date July 5, 1962, be, and the same is hereby, amended, nunc pro tunc, as of said 5th day of July, 1962, by striking the entire second paragraph of the Order in said Decision No. 58874, and inserting in lieu thereof the following, so that the second paragraph of said Order, as amended, shall read:

"That Robert Roy Witchel, Derby, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and 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; natural fertilizer, between points within a 50-mile radius of Denver, Colorado; 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 being restricted against the use of tank vehicles."

That, except as herein amended, said Decision No. 58874 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASED HOURLY CHARGES - HOUSEHOLD  
GOODS - TRANSPORTED A DISTANCE OF 30  
MILES OR LESS; ALSO RATES AND CHARGES ON  
GENERAL COMMODITIES, INCLUDING HOUSEHOLD  
GOODS - BETWEEN POINTS WITHIN THE CITY OF  
COLORADO SPRINGS, COLORADO.

INVESTIGATION AND SUSPENSION

DOCKET NO. 485

July 17, 1962

S T A T E M E N T

BY THE COMMISSION:

On February 20, 1962, the Colorado Motor Carriers' Association, Agent, J. R. Smith, Chief of Tariff Bureau, for and on behalf of Cowen Transfer & Storage, Inc., Colorado Springs, Colorado, filed with this Commission, 3rd Revised Page No. 63 and 4th Revised Page No. 65-A, to its Motor Freight Tariff No. 14, Colorado P.U.C. No. 12 and Supplement No. 5 to Cowen's Local Cartage Tariff No. 1, Colorado P.U.C. No. 1, proposing increased rates and charges on household goods and general commodities to become effective March 22, 1962.

Decision No. 58244, dated March 20, 1962, suspended said schedules until July 20, 1962. It now appears that the matter cannot be concluded within the 120-day suspension period and therefore should be further suspended for an additional period of six (6) months.

F I N D I N G S

THE COMMISSION FINDS, That:

The schedules as set forth in Decision No. 58244, published to become effective March 22, 1962, should be further suspended for an additional period of six (6) months or until and including January 20, 1963.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.

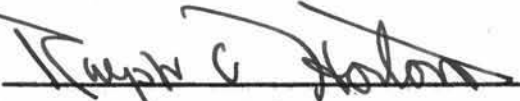
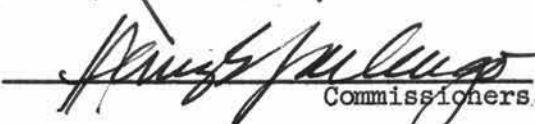
2. The operation of said schedules set forth in the statement herein, shall be further suspended for an additional period of six (6) months or until and including January 20, 1963, unless otherwise ordered by the Commission and no change shall be made during the said period of suspension.

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

4. Copies of this order shall be filed with each of the said tariffs in the office of the Commission and that copies be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado; Lawrence M. Cowen, President, Cowen Transfer & Storage, Inc., 3110 North Stone Avenue, Colorado Springs, Colorado; and C. H. Jonson, C.P.A., Kingsolver, White, Griffis & Jonson, Exchange National Bank Building, Colorado Springs, Colorado.

5. The necessary suspension supplements shall be issued to the tariffs referred to in the statement hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO NECESSARILY  
ABSENT AND DID NOT PARTICIPATE

Dated at Denver, Colorado,  
this 17th day of July, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASED CLASS AND COMMODITY RATES - )  
CANCELLATION OF JOINT RATES AND ROUTES - )  
RIO GRANDE MOTOR WAY, INC., ET AL. )  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 496

-----  
July 17, 1962  
-----

S T A T E M E N T

BY THE COMMISSION:

On June 27, 1962, the Colorado Motor Carriers' Association, Agent, filed numerous revised pages to its Tariff No. 12-A, Colorado P.U.C. No. 11, scheduled to become effective July 31, 1962, as referred to specifically in Appendix "A" hereto and which is made a part hereof, proposing cancellation of and additions to various local and joint routes published in connection with local and joint rates, resulting in increased and reduced local and joint class and commodity rates and charges for the transportation of freight between points and places within plains and mountain territories.

The increased rates and charges, the consequence of the cancellation of and additions to the various routes set forth in said schedules, may if permitted to become effective, result in rates and charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted upon the Commission's own motion into and concerning the lawfulness of the rates, charges and regulations contained therein.

F I N D I N G S

THE COMMISSION FINDS, That:

The rates, charges and routings, in connection therewith, applicable to freight transported between points and places within plains and mountain territories and as referred to specifically in Appendix "A" hereof, should be suspended upon the Commission's own motion, without formal pleading and that it enter upon a hearing concerning the lawfulness thereof.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.

2. It shall, upon its own motion, enter upon a hearing concerning the lawfulness of the rates and charges, resulting from the cancellation of and additions to the various routes, applicable to freight transported between the points and places referred to in Appendix "A" attached hereto.

3. The increased and reduced rates and charges and routings, in connection therewith, referred to in Ordering Paragraph 2 hereof, are hereby suspended and that the use thereof be deferred to and including November 28, 1962, unless otherwise ordered by the Commission.

4. The rates, charges and routings thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

5. Seven days prior to the hearing date hereon, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which respondents intend to introduce in evidence in support of their case.

6. A copy of this order shall be filed with said tariff in the office of the Commission and that a copy hereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado; Ernest P. Porter, Esq., Rio Grande Building, Denver, Colorado; Ralph E. Turano, General Traffic Manager, Rio Grande Motor Way, Inc., 775 Wazee Street, Denver 4, Colorado; Charles D. Mathews, Esq., P. O. Box 10837, Dallas 7, Texas; Ray Wilson, General Traffic Manager, Red Ball Motor Freight, Inc., P. O. Box 10837, Dallas 7, Texas; Larson Transportation Company, 775 Wazee, Denver 4, Colorado; and Grand Junction-Palisade Freight Line, Box 367, Palisade, Colorado.

7. This Investigation and Suspension Docket No. 496 be assigned for hearing at a future date to be determined by the Commission,

due notice of such date and place of hearing being given all parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

COMMISSIONER JOSEPH F. NIGRO NECESSARILY  
ABSENT AND DID NOT PARTICIPATE.

Dated at Denver, Colorado,  
this 17th day of July, 1962.

ph

# APPENDIX "A"

## COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT Local and Joint Freight Tariff No. 12-A Colorado PUC No. 11

### SECTION NO. 1 - CLASS RATES

#### Between Colorado Springs, Colorado, and Index Nos.:

5th Revised Page No. 132

<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>
E2800	Alamosa	E2990	Capulin	E3130	Creede
E2830	Antonito	E3040	Center	E3170	Del Norte
E2890	Bayfield	E3100	Conejos	E3220	Durango
E2920	Blanca	E3110	Cortez	E3230	Dyke

5th Revised Page No. 133

E3330	Ft. Garland	E3490	Hooper	E3570	La Veta
E3380	Gibson	E3520	Ignacio	E3640	Manassa
E3470	Hesperus	E3550	La Jara	E3650	Mancos
E3480	Home Lake	E3560	La Valley	E3720	Mineral Hot Springs

4th Revised Page No. 134

E3740	Moffat	E3950	Piedra	E4160	Sanford
E3750	Monte Vista	E4110	Romeo		
E3770	Mosca	E4120	Russell		
E3850	Pagosa Springs	E4130	Saguache		

5th Revised Page No. 135

E4240	Silverton	E4390	Wagon Wheel Gap
E4280	South Fork		
E4310	Sunetha		
E4370	Villa Grove		

#### Between Denver, Colorado, and Index Nos.:

16th Revised Page No. 141

E6980	Alamosa
E7070	Antonito
E7330	Bayfield

20th Revised Page No. 142

E7460	Blanca
-------	--------

17th Revised Page No. 143

E7880	Capulin
E7980	Center
E8150	Conejos

21st Revised Page No. 144

E8210	Cortez	E8520	Dyke
E8250	Creede		
E8390	Del Norte		
E8510	Durango		

22nd Revised Page No. 145

E8910	Ft. Garland
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Between Denver, Colorado, and Index Nos.:

19th Revised Page No. 146

<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>
E9170	Gibson				
E9530	Hesperus				

24th Revised Page No. 147

E9600	Home Lake
E9610	Hooper
E9730	Ignacio
E10020	La Jara

19th Revised Page No. 148

E10120	La Valley
E10130	La Veta
E10410	Manassa
E10420	Mancas

22nd Revised Page No. 149

E10650	Mineral Hot Springs	E10890	Ojo
E10680	Moffat		
E10710	Monte Vista		
E10770	Mosca		

18th Revised Page No. 150

E10990	Pagosa Springs
E11140	Piedra

16th Revised Page No. 151

E11630	Romeo
E11680	Russell
E11710	Saguache
E11740	Sanford

17th Revised Page No. 152

E11990	Silverton
E12080	South Fork

23rd Revised Page No. 153

E12230	Sunetha
E12520	Villa Grove
E12570	Wagon Wheel Gap

Between Grand Junction, Colorado, and Index Nos.:

6th Revised Page No. 162

#16360	Palisade
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Between Pueblo, Colorado, and Index Nos.:

6th Revised Page No. 176

*C24130	Rio Blanco
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Between Walsenburg, Colorado, and Index Nos.:

2nd Revised Page No. 182

<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>	<u>Index No.</u>	<u>Point</u>
E/27630	Austin	E/27830	Eagle	E/27940	Gypsum
E/27640	Avon	**C27870	Fruita	E/27980	Hotchkiss
E/27670	Buena Vista	E/27900	Glenwood Springs	E/28000	Iola
E/27720	Cimarron	E/27910	Grand Junction	E/28040	Leadville
E/27730	Clifton	E/27920	Grand Valley	**C28050	Loma
E/27780	Debeque	E/27930	Gunnison	**C28060	Mack
E/27800	Delta				

2nd Revised Page No. 183

E/28110	Minturn	E/28210	Paonia	E/28380	Sapinero
E/28140	Montrose	#/28230	Placerville	E/28390	Silt
E/28160	New Castle	E/28270	Red Cliff	E/28410	Somerset
E/28170	Olathe	E/28280	Ridgway	E/28470	Whitewater
E/28180	Ouray	E/28290	Rifle	E/28480	Wolcott
E/28200	Palisade				

SECTION NO. 2 - COMMODITY RATES

9th Revised Page No. 201

<u>Item No.</u>		<u>Between</u>	<u>And</u>	<u>Route</u>
1545	Coin Containers, telephone, with records and keys, in composition cases and/or coin receptacles, telephone, with or without coins, in composition cases, released to a value not exceeding 50¢ per pound.	Cortez, Colo. Durango, Colo. Silverton, Colo.	Denver, Colo. Denver, Colo. Denver, Colo.	E E E

3rd Revised Page No. 223

<u>Item No.</u>	<u>From</u>	<u>To</u>	<u>Route</u>
2230	Meats, fresh, and packing house products, as described in Items Nos. 440 and 470.	Alamosa, Colo. Antonito, Colo. Blanca, Colo. Capulin, Colo. Center, Colo.  Creede, Colo. Del Norte, Colo. Ft. Garland, Colo. Hooper, Colo. La Jara, Colo.  La Valley, Colo. Manassa, Colo. Mineral Hot Springs, Colo. Moffat, Colo. Monte Vista, Colo.	E E / E / E / E  E E E / E E /  E / E /  E E E E

<u>Item No.</u>		<u>From</u>	<u>To</u>	<u>Route</u>
2230	(Continued)	Denver, Colo.	Mosca, Colo.	E
			Romeo, Colo.	E /
			Saguache, Colo.	E
			Sanford, Colo.	E /
			San Luis, Colo.	E /
			South Fork, Colo.	E
			Villa Grove, Colo.	E
			Wagon Wheel Gap, Colo.	E

<u>Item No.</u>		<u>From</u>	<u>To</u>	<u>Route</u>
2710	Tires, rubber, pneumatic, old, second-hand, having value only for scrap or retreading, loose, wrapped or in packages.	Alamosa, Colo.		E
		Creede, Colo.		E
		Del Norte, Colo.		E
		Hooper, Colo.		E
		Moffat, Colo.	Denver, Colo.	E
		Monte Vista, Colo.		E
		Mosca, Colo.		E
		Salida, Colo.		o /
		South Fork, Colo.		E
		Villa Grove, Colo.		E

## SECTION NO. 1 - DISTANCE CLASS RATES

3rd Revised Page No. 184

3rd Revised Page No. 185

Original Page No. 189-A

Original Page No. 189-B

Application of mileage class rate scale for account of Carbon Motorway, Inc.

\*\*C denotes - Change to Route 164 (Rio Grande Motor Way, Inc., Grand Junction, Colorado, Carbon Motorway, Inc.) from Route 165 (Red Ball Motor Freight, Inc., Pueblo, Colorado, Rio Grande Motor Way, Inc., Grand Junction, Colorado, Carbon Motorway, Inc.)

\*C denotes - Change to Route 95 (Rio Grande Motor Way, Inc., Denver, Colorado, Larson Transportation Company, Craig, Colorado, Ringsby Truck Lines, Inc.) from Route 87 (Rio Grande Motor Way, Inc. - Direct.

E denotes - Elimination of Routing 79 (Red Ball Motor Freight, Inc., Pueblo, Colorado, Rio Grande Motor Way, Inc.)

/ denotes - Addition of Route 87 (Rio Grande Motor Way, Inc. - Direct.

#/ denotes - Addition of Route 94 (Rio Grande Motor Way, Inc., Grand Junction or Montrose, Colorado, Telluride Transfer Co.) (No previous routing in effect.)

o/ denotes - Addition of Route 87 (Rio Grande Motor Way, Inc. - Direct. (No previous routing in effect.)

#+ denotes - Addition of Route 102 (Grand Junction-Palisade Freight Line - Direct.)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. P. GAS, INC. )  
Oberlin, Kansas )  
----- )

AUTHORITY NO. M 11421  
CASE NO. 9249 Ins.

-----  
July 19, 1962  
-----

S T A T E M E N T

By the Commission:

On July 5, 1962,, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Hobson  
Wm. E. Zedinger  
Commissioners

Dated at Denver, Colorado,  
this 19th day of July, 1962

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PRESCRIPTION OF )  
RATES, RULES AND REGULATIONS FOR THE )  
TRANSPORTATION OF LIVESTOCK IN ADAMS, )  
BOULDER, LARIMER AND WELD COUNTIES, )  
COLORADO, AND BETWEEN POINTS IN THOSE )  
COUNTIES, ON THE ONE HAND, AND ON THE )  
OTHER, THE DENVER UNION STOCK YARDS )  
AND POINTS WITHIN A FIVE-MILE RADIUS )  
THEREOF. )  
- - - - - )

CASE NO. 1585

- - - - -  
July 18, 1962  
- - - - -

Appearances: John H. Lewis, Esq.,  
Denver, Colorado,  
for Petitioner;  
Donald Brotzman, Esq.,  
Boulder, Colorado,  
for Sorenson Truck  
Service;  
A. J. Tait, Denver,  
Colorado, for the  
Staff of the Commission.

S T A T E M E N T

By the Commission:

On September 5, 1961, Yockey Trucking Company, Inc. filed a Petition with this Commission, asking the Commission to prescribe rates, rules and regulations for the transportation of livestock in Adams, Boulder, Larimer and Weld Counties, Colorado, and between points in those counties, on the one hand, and the Denver Union Stockyards and points located within five miles of the Denver Union Stockyards, on the other hand.

The above Petition was regularly set for hearing, after statutory notice to all interested parties, on November 20, 1961, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, for the taking of evidence and testimony pertaining to said Petition, at which time and place the matter was heard and taken under advisement.

When the matter was called for hearing, the Petitioner added the following amendment to its original prayer, which is as follows:

"or, in the alternative, to prescribe the minimum rates, fares, and charges to be collected by private carriers for the transportation of livestock in Adams, Boulder, Larimer and Weld Counties, Colorado, and between points in those counties, on the one hand, and, on the other, the Denver Union Stockyards and points located within five (5) miles of the Denver Union Stockyards, as provided by the Colorado Revised Statutes, 1953, 115-11-12, where it is stated that it is the duty of the Commission to prescribe such rates."

By Decision No. 56837, dated July 17, 1961, this Commission prescribed rates, rules and regulations for the transportation of livestock throughout the State of Colorado, excepting therefrom the transportation of livestock between points in the Counties of Adams, Boulder, Larimer and Weld, and between points in those counties on the one hand, and Denver Union Stockyards and points located within a five-mile radius of said stockyards on the other.

Petitioner herein contends that it is the duty of the Commission to prescribe rates in the territory exempted above so that common carrier service will not be destroyed. It is further contended that the rates for the transportation of livestock should be uniform throughout the State of Colorado, with the differential as to the transportation in mountain territory or in plain territory.

Petitioner further alleges that the rates prescribed therein for this territory should be the rates asked for in Case No. 1585, which was decided July 17, 1961. Petitioner offered no evidence as to the reasonableness of the rates asked for resulting in Decision No. 56837, and in our decision we considered these rates, and said:

"Inasmuch as the respondents in their proposal have requested that the distances to be used in applying rates on shipments moving between the Denver Union Stock Yards and points in the counties of Adams, Boulder, Larimer and Weld, along with Jefferson, Morgan and Washington, be those presently prescribed instead of the actual road map miles, it would appear that in doing this the continued use of the zone or block group rates is desirable.

"From a practical standpoint, there does not seem to be anything particularly wrong with such a system. However, we are not in a position to incorporate such a method in an order without a further exhaustive study of all the existing circumstances and conditions in these counties."

The rates under Decision No. 56837 have not been in effect a year, and the Commission has not had the opportunity to compile costs to determine what is a just and reasonable rate. In effect, what Petitioner is asking for is to reverse our ruling in Decision No. 56837, without the addition of any material evidence. This, the Commission feels, we cannot do, for the reason that we are not in a position to determine what rates are just and reasonable and, therefore, are not in a position to prescribe rates for private carriers.

A review of the private carrier tariffs filed with the Commission for transportation of livestock in the four counties above referred to discloses that none of these private carriers have filed rates that are lower than those filed by the common carriers. In other words, the mere prescription of rates means nothing because it would not change the transportation situation in the four counties involved.

It therefore appears to the Commission that we are not justified in prescribing any rates at this time, and that the prayer of the instant Petition be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the prayer of the instant Petition be denied for the reasons heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

That the Petitioner has failed to present any new evidence supporting its contention, resulting in the fact that the Commission finds itself in no better position to prescribe rates than it was at the time of Decision No. 56837.


#### O R D E R

##### THE COMMISSION ORDERS:

That the instant Petition be, and the same is hereby, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 18th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DOROTHY TINDALL, 274 28 $\frac{1}{2}$  ROAD, GRAND )  
JUNCTION, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 19080

-----  
July 18, 1962  
-----

Appearances: Cecil S. Haynie, Esq.,  
Grand Junction, Colo-  
rado, for Applicant;  
Phillip S. Icke, Esq.,  
Ouray, Colorado, for  
the Town of Nucla and  
San Miguel Power  
Association;  
T. L. Brooks, Esq., Montrose,  
Colorado, for Orville  
Dunlap;  
Ernest Porter, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On January 12, 1962, Dorothy Tindall, the applicant herein, filed her application for a certificate of public convenience and necessity for the transportation of freight, passengers and express from, to and between Grand Junction, Colorado, and Nucla, Colorado, and to all intermediate points via U. S. Highway #50 from Grand Junction to Whitewater, Colorado; Colorado Highway #141 from White-water, Colorado, to Vanorem, Colorado; Colorado Highway #145 from Vanorem, Colorado, to Naturita, Colorado; and Colorado Highway #97 from Naturita, Colorado, to Nucla, Colorado, with pickup and delivery service within the City of Grand Junction, Colorado, save and except no authority is requested to render services between Grand Junction, Colorado, to Whitewater, Colorado, or from Whitewater, Colorado, to Grand Junction, Colorado, or points intermediate thereto; excluding

therefrom the transportation of livestock, uncrated household goods and office furniture, and heavy commodities requiring special equipment for handling.

On April 9, 1962, Temporary Authority was granted to applicant by Louis J. Carter, Supervisor Complaint and Investigation Division of the Commission, as follows:

"This will be the temporary authority of Dorothy Tindall, 274 28 $\frac{1}{2}$  Road, Grand Junction, Colorado, to engage in the transportation of passengers, freight, and express, excluding transportation of livestock, uncrated household goods and office furniture, and heavy commodities requiring special equipment for handling, from, to, and between Grand Junction, Colorado, and Nucla, Colorado, and all intermediate points via U. S. Highway No. 50 from Grand Junction to Whitewater, Colorado; Colorado Highway No. 141 from Whitewater to Vanorem, Colorado; Colorado Highway No. 145 from Vanorem to Naturita, Colorado; and Colorado Highway No. 97 from Naturita to Nucla, Colorado, PROVIDED, no service shall be rendered between Grand Junction to Whitewater, or from Whitewater to Grand Junction, or points intermediate thereto."

The above matter was regularly set for hearing after statutory notice to all interested parties, and heard at the County Court Room of the Court House in Grand Junction, Colorado, on June 12, 1962, at ten o'clock A. M., and at the conclusion thereof, was taken under advisement.

At the hearing on the above date, the attorney for applicant stated that it was the desire of applicant to limit the application to the picking up of passengers only at the bus terminal.

Mrs. Dorothy Tindall, the applicant, testified that she holds the mail contract between Grand Junction and Nucla, and makes delivery of mail six days a week excepting holidays. It appears that her husband had held the mail contract prior to his death, and due to the demand for his services, he secured freight authority to serve between Grand Junction and Gateway; passenger and express authority between Grand Junction and Uravan, which he operated for some time. Upon her husband's death, the authority was transferred to one Hawks, who held authority between Uravan and Nucla, so that the express and passenger service which was operated under the Hawks authority was now extended to Nucla.

This service was operated for some time, Hawks hauling the mail under some kind of agreement with the applicant herein.

Some differences of opinion have arisen between Hawks and the applicant, and the applicant now has equipment delivering mail between Grand Junction and Nucla, Hawks having discontinued all service of freight, express and passengers. As a result, and after request on the part of the applicant, the Enforcement Division of the Commission granted Temporary Authority, as heretofore set forth, to take care of the transportation needs, and applicant is presently operating under that authority.

This is one of the peculiar transportation problems that arise in many of our remote areas of Colorado, where there is not enough business to justify daily scheduled freight service unless the carrier has the advantage of the mail contract, but with the mail contract, the operation then becomes economically feasible. The service is needed by the public in that area, and applicant produced some ten or twelve witnesses who testified as to the definite need of the service and the dependence they placed on that service in the conduct of their business. They have received this service for several years, and to now take away the service would work a definite hardship upon the public.

The record discloses that the need for this service is confined largely to small shipments, viz., shipments under 75 pounds, and the authority heretofore held by Hawks seems to fit the needs of these communities, but to grant additional authority beyond that would work a hardship upon the call and demand common carriers who handle large shipments and now serve the area.

Orville Dunlap, who operates in the territory and who has a general freight service authority extending to Nucla and on occasions to Uravan, will take care of the service going through the Montrose gateway. The service of applicant herein is limited to freight originating in Grand Junction, which is a supply point for this area.

The Commission realizes that we have a peculiar situation in this territory, and it is our best judgment, after listening to the evidence and the investigation of our Enforcement Division that granted the Temporary Authority, that this service is definitely needed, and if of benefit to the area served, as well as to the shippers who ship to that area.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That applicant is well qualified financially, and by experience, to carry on the proposed operations.
2. That the proposed service is not only needed by the residents of the area to be served but also by the shippers serving that area.
3. That public convenience and necessity require the granting of the certificate, as hereinafter restricted.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle scheduled service of Dorothy Tindall, 274 28 $\frac{1}{2}$  Road, Grand Junction, Colorado, for the transportation of freight between Grand Junction, Colorado, and Uravan, Colorado, with pickup and delivery service within the City of Grand Junction, and all intermediate points via Colorado Highway No. 141, excluding therefrom the transportation of livestock, uncrated household goods, and office furniture, and heavy commodities requiring special equipment for handling same, save and except no service is authorized between Grand Junction and Whitewater, or Whitewater and Grand Junction, or points intermediate thereto.

Transportation of passengers and express between Grand Junction and Nucla, Colorado, and intermediate points via U. S. Highway No. 50 to Whitewater via Colorado Highway No. 141 from Whitewater to Naturita, and via Colorado Highway No. 97 from Naturita to Nucla, save and except that no service shall be rendered between

Grand Junction and Whitewater and intermediate points, and said express shipments shall be limited to 75 pounds in weight, and with the right to pick up passengers in Grand Junction only at the regularly-designated bus terminal, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

That applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 18th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CENTRAL BANK AND TRUST COMPANY, )  
GLADYS M. COSPER, AND JACKIE LEE )  
COSPER, CO-EXECUTORS OF THE ESTATE )  
OF WALTER B. COSPER, DECEASED, )  
DOING BUSINESS AS "WALTER B. COS- )  
PER TRUCKING COMPANY," 4415 MC- )  
INTYRE, GOLDEN, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19172-PP

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July 19, 1962  
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Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicant;  
Ernest Porter, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On May 29, 1962, the applicant filed an application with this Commission for authority to operate as a private carrier by motor vehicle for hire, for the transportation of crated lettuce, from cooling plants, and potatoes, in bags, from fields and storage facilities, from Alamosa, Colorado and a radius of fifty miles thereof, to points within the City of Denver, Colorado, and a radius of ten miles thereof; peaches, apples and pears, from Delta and Mesa Counties, Colorado, to Denver, Colorado, and a radius of ten miles thereof.

The application was regularly set for hearing after statutory notice to all interested parties, and was heard July 9, 1962, at 9:30 o'clock A. M., at 532 State Services Building, Denver, Colorado, and at the conclusion thereof, the matter was taken under advisement.

The record discloses that Central Bank and Trust Company, Gladys M. Cosper, and Jackie Lee Cosper, co-executors of the Estate of

Walter B. Cospers, Deceased, are doing business as "Walter B. Cospers Trucking Company," said company having been in the trucking business many years and presently holds interstate authority from the Interstate Commerce Commission.

The record further discloses that applicant is an experienced operator, is financially responsible, and has been solicited by shippers for the authority sought. Five representatives from commission houses located at the Denargo Market appeared and testified as to their need for applicant's proposed service. These witnesses contend that applicant has equipment better suited to their needs, and that the nature of this hauling calls for immediate service, especially during the harvest season, at which time the common carrier equipment is not available.

A representative of Rio Grande Motor Way, Inc. appeared protesting the granting of the application, contending his company needed this traffic to enable it to continue line-haul operations. They contend they could handle the business of the witnesses here testifying; that they are presently operating "in the red" and they need this back-haul business.

In determining an application for a private carrier permit, it is well to review our statutory authority. 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."

In the application before us, we find a carrier who has special refrigerated equipment, who desires to serve a few shippers, giving to them a service under contract which provides for immediate service under special conditions. This type of authority is recognized by our Private Carrier Act, and the fact that the advantage

accruing to shippers does not as a matter of fact directly apply to the general public cannot be taken as establishing that such operations are not in the public interest.

Witnesses complained as to the availability of protestant's service, and indicated it was their opinion that they would obtain a better and more dependable service if the applicant is permitted to serve them.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the record and the evidence discloses that applicant is well qualified, both by experience and financial responsibility, to operate as a private carrier by motor vehicle for hire.
2. That applicant's equipment is refrigerated in summer to protect from the heat, and heated in the winter to protect from freezing, thereby assuring the customers of a dependable and satisfactory service, both winter and summer.
3. That the service offered by Rio Grande Motor Way -- the protestant herein -- is not adequate to take care of the needs of witnesses here appearing.
4. That after careful consideration of the evidence and record, we are of the opinion, and so find as a fact, that the service hereinafter authorized will not impair the efficient public service of protesting common carriers appearing at the hearing.
5. That applicant is fit, willing and able to perform the aforesaid transportation service, and will conform to the provisions of the Private Carrier Act and the rules and regulations thereunder.
6. That the application for a private carrier permit should be granted for the additional findings of fact heretofore set forth in our Statement, which is made a part of these Findings by reference.

### O R D E R

#### THE COMMISSION ORDERS:

That the Walter B. Cospers Trucking Company (Central Bank and Trust Company, Gladys M. Cospers, and Jackie Lee Cospers, co-executors of the Estate of Walter B. Cospers, Deceased), be, and hereby is,

authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of crated lettuce, from cooling plants, and potatoes, in bags, from fields and storage facilities, from Alamosa, Colorado, and a radius of fifty miles thereof, to points within the City of Denver, Colorado, and a radius of ten miles thereof; peaches, apples and pears, from Delta and Mesa Counties, Colorado, to Denver, Colorado, and a radius of ten miles thereof, for the following customers, only:

Red Owl Stores, Inc.,	3001 Brighton Blvd., Denver, Colo.
Simeone Brothers,	202 Denargo Market, Denver, Colo.
Mile High Fruit and Vegetable Company,	Denargo Market, Denver, Colo.
Palmer and Johnson Company,	111 Denargo Market, Denver, Colo.
Famularo & Sons,	213 Denargo Market, Denver, Colo.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon its 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ALEX SCHNEIDER, JR., 734 FACTORY	)	
AVENUE, LOVELAND, COLORADO, FOR	)	
AUTHORITY TO TRANSFER PERMIT NO.	)	<u>APPLICATION NO. 19196-PP-Transfer</u>
B-5497 TO LARRY L. HIGHLAND, 937	)	
COFFMAN STREET, LONGMONT, COLORADO.	)	
- - - - -	-)	

- - - - -  
July 19, 1962  
- - - - -

Appearances: Alex Schneider, Jr.,  
Loveland, Colorado,  
pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Alex Schneider, Jr., Loveland, Colorado, is the owner  
and operator of Permit No. B-5497, authorizing:

Transportation of sand, gravel, and other road-  
surfacing materials used in the construction of  
roads and highways, from pits and supply points  
in the State of Colorado, to road jobs, mixer  
and processing plants within a radius of fifty  
miles of said pits and supply points; sand and  
gravel, from pits and supply points in the State  
of Colorado, to railroad loading points, and to  
homes and small construction jobs within a radius  
of fifty miles of said pits and supply points;  
sand, gravel, dirt, stone, and refuse, from and  
to building construction jobs, to and from points  
within a radius of fifty miles of said jobs;  
insulrock, from pits and supply points in the  
State of Colorado, to roofing jobs within a  
radius of fifty miles of said pits and supply  
points; sugar beet samples, from points within  
a radius of sixty miles of Loveland, Colorado,  
to the Great Western Sugar Company Plant located  
at Loveland, Colorado, for said Great Western  
Sugar Company, only; said operations to be limited  
to the use of dump trucks, only, except as to beet  
samples, as to which a private passenger automobile  
may also be used,

and by the instant application seeks authority to transfer said  
Permit No. B-5497 to Larry L. Highland, Longmont, Colorado.

The application was set for hearing on July 10, 1962, at ten  
o'clock A. M., at the 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 transferee is a fit and proper person, will have sufficient equipment and experience to continue operations under said permit, and the transferee's financial standing is established to the satisfaction of the Commission.

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:

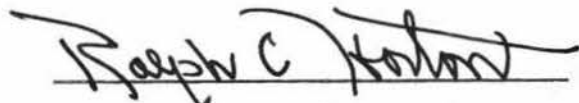

That Alex Schneider, Jr., Loveland, Colorado, be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5497 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Larry L. Highland, Longmont, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WENDELL CARY AND DOROTHY CARY, )  
RURAL ROUTE 1, BOX 516, FORT COL- )  
LINS, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 19192-Transfer  
TRANSFER PUC NO. 4817 TO DEAN )  
KNOTWELL, ROUTE 4, BOX 270, FORT )  
COLLINS, COLORADO. )  
- - - - - )

- - - - -  
July 19, 1962  
- - - - -

Appearances: James P. Johnson, Esq.,  
Fort Collins, Colorado,  
for Transferors and  
Transferee.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Wendell Cary and Dorothy Cary, Fort Collins, Colorado,  
are the owners and operators of PUC No. 4817, authorizing:

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 be-  
tween cooling plants in Loveland and con-  
denseries 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,

and by the instant application, seek authority to transfer said PUC No. 4817 to Dean Knotwell, Fort Collins, Colorado.

The application was set for hearing on July 10, 1962, at ten o'clock A. M., at the 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 transferee is a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Wendell Cary and Dorothy Cary, Fort Collins, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 4817 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Dean Knotwell, Fort Collins, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hobart  
Hugh E. Zuluaga  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

original

(Decision No. 58940)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GORDON CASS AND NEIL CASS, ROUTE 1, )  
BOX 8, BRIGGSDALE, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 3267 ) APPLICATION NO. 19191-Transfer  
TO ROBERT PARKER, P. O. BOX 35, )  
EVANS, COLORADO. )  
- - - - - )

- - - - -  
July 19, 1962  
- - - - -

Appearances: Gordon Cass, Briggsdale,  
Colorado, for Transferors;  
Robert Parker, Evans, Colo-  
rado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Gordon Cass and Neil Cass, Briggsdale, Colorado, are the  
owners and operators of PUC No. 3267, authorizing:

Transportation of milk, from farms within  
a radius of twenty miles of Briggsdale,  
Colorado, to Johnstown, applicant not to  
receive nor to release for interline, any  
milk other than milk destined to Johns-  
town, Colorado,

and by the instant application, seek authority to transfer said PUC  
No. 3267 to Robert Parker, Evans, Colorado.

The application was set for hearing on July 10, 1962, at  
ten o'clock A. M., at the 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 Com-  
mission 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 a fit and proper person, will have sufficient equipment and experience to continue operations under said certificate, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Gordon Cass and Neil Cass, Briggsdale, Colorado, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3267 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Robert Parker, Evans, 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 transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper applications.

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

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

transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

original

(Decision No. 58941)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MISSOURI PACIFIC RAILROAD COMPANY )	
TO RETIRE TRACK NUMBER 9-13 AT )	APPLICATION NO. 19023
KING CENTER, COLORADO. )	
----- )	

-----  
July 19, 1962  
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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, Missouri Pacific Railroad Company, by its Attorney, did on March 30, 1962, file its Petition requesting authority to retire and remove Track No. 9-13 at King Center, Colorado.

King Center is located at Mile Post 855 on Applicant's main line extending eastward from Pueblo through Ordway and Eads, Colorado, to Kansas City, Missouri. Olney Springs is located 2.3 miles to the west and the station of Crowley is 3 miles to the east. Public notice of the proposed track withdrawal was posted on the Bulletin Board at the Crowley station, since no railroad facility is maintained at King Center.

According to the instant application, the trackage consists of a spur line 1017 feet long and is not a part of the main line; that agreement to serve the track and an industry known as The National Alfalfa Dehydrating and Milling Company was terminated January 12, 1960, by request of the industry and retroactive to October 13, 1958. In view of no present or readily foreseeable public demand, request is made for removal of the non-productive facility.

Upon investigation of this matter by the Commission, it appears that installation of the track was made under an easement granted to the railroad, dated September 3, 1910, by the Auckland Agricultural Company. A hay-mill and feed processing operation, using fuel-oil for heat, was carried on for some time and the service agreement was transferred to the above National Alfalfa operator, effective May 22, 1946.

It appears the last car shipped from King Center was in 1950 or 1951, when National Alfalfa Dehydrating abandoned its operation. Thereafter, numerous attempts were made to convert the buildings to other operations, but with no success. The present owner, Mr. George Pickering, La Junta, Colorado, has indicated he has no immediate prospects for use or sale of the property. Condition of trackage is very poor, due to the long period of non-use, the ties are badly rotted, track overgrown with brush, the rails at highway grade crossing have been covered over with asphalt paving material, and there is interference by the track structure with flow of water in an adjacent irrigation ditch.

In other inquiry made to local Missouri Pacific Freight Representative, it is reported the King Center section of Crowley County has been economically depressed for a long time, and now offers little or no prospects for improvement. There is no community development at King Center, and dwellings formerly connected with the early hay-mill operation have since been removed.

Rail facilities, consisting of siding trackage and switching services, are currently available at the adjoining towns of Olney Springs and Crowley, Colorado. Hence, it appears the public interest is being served.

No protests have been submitted, and since none appear in the files of the matter, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity in the King Center area is being adequately served by other existing stations and track facilities.

That insufficient public demand or usage now exists to properly justify continued operation and maintenance of the siding track now located at King Center, Colorado.

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above Statement and Findings be made a part hereof.

That the Missouri Pacific Railroad Company, Osawatomie, Kansas, be, and it hereby is, authorized to discontinue, dismantle, and take up, Spur Track No. 9-13, Mile Post 855, located at King Center, Crowley County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph L. Negro  
Ralph C. Hutton  
Wm. E. Jenkins  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of July, 1962.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTH SIDE MOVING & STORAGE, INC., )  
A COLORADO CORPORATION, 341 SOUTH )  
LINCOLN STREET, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
507 TO LIND MOVING AND STORAGE )  
COMPANY, INC., A COLORADO CORPORA- )  
TION, 3654 MARION STREET, DENVER, )  
COLORADO. )  
----- )

APPLICATION NO. 19211-Transfer

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July 19, 1962  
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Appearances: Leslie R. Kehl, Esq.,  
Denver, Colorado, for  
Transferor and Transferee.

S T A T E M E N T

By the Commission:

South Side Moving & Storage, Inc., a Colorado corporation,  
341 South Lincoln Street, Denver, Colorado, is the owner and operator  
of PUC No. 507, authorizing:

The conduct of a transfer, moving and general  
cartage business for the transportation of  
furniture, fixtures and household goods, in  
the City and County of Denver and in the  
counties of Adams, Arapahoe and Jefferson,  
and also occasional service throughout the  
State of Colorado and each of the counties  
thereof, subject to the following conditions:  
(a) For the transportation of commodities  
other than household goods between points  
served singly or in combination by scheduled  
carriers, the applicant shall charge rates  
which in all cases shall be at least twenty  
per cent (20%) in excess of those charged by  
the scheduled carriers; (b) The applicant  
shall not operate on schedule between any  
points; (c) The applicant shall not be per-  
mitted, without further authority from the  
Commission, to establish a branch office or  
to have any agent employed in any other town  
or city than Denver for the purpose of develop-  
ing business.

Conduct of a transfer, moving, and general  
cartage business, from point to point within  
the City and County of Denver, State of Colorado,

and by the instant application, seeks authority to transfer said  
operating rights to Lind Moving and Storage Company, Inc., a Colorado

corporation, 3654 Marion Street, Denver, Colorado.

The application was regularly set for hearing, after statutory notice to all interested parties, and was heard on July 16, 1962, at two o'clock P. M., at 532 State Services Building, Denver, Colorado, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that transferor is transferring and selling operating rights under PUC No. 507 to the transferee for the total purchase price of \$30,000.00, payable as set out in the Contract of Purchase and Sale, which is on file with the Commission; that transferee is a Colorado corporation, its Articles of Incorporation being also on file with the Commission; that transferee is well qualified by experience and financially to carry on the proposed operations, financial statement being on file with the Commission. The equipment of transferee appears to be adequate and suitable.

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

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

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 South Side Moving & Storage, Inc. be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 507 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Lind Moving and Storage Company, Inc., a Colorado corporation, 3654 Marion Street,

Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

original

(Decision No. 58943)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)	
PAUL G. NASH, LA PORTE, COLORADO,	)
FOR A CLASS "B" PERMIT TO OPERATE	)
AS A PRIVATE CARRIER BY MOTOR VE-	)
HICLE FOR HIRE.	)
-----	)
	)

APPLICATION NO. 19194-PP

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July 19, 1962  
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Appearances: Paul G. Nash, La Porte,  
Colorado, pro se.

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 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

The application was set for hearing on July 10, 1962, at ten o'clock, at the 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 there is a need for the proposed transportation services and 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 Paul G. Nash, La Porte, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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; the transportation of road-surfacing materials being restricted against the use of tank vehicles.

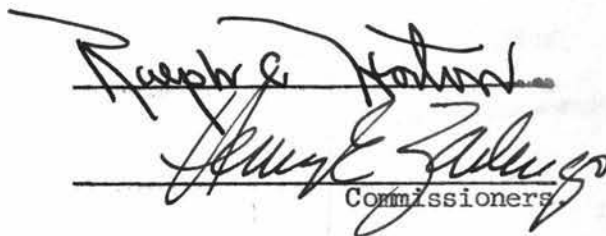
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

ea

original

(Decision No. 58944)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LARRY SWENDENER, BOX 277, LA PORTE, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 19195-PP

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July 19, 1962  
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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 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 precessing 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, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

The application was set for hearing on July 10, 1962, at ten o'clock A. M., at the Court House, Fort Collins, Colorado. The same was then and there called up for hearing by an Examiner duly designated and to whom the hearing was assigned by the Commission. The applicant failed to appear in person, or by represenative, and no protestant

appearing the files were made a part of the record and the matter taken under advisement. Thereafter said Examiner transmitted to the Commission the record and files 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 there is a need for the proposed transportation services and 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 Larry Swendener, 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 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; the transportation of road-surfacing materials being 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

mls

original

(Decision No. 58945)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RAY KOEHLER, P. O. BOX 249, FORT )	
COLLINS, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 19193-PP</u>
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	
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July 19, 1962  
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Appearances: Ray Koehler, Fort Collins,  
Colorado, pro se.

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 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 seventy-five 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 seventy-five 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 seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles.

The application was set for hearing on July 10, 1962, at ten o'clock A. M., at the 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 there is a need for the proposed transportation services and 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 Ray Koehler, 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 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 seventy-five 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 seventy-five 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 seventy-five miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five miles of said pits and supply points, the transportation

of road-surfacing materials being 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
BOTTENFIELDS OF COLORADO INC. )  
1334 Champa St. )  
Denver 2, Colorado )  
----- )

AUTHORITY NO. M 12262  
CASE NO. 9188 Ins.

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July 23, 1962  
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S T A T E M E N T

By the Commission:

On July 5, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. [unclear]  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of July, 1962

original

(Decision No. 58947)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. C. CLAUS, DANIEL A. MAC DONALD, )  
AND ROBERT W. DEAN, CO-PARTNERS, DO- )  
ING BUSINESS AS "GLENWOOD SCENIC )  
TOURS," 19 GRAND AVENUE, GLENWOOD )  
SPRINGS, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 18975

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July 19, 1962  
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Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicants;  
John R. Barry, Esq., Denver,  
Colorado, for Little Percent  
Taxi, Inc.;  
H. L. Lesh, Glenwood Springs,  
Colorado, for Glenwood-Aspen  
Stages.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By Decision No. 58839, dated June 28, 1962, the Commission denied the above-styled application.

On July 10, 1962, "Application for Rehearing" was filed in said matter by John P. Thompson, Attorney for Applicants.

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

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing in the above-styled matter, filed by John P. Thompson, Attorney for Applicants herein, 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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of July, 1962.

mls

original

(Decision No. 58948)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) JUAN I. MARTINEZ, BOX 17, FORT GAR- ) LAND, COLORADO, FOR AUTHORITY TO ) EXTEND OPERATIONS UNDER PERMIT NO. ) B-5269. )	APPLICATION NO. 18604-PP-Extension <u>AMENDED</u>
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July 20, 1962  
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Appearances: D. O. Tipton, Esq., San Luis,  
Colorado, for Applicant;  
Royce D. Stickler, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.;  
Elizabeth A. Conour, Esq., Del  
Norte, Colorado, for Gibson  
Truck Line.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No.  
B-5269, which authorizes operation as a private carrier by motor ve-  
hicle for hire, as follows:

transportation of farm produce, from point  
to point within a radius of sixty miles of  
Fort Garland, Colorado, excluding Alamosa,  
Monte Vista, and La Jara, Colorado; cull  
potatoes, from cellars within a sixty-mile  
radius of Fort Garland, Colorado, to the  
Starch Plant, only, at Monte Vista, Colo-  
rado; vegetables, from farms in the terri-  
tory presently served by him, to packing  
sheds and ice plant and tube mill in  
Alamosa, Colorado,

and by the instant application, applicant seeks to extend and enlarge  
such permit to authorize the transportation of farm produce (excluding  
livestock), from point to point within a radius of sixty miles of Fort  
Garland, Colorado; farm produce (excluding livestock), from points  
within a radius of sixty miles of Fort Garland, to Pueblo, Colorado

Springs, Denver, Loveland, Longmont, and Brighton, Colorado, with back-haul of farm machinery, equipment and supplies and seed, to be delivered to the farms, with no town-to-town service on back-haul.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 at the commencement of the hearing, applicant moved to amend his application to seek the following authority, to-wit:

transportation of farm produce (excluding livestock), from point to point within a radius of sixty miles of Fort Garland, Colorado; farm produce (excluding livestock), from points within a radius of sixty miles of Fort Garland, to Pueblo, Colorado Springs, Denver, Loveland, Longmont, and Brighton, Colorado, with no town-to-town service, restricted, however, to the use of bob-tail equipment, only.

That all parties appearing at the hearing agreed and stipulated to the amendment; and therefore, said amendment, restrictive in nature, was permitted.

That in view of said amendment protestants herein, accordingly, withdrew their protests to the granting of the authority as herein sought.

That there is a need for the proposed transportation services and 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 Juan I. Martinez, Fort Garland, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-5269 to include the right to transport farm produce (excluding livestock), from point to point within a radius of sixty miles of Fort Garland, Colorado; farm produce (excluding livestock), from points within a radius of sixty miles of Fort Garland, to Pueblo, Colorado Springs, Denver, Loveland, Longmont, and Brighton, Colorado, with no town-to-town service, restricted, however, to the use of bob-tail equipment, only, and this Order is the authorization therefor.

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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of July, 1962.

mls

original

(Decision No. 58949)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HAROLD O. MOEN, DEL NORTE, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE AS )	APPLICATION NO. 19207-PP
A PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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July 20, 1962  
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Appearances: Elizabeth A. Conour, Esq.,  
Del Norte, Colorado, for  
Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of logs and lumber, from point to point within a radius of fifty miles of Jefferson, Colorado, and from point to point within a radius of fifty miles of South Fork, Colorado; logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of fifty miles of said forests; rough lumber, from sawmills in said fifty mile radius, to markets in the State of Colorado, with no town-to-town service.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 herein appeared at the hearing and moved to amend his application by eliminating lumber from the authority; that there were no protests to the amendment, and therefore the same was granted.

No one appeared in protest to the granting of the application.

That there is a need for the proposed transportation services and 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 Harold O. Moen, Del Norte, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs from point to point within a radius of fifty miles of Jefferson, Colorado, and from point to point within a radius of fifty miles of South Fork, Colorado; logs, poles, and timber products, from forests to sawmills, places of storage, and loading points within a radius of fifty miles of said forests; rough lumber from sawmills in said fifty 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

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASED RATES ON HOUSEHOLD  
GOODS - MERRITT PACKING & CRATING  
SERVICE APPLYING BETWEEN POINTS IN  
THE STATE OF COLORADO.  
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INVESTIGATION AND SUSPENSION  
DOCKET NO. 484

-----  
July 20, 1962  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-styled matter was set for hearing on July 17, 1962, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was assigned to an Examiner, who was duly designated by the Commission to hold the hearing thereon on said date.

Prior to the time the instant matter was called for hearing, the applicant telephoned and requested that said matter be continued for hearing at a future date to be determined by the Commission.

The Commission is of the opinion and finds that the above-styled matter should be re-set for hearing at a future date convenient to the Commission, with notice to all interested parties.

O R D E R

THE COMMISSION ORDERS:

That Investigation and Suspension Docket No. 484 be, and the same hereby is, continued, to be re-set for hearing at a future date convenient to the Commission, with notice to all interested parties.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 20th day of July, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BUDDY TRUJILLO, BOX 309, CENTER, )  
COLORADO, FOR AUTHORITY TO EXTEND ) APPLICATION NO. 19202-PP-Extension  
OPERATIONS UNDER PERMIT NO. B-3818. )  
- - - - - )

- - - - -  
July 20, 1962  
- - - - -

Appearances: Buddy Trujillo, Center,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No. B-3818, which authorizes operation as a private carrier by motor vehicle for hire, as follows:

Transportation of farm produce, including wool, but not including livestock, between points within a radius of twenty-five (25) miles of the town of Center, Colorado, except the area within such radius lying west of a north-south line drawn 8 miles east of the town of Del Norte, Colorado, and lying south of an east-west line drawn 15 miles north of Del Norte. Authority is expressly granted hereby, however, to haul potatoes to and from the potato cooperative at Del Norte to and from the potato cooperative at Center. All former authority cancelled as of the effective date of this extended authority,

and by the instant application, applicant seeks to extend and enlarge such permit to authorize the transportation of farm produce, including wool, but not including livestock, from and to points in presently-authorized twenty-five mile radius of Center, Colorado, to and from points in the San Luis Valley.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 there is a need for the proposed transportation services and 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 Buddy Trujillo, Center, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-3818 to include the right to transport farm produce, including wool, but not including livestock, from and to points in presently-authorized twenty-five-mile radius of Center, Colorado, to and from points in the San Luis Valley, and this Order is the authorization therefor.

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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of July, 1962.  
ea

  
  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
EDWARD GARCIA AND MANUEL MARTINEZ,	)	
JR., DOING BUSINESS AS "GARCIA &	)	
MARTINEZ," BOX 507, CENTER, COLO-	)	APPLICATION NO. 19203-PP-Transfer
RADO, FOR AUTHORITY TO TRANSFER	)	
PERMIT NO. B-5653 TO EDWARD GARCIA,	)	
BOX 507, CENTER, COLORADO.	)	
-----	)	

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July 20, 1962  
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Appearances: Edward Garcia, Center,  
Colorado, pro se;  
Manuel Martinez, Center,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Edward Garcia and Manuel Martinez, Jr., doing business  
as "Garcia & Martinez," Center, Colorado, are the owners and  
operators of Permit No. B-5653, authorizing:

Transportation of potatoes, from point to  
point within a radius of twenty-five miles  
of Center, Colorado,

and by the instant application, seek authority to transfer said  
Permit No. B-5653 to Edward Garcia, Center, Colorado.

The application was set for hearing on July 12, 1962, at  
ten o'clock A. M., at the City Hall, Alamosa, 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 Manuel Martinez, one of the transferors, wishes to  
withdraw from the operations of said permit; that the consideration

for the transfer is \$150.00; that the transferee is a fit and proper person, has sufficient equipment and is financially able to render and continue operations under said permit; and that there is no outstanding indebtedness against said operation.

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

### O R D E R

#### THE COMMISSION ORDERS:

That Edward Garcia and Manuel Martinez, Jr., doing business as "Garcia & Martinez," Center, Colorado, be, and hereby are, authorized to transfer Permit No. B-5653 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Edward Garcia, Center, 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 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 transferors of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made 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.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day fo July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE DE HERRERA, CENTER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 19205-PP  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
----- )

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July 23, 1962  
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Appearances: Joe DeHerrera, Center,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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, transportation of road-surfacing materials to be restricted against the use of tank vehicles; potatoes, from fields and cellars, to loading docks and storage points in an area bounded on the west by a line drawn north and south four miles west of U. S. Highway No. 285, and extending twenty-five miles north, twenty-five miles east, and twenty-five miles south of Center, Colorado; and requests that in the event authority herein sought is granted, operating rights be known as "Permit No. B-3589," being the number of a permit formerly held by him.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 there is a need for the proposed transportation services and 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.

#### ORDER

##### THE COMMISSION ORDERS:

That Joe DeHerrera, Center, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to 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; the transportation of road-surfacing materials being restricted against the use of tank vehicles; potatoes, from fields and cellars, to loading docks and

storage points in an area bounded on the west by a line drawn north and south four miles west of U S. Highway No. 285, and extending twenty-five miles north, twenty-five miles east, and twenty-five miles south of Center, 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 the operating rights herein granted shall be known as "Permit No. B-3589."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of July, 1962.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GLEN M. PARKS, SOUTH FORK, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 19206-PP-Extension  
UNDER PERMIT NO. B-5874. )  
-----)

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July 23, 1962  
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Appearances: Elizabeth A. Conour, Esq.,  
Del Norte, Colorado,  
for Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No. B-5874, which authorizes operation as a private carrier by motor vehicle for hire, as follows:

Transportation of logs and rough lumber,  
from point to point within a radius of  
fifty miles of Durango, Colorado, and  
from point to point within a radius of  
fifty miles of South Fork, Colorado,,

and, by the instant application, seeks to extend and enlarge such permit to authorize the transportation of logs, from point to point within a radius of seventy-five miles of Montrose, Colorado.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 there is a need for the proposed transportation services and 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 Glen M. Parks, South Fork, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-5874 to include the right to transport logs, from point to point within a radius of seventy-five miles of Montrose, Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of July, 1962.

original

(Decision No. 58955)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TOM A. GARCIA, P. O. BOX 326, CENTER, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 19201-PP

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July 23, 1962  
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Appearances: Tom A. Garcia, Center,  
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 ashes, trash, debris, tree limbs, under contract with the Town of Center, Colorado, from points within the corporate City Limits of Center, Colorado, to recognized city dumps and disposal places.

The application was set for hearing on July 12, 1962, at ten o'clock A. M., at the City Hall, Alamosa, 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 there is a need for the proposed transportation services and 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 Tom A. Garcia, Center, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ashes, trash, debris, tree limbs, under contract with the Town of Center, Colorado, from points within the corporate City Limits of Center, Colorado, to recognized city dumps and disposal places, and this Order is a permit therefor.

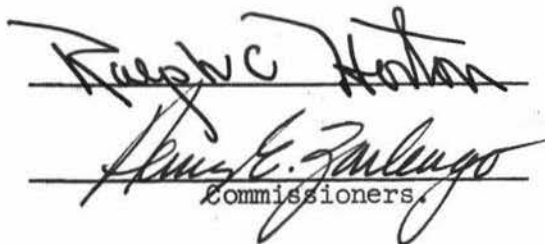
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of July, 1962.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER TRAMWAY CORPORATION, 350 )  
SOUTH SANTA FE DRIVE, DENVER, COLO- )  
RADO, FOR AN ORDER FIXING AN )  
INTERIM FARE AND SETTING A DATE FOR )  
A HEARING FOR THE PURPOSE OF RE- )  
CEIVING EVIDENCE TO ENABLE THE )  
COMMISSION TO DETERMINE AND FIX THE )  
FARES TO BE CHARGED BY APPLICANT. )  
- - - - - )

APPLICATION NO. 19115

- - - - -  
July 20, 1962  
- - - - -

Appearances: Montgomery Dorsey, Esq.,  
Denver, Colorado, and  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
The Denver Tramway  
Corporation;  
Joseph P. Ruth, Denver,  
Colorado, pro se;  
Brian H. Goral, Esq.,  
Denver, Colorado, for  
the City and County  
of Denver;  
Howard D. Hicks, Denver,  
Colorado, for Denver  
Chamber of Commerce;  
John J. Conway, Esq.,  
Denver, Colorado, for  
the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

By application filed on May 18, 1962, The Denver Tramway Corporation seeks authority to increase its fares, as follows:

- A. Twenty-three cents (23¢) cash for an adult fare with five (5) convenience tokens being sold for \$1.15. The present fare, in effect since March 1, 1960, is twenty cents (20¢) cash for an adult fare, with three (3) tokens being sold for fifty-five cents (55¢). The proposed fare will apply on all routes except as follows:

1. No increase is proposed in the extra or zone fares now applying on the routes extending outside the City. Thus, for example, on Route 84 (Golden), the proposed increase would only apply on such route between points in Denver.
  2. No increase is proposed for Route 33 (Shoppers' Special). The present fare is five cents (5¢) cash per passenger.
  3. No increase is proposed for Route 31 (Westminster). The present fare is ten cents (10¢) cash.
  4. On the University Hills Express it is proposed that the fare be thirty-three cents (33¢) cash or one token and ten cents (10¢) cash. The present fare is thirty cents (30¢) cash or one token and ten cents (10¢) cash.
  5. On the Colfax Express it is proposed that the fare be forty-three cents (43¢) cash or one token and twenty cents (20¢) cash to and from points East of Geneva Street, and thirty-three cents (33¢) cash or one token and ten cents (10¢) cash to and from points west of Geneva Street.
- B. Fifteen cents (15¢) cash for school fares and children six years of age, or over, but under twelve years of age. The proposed fare will apply on those routes and portions of routes where the adult fare is increased to twenty-three cents (23¢). The present fare on such routes and portions of routes is ten cents (10¢).

Public hearings were held before the Commission at its Hearing Room, 532 State Services Building, Denver, Colorado, on June 7, 8, and 25, 1962. On the latter date, the hearing was concluded and the matter taken under advisement.

Applicant is a corporation of the State of Delaware, and is duly authorized and doing business in the State of Colorado, as a common carrier of passengers by motor vehicle. It operates under the authority of this Commission by virtue of PUC No. 210, serving points in mass transportation in the City and County of Denver, and points in Adams, Arapahoe, and Jefferson Counties.

Applicant has served the Denver Metropolitan Area as a common carrier engaged primarily in the mass transportation of passengers.

Communities served, in addition to Denver, include Englewood, Aurora, Fitzsimons Hospital, Wheatridge, Edgewater, Westminster, Federal Center, Arvada, Lakewood, Tucker, Camp George West, and Golden.

Present fares charged by applicant were authorized by Decision No. 53814, of date February 2, 1960, effective on March 1, 1960. The applicant now alleges the present fare structure is not adequate to permit applicant to continue its operations, and is, in fact, confiscatory, and that present fares will not permit maintenance of a satisfactory operation for the public it serves.

Applicant proceeded with its case under the "operating ratio theory," which it did in the previous rate hearing, and which this Commission has recognized as providing a realistic approach to applicant's operations. Also, the Commission adheres to its opinion that Federal and State Taxes of various types are to be treated as expenses, similar to the conventional costs of operation.

Applicant, in its testimony, contended that it cannot maintain its present level of service under its present fares, and that curtailment of service necessary to continue operations under the present fare structure would result in the loss of an integrated mass transportation system for Denver and the Metropolitan Area.

In support of its position, applicant introduced two principal exhibits, viz., Exhibit No. 2, consisting of some twenty-six pages. Exhibit No. 1 reflects an 8¢ per hour increase in wage rate paid, effective May 1, 1962, with an additional 8¢ per hour effective May 1, 1963. This exhibit also reflects other increased labor costs with reference to pensions and other benefits. The President of applicant was of the firm opinion that the Labor Contract, effective May 1, 1962, was the best possible compromise consistent with fairness to the employees.

Page 22 of applicant's Exhibit No. 2 sets forth estimated results of operations under present fares for the fiscal year starting

May 1, 1962, as compared to estimated results under the proposed fares for the same period. The methods used in arriving at the forecasts are the accepted and recognized methods used in making such forecasts. A similar forecast made by applicant at its previous rate hearing turned out to be remarkably accurate. Under the proposed fares for the fiscal year stated an estimated operating ratio of 92.04% results. It is noted that the forecast is based on the assumption that the proposed fares become effective May 1, 1962. Since this will not be the fact, the operating ratio would necessarily be higher for period forecast. Such an operating ratio is within the area of reasonableness.

With reference to child and school fares, it is the position of applicant that it costs just as much to transport a minor as it does an adult, and as a matter of fact, there is some increased cost because of greater wear and tear on equipment. Thus, it is the position of applicant that carrying a minor at a reduced fare results in requiring the adult passengers to make up the difference necessary to sustain operations. A protracted hearing was held before the Commission with reference to special bus service to the Thomas Jefferson School, resulting in an order of this Commission directing such service at a school fare of 15¢. Operating results disclose that this service is now being operated by applicant at a marginal level, whereas a lower fare would have resulted in operating losses.

The Staff of the Commission presented certain exhibits indicating possible alternatives to a fare increase. In the opinion of the Commission, the only alternative is a reduction in service and the elimination of unprofitable routes. The City and County of Denver, through its representative, was opposed to service reductions, and recommended increased service wherever possible.

Applicant, in cooperation with the Staff of the Commission, has constantly reviewed and adjusted its service schedules. This practice, in the opinion of the Commission, has resulted in the best possible service consistent with an integrated transportation system.

From the evidence, it appears that applicant has no long-term obligations, has the most modern equipment, and is efficiently managed.

As stated in Decision No. 53814, supra:

"It is apparent that Tramway needs additional revenue, and without delving into debatable grounds of economic policy, we feel impelled to point out that there is no magic fund in a public utility out of which increased costs for labor and materials may be paid. Its accounts are public property, its management salaries, its profits and dividends are matters of record, and the only source from which increased costs may be paid is from increased fares."

Tramway is faced with two alternatives:

First: To ask for increased fares, or

Second: To curtail service by the elimination of unprofitable routes.

Addressing ourselves to the second alternative, on the curtailment of service by the elimination of unprofitable routes, we do not believe that such a radical procedure is practical at the present time, for the reason that a number of these routes are feeder lines for the more profitable routes, providing the City with a well-blanketed, integrated transportation system. On the contrary, it is our firm belief and hope that some day additional routes may be added profitably, to afford the City more wide-spread service.

In addition, there is the possibility of the elimination of some schedules which may effect some reduction in the out-of-pocket expense incidental to the operation of the numerous schedules now being conducted.

Before a disturbance of the present schedules is effected, however, which schedules, incidentally, have been the result of study of the Committee -- consisting of a representative of the City, the Tramway, and this Commission -- we believe that a thorough study should be made in traffic flows, on both the profitable and unprofitable routes, the number of transfers, the hours and times when peak periods occur, and when peak periods occur on the feeder traffic, and the possible over-all effect on both inconvenience to the public

and loss of revenue, vis a vis, savings in operating expenses.

It must be remembered that the riding habits of the public and the service thereof by an integrated transportation system are so delicately balanced that this relationship should not be disturbed without careful analysis and consideration, and not solely upon the basis of superficial guesswork.

In the absence of such an alternative, the only recourse was to consider an increase in fares.

Taking cognizance of business conditions generally throughout the United States, there can be little question that throughout the economy generally, businesses are suffering from a so-called "profit squeeze." This is especially true in the mass transportation industry. Construction of super-highways, the utilization of multiple cars per family, the convenience and status of family automobiles, have all contributed to a steady decline in mass transportation, in Denver, as well as throughout the United States. The situation has become so critical that the subject of mass transportation has commanded the attention of Conferences of Governors, and even of the President of the United States in his Message to the Congress advocating legislation that would afford relief and assistance, to assure the preservation of mass transportation.

The evidence, uncontradicted at the hearing, readily discloses that the applicant is suffering from erosion of all of the factors enumerated above -- that is, profit squeeze, and the impact of the use of the private automobile.

In the Year 1961, including the capital gains from sale of buses, the applicant had an operating ratio of 93.3%. This, however, did not reflect the annual increase in wages that was awarded to the drivers.

On the basis of calculable passenger revenue and expenses, giving effect to the wage increase, the estimated results of the applicant's profit for the fiscal year 1962, to April 30, 1963, the first fiscal year of the wage increase, the applicant will have an

operating ratio of 97.92%, including capital gains realized from the sale of buses. We accord considerable probative value to this proforma estimate, since it was calculated on the same basis as other annual predictions of this applicant, which have proved to be remarkably accurate.

The applicant proposes a rate of twenty-three cents (23¢) cash for adults, and fifteen cents (15¢) cash half fare for school fares, with a convenience token of five (5) for one dollar and fifteen cents (\$1.15) being allowed to adults.

Under the proposed fares, the applicant anticipates total operating revenue of \$6,384,457, and after deduction of operating revenue deductions and State and Federal Income Taxes, there would remain a net income of in excess of \$544,000, reflecting an operating ratio of 92.04%.

This applicant, by virtue of this application, has, in effect, combined a revenue and a rate case. We believe this Commission is vested with the discretion to ascertain a just and reasonable revenue requirement for this applicant. Having done so, it is then within the purview of the powers of this Commission to establish the rates to be charged by which the reasonable revenue requirements of the applicant may be realized.

On the basis of reasonable estimates, at the present fares for adults, there will be 9,191,302 adult revenue passengers on a cash basis, and 15,873,607 revenue passengers utilizing tokens, at 18-1/3¢, or three tokens for fifty-five cents (55¢). When fares are increased there is a diminution of passengers. This is based upon scientific formula, reliable and accurate in its predictions as has been demonstrated by experience, that results in a loss of twenty-five per cent of the percent of increase. For example, if a fare were increased one hundred percent, there would be a twenty-five percent loss of passengers.

On the basis of the current Profit and Loss Statement of applicant, its fixed-rate increases for the next two years, and the

reasonably reliable estimates, we believe that the fares sought by the applicant -- although within the range of reasonableness -- are not fully required, and do not provide the riding public with the inducements to continue patronage on a mass scale, and to induce the use of tokens. We, therefore, while accepting the basic fare structure of applicant, believe that the public is entitled to some reduction on the use of convenience tokens. It will be our Order that cash fare for adults be set at twenty-three cents (23¢), which will produce an estimated \$2,034,724 of revenue, taking into consideration the diminution factor per graph of "least squares."

On the convenience tokens, however, we propose that four (4) tokens be sold to the public for ninety cents (90¢), which, after taking into consideration the diminution factor, will result in revenue of \$3,368,697.

On the half fare and school fares, while accepting the basic fare of fifteen cents (15¢) which has been established on school fares in other sections of the City on a special bus operation, we are of the opinion that by virtue of the fact that ordinary operating equipment, on regular fixed routes, is employed, that some concession should be made on the utilization of tokens.

There is considerable merit to the argument that the cost on the transportation of a student, or half fare, is substantially the same as that of the transportation of an adult, and possibly there is more wear and tear in the usage of equipment by children than with adults. Nevertheless, the historical level of these rates, and the value factor thereof, must likewise be taken into consideration. It will be the Commission's Order that half fares and school fares be set at the basic rate of fifteen cents (15¢) cash, four (4) tokens for fifty-five cents (55¢).

While there was no evidence as to what percentage of half fares and school fares utilize tokens, based upon experience, it is safe to assume that a high percentage will utilize the tokens. Thus,

the incidental cash fares of this nature will result in such a small differential in revenue that the end result will not be significant.

Employing the diminution factor of the graph of "least squares" to half fare revenue passengers, on the basis of ten percent of percentage of the increase, and on the basis of projection of 3,731,000 revenue passengers for the school years, May 1, 1962 to April 30, 1963, the total revenues that will be realized by the applicant on half fares and schools amount to \$493,775, which will result in a total revenue of \$6,152,896.

According to the estimates, and after making adjustments for reduced Income Taxes, this will produce an operating ratio, during the next fiscal years, of approximately 93%, which is well within the range of reasonableness generally recognized by this Commission, and by other Commissions throughout the country.

We must take into account, however, the fact that in the fiscal year 1963-1964, an additional wage increase will be awarded to the bus drivers, which, together with other expenses, will increase operating expenses from \$5,314,000 to over \$5,560,000. This, coupled with the trend of declining revenues, will increase the operating ratio of this applicant for the fiscal year 1963-1964 to a percentage between 95% and 96%. Thus, the operating ratio over the two-year period which the applicant has contracted to pay substantial wage increases, will be well in excess of 94%.

It is noted parenthetically that these operating ratios include and reflect profits on projected sale on buses. If this item of revenue is eliminated, the operating ratio from passenger revenue will increase from well over 94% for the Year 1962-1963, to well over 96% for the Year 1963-1964. Thus, it is observed that the capital gains to be realized from these bus sales constitutes a very substantial factor in determining the projected operating ratios.

The applicant has given the City of Denver a history of efficient management, with superior equipment, that stands among the finest in the United States. We believe that the operating ratio afforded the applicant by virtue of the rates ordered herein are adequate to maintain the efficiency of this management and the high quality of equipment. With the continuing erosion, however, on the use of mass transportation by the riding public, we again exhort the members of the Cooperative Committee and management to intensify their studies, with the view of increasing efficiency, reducing expenses, and maintaining the high standard of service, with the hope that there will be no need for a further increase in rates, and with the further hope that if the profit picture can be reasonably improved, service may be expanded and rates reduced.

#### F I N D I N G S

##### THE COMMISSION FINDS:

1. That the Commission has jurisdiction over applicant, and of the subject matter herein.
2. That the facts and findings set forth in the foregoing Statement are hereby incorporated herein.
3. That due to decline in patronage and rising costs of operation, a fare increase is necessary and required in order for applicant to maintain efficient and convenient service.
4. That the committee created to make recommendations for improved service should continue its functions and that applicant, on its own initiative, should continue its studies and surveys to improve existing service.
5. That the following fares are, in the judgment of the Commission, fair, just and reasonable, and non-discriminatory, and will not produce for following the effective date of this Order an amount in excess of a fair and reasonable return, and will result in an operating ratio which will enable applicant to continue its service:

(a) Twenty-three cents (23¢) cash for an adult fare, with four (4) convenience tokens being sold for \$.90. The proposed fare will apply on all routes except as follows;

(1) No increase in the extra or zone fares now applying on the routes extending outside the City. Thus, for example, on Route 84 (Golden), the increase will only apply on such route between points in Denver.

(2) No increase for Route 33 (Shoppers' Special).

(3) No increase for Route 31 (Westminster).

(4) On the University Hills Express, the fare will be thirty-three cents (33¢) cash, or one token and ten cents (10¢) cash.

(5) On the Colfax Express, the fare will be forty-three cents (43¢) cash, or one token and twenty cents (20¢) cash to and from points east of Geneva Street, and thirty-three cents (33¢) cash, or one token and ten cents (10¢) cash to and from points west of Geneva Street.

(b) Fifteen cents (15¢) cash for school fares and children six years of age, or over, but under twelve years of age, with four (4) convenience tokens being sold for fifty-five cents (55¢). The proposed fare will apply on those routes and portions of routes where the adult fare is increased to twenty-three cents (23¢), except the special bus service to the Thomas Jefferson School, which shall remain the same, under prior Order of this Commission.

6. That this Commission should retain jurisdiction of this matter, to make such further Order, or Orders, as may be necessary in the premises.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the above fares, as set forth in the Findings, shall become effective at midnight, at 12:01 A. M., August 1, 1962, upon notice to this Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed by law and the Rules and Regulations of this Commission.

2. That the Committee created to make recommendations for improved service shall continue its functions, and that applicant, on its own initiative, shall continue its studies and surveys to improve existing service.

3. That the facts stated in the above and foregoing Statement supporting this Order are hereby incorporated herein.

4. That this Commission retains jurisdiction of this matter, to make such further Order, or Orders, as may be necessary in the premises.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Hord  
Alvin E. Zurlengo  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GREELEY EQUIPMENT RENTAL COMPANY )  
625 3rd Street )  
Greeley, Colorado )  
----- )

AUTHORITY NO. M 14473  
CASE NO. 9390 Ins.

-----  
July 24, 1962  
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S T A T E M E N T

By the Commission:

On July 19, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Proctor  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,  
this 24th day of July, 1962

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

JACK DIONISIO, ROUTE 2 BOX 261, )  
PUEBLO, COLORADO. )  
----- )

PUC NO. 2557-I

-----  
July 26, 1962  
-----

S T A T E M E N T

By the Commission:

On April 26, 1962, the Commission authorized Jack Dionisio to suspend operations under his PUC NO. 2557-I until September 14, 1962.

The Commission is now in receipt of a communication from the above-named certificate-holder requesting that his PUC 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 PUC No. 2557-I, should be, and the same hereby is, reinstated as of June 13, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Nigro*  
*Frank C. Boston*  
*Henry E. Zaulig*  
Commissioners

Dated at Denver, Colorado,  
this 26th day of July, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DREAMLAND BEDDING CORPORATION, )  
2540 LARIMER STREET, DENVER 5, )  
COLORADO. )  
----- )

PERMIT NO. M-1666

-----  
July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dreamland Bedding Corporation, Denver 5, Colorado  
requesting that Permit No. M-1666 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1666, heretofore issued to Dreamland Bedding Corporation, Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
D. D. OSBURN, DOING BUSINESS AS, )  
"O. K. RUBBER WELDER'S", HOLYOKE, )  
COLORADO. )  
----- )

PERMIT NO. M-2349

July 26, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from D. D. Osburn, doing  
business as, "O. K. Rubber Welder's", Holyoke, Colorado  
requesting that Permit No. M-2349 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2349, heretofore issued to D. D. Osburn, doing  
business as, "O. K. Rubber Welder's", Holyoke, Colorado be,  
and the same is hereby, declared cancelled effective July 15, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RAY L. PATTERSON, DOING BUSINESS AS, )  
"BIG THOMPSON HAY COMPANY", 839 )  
WEST 5TH, LOVELAND, COLORADO. )  
-----)

PERMIT NO. M-3342

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July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ray L. Patterson,  
doing business as, "Big Thompson Hay Co.", Loveland, Colorado  
requesting that Permit No. M-3342 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3342, heretofore issued to Ray L. Patterson, doing  
business as, "Big Thompson Hay Co.", Loveland, Colorado be,  
and the same is hereby, declared cancelled effective July 19, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
M. F. KISH, 510 EAST 3RD STREET, )  
FLORENCE, COLORADO. )

PERMIT NO. M-5103

July 26, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from M. F. Kish,  
Florence, Colorado

requesting that Permit No. ~~M-5103~~ be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-5103, heretofore issued to M. F. Kish,  
Florence, Colorado be,  
 and the same is hereby, declared cancelled effective July 14, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARLENE D. MARTINEZ, ROUTE 1 BOX 72 B, )  
ANTONITO, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-5637

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July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arlene D. Martinez,  
Antonito, Colorado  
requesting that Permit No. M-5637 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5637, heretofore issued to Arlene D. Martinez,  
Antonito, Colorado be,  
and the same is hereby, declared cancelled effective July 11, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph G. Ashton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEO FIELDS AND J. J. SIMONS, DOING )  
BUSINESS AS, "FIELDS AND SIMONS", )  
P. O. BOX 2266, AMARILLO, TEXAS. )  
-----)

PERMIT NO. M-6238

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July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Leo Fields and J. J. Fields, doing business as, "Fields and Simons", Amarillo, Texas  
requesting that Permit No. M-6238 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6238, heretofore issued to Leo Fields and J. J. Fields, doing business as, "Fields and Simons", Amarillo, Texas be,  
and the same is hereby, declared cancelled effective July 8, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DAVID L. BEAGLE, ROUTE 1 BOX 729, )  
GOLDEN, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-6339

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July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from David L. Beagle,  
Golden, Colorado  
requesting that Permit No. M-6339 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6339, heretofore issued to David L. Beagle,  
Golden, Colorado be,  
and the same is hereby, declared cancelled effective May 18, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CALVIN L. ELAM, P. O. BOX 287, )  
MANASSA, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-6832

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July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Calvin L. Elam,  
Manassa, Colorado  
requesting that Permit No. M-6832 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6832, heretofore issued to Calvin L. Elam,  
Manassa, Colorado be,  
and the same is hereby, declared cancelled effective June 13, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES A. SMITH AND ROSEZETTA SMITH, )  
DOING BUSINESS AS, "J AND R WATER )  
SERVICE", 1203 PINE STREET, SIDNEY, )  
NEBRASKA. )  
-----)

PERMIT NO. M-8835

-----  
July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from James A. Smith and  
Rosezetta Smith, dba "J & R Water Service", Sidney, Nebraska  
requesting that Permit No. M-8835 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8835, heretofore issued to James A. Smith and  
Rosezetta Smith, dba "J & R Water Service", Sidney, Nebraska be,  
and the same is hereby, declared cancelled effective July 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK ROUTH, DOING BUSINESS AS, )  
"BOY'S GLASS SHOP", 17 SOUTH WAHSATCH, )  
COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-8848

-----  
July 26, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Routh, doing  
business as, "Boy's Glass Shop", Colorado Springs, Colorado  
requesting that Permit No. M-8848 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8848, heretofore issued to Frank Routh, doing business  
as "Boy's Glass Shop", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective July 5, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 26th day of July, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WARREN K. KINDIG, P. O. BOX 622, )  
DOLORRES, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-8967

\_\_\_\_\_  
July 26, 1962  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Warren K. Kindig,  
Dolores, Colorado

requesting that Permit No. M-8967 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8967, heretofore issued to Warren K. Kindig,  
Dolores, Colorado be,  
and the same is hereby, declared cancelled effective June 5, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 26th day of July, 19 62.

original

(Decision No. 58970)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM A. JACKSON AND HARRY J. VAN )  
TEYLINGEN, CO-PARTNERS, DOING BUSI- )  
NESS AS "MOUNTAIN EXPRESS TRUCK LINE," )  
1502 WEST ST. VRAIN STREET, COLO- )  
RADO SPRINGS, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 32. )  
----- )

APPLICATION NO. 18153-Extension  
AMENDED  
SUPPLEMENTAL PROCEEDINGS

-----  
July 24, 1962  
-----

Appearances: Paul Rupp, Esq., Denver,  
Colorado, for Applicants;  
Jones, Meiklejohn, Kilroy and  
Kehl, Esqs., Denver, Colo-  
rado, by Leslie R. Kehl,  
for Fairplay Motor Company;  
Ernest Porter, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
E. A. Schattinger, Jefferson  
Colorado, for Schattinger  
and Son;  
John P. Thompson, Esq., Denver,  
Colorado, for South Park  
Motor Lines, for copy of Order.

S T A T E M E N T

By the Commission:

On April 26, 1962, William A. Jackson and Harry J.  
Van Teylingen, co-partners, doing business as "Mountain Express  
Truck Line," Colorado Springs, Colorado, filed an application for  
interpretation of our Decision No. 55338, "so that Mountain Express  
may serve fifteen miles on either side of the route between Divide  
and Hartsel; that this Commission renew life into the finding of  
fact of Decision 55338 so that the Eleven Mile Reservoir Resort  
Area shall be served; and that further, under Decision No. 57846  
on page 3, ORDER (1) and (2) be not for naught; because there is  
no operating mine and mill within a strict interpretation of Decision  
No. 55338; whereas, both Eleven Mile Reservoir Resort Area and an

operating mine and mill are within the area between Divide, Colorado, and Hartsel, Colorado, and intermediate points, and a 15-mile radius thereof."

The above application for interpretation was regularly set for hearing, and heard, after statutory notice to all interested parties, on May 25, 1962, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the Commission listened to the arguments of counsel and has made an examination of the files, together with Decision No. 55338. It appears to the Commission that in Application No. 18153, which resulted in Decision No. 55338, the applicants herein asked to extend their authority under PUC No. 32 to include the right to transport general freight between Divide, Colorado, and a 15-mile radius thereof, and Hartsel, Colorado, and intermediate points.

The record further discloses that this is the authority they received under Decision No. 55338. There is some indication that the applicants felt that the territory included the Eleven Mile Reservoir Resort Area. This does not appear to be the fact; however, it is the opinion of the Commission that the amended application stands, and, for the reason that it was not taken up at the proper time, the Commission has no authority at this time to change its Order of November, 9, 1960.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has no authority to change the interpretation of our Order under Decision No. 55338.
2. That the Motion for clarification does not apply at this time.
3. That to grant same would be an enlargement of an authority beyond the scope of the application.

### O R D E R

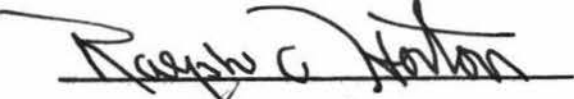

#### THE COMMISSION ORDERS:

That the application for interpretation and clarification,

as set out in their application, be, and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 24th day of July, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
VERSEL BURCH, HERMAN L. ROWE AND )	
A. S. HANDLEY ON BEHALF OF THEM- )	
SELVES AND OTHERS SIMILARLY SITU- )	
ATED FOR AN ORDER AUTHORIZING PUBLIC )	
SERVICE COMPANY OF COLORADO TO RENDER )	APPLICATION NO. 19189
STREET LIGHTING SERVICE PURSUANT TO )	
PUC TARIFF NO. 4, SIXTH REVISED SHEET )	
262 AND FIRST REVISED SHEET 262A IN )	
AN UNINCORPORATED AREA IN ADAMS )	
COUNTY, COLORADO. )	
----- )	

-----  
July 25, 1962  
-----

Appearances: Versel Burch, Herman L.  
Rowe and A. S. Handley,  
all of Westminster, Colo-  
rado, for themselves and  
others similarly situated;  
Donald Cawelti, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

This is an application by Versel Burch, Herman L. Rowe and A. S. Handley, representing themselves and all other homeowners similarly situated, for an order authorizing Public Service Company of Colorado to install, operate and maintain street lighting service in an unincorporated area in Adams County, being the area north of West 88th Avenue between Lowell Boulevard and the alley east of Grove Street, bounded on the north in part by Highland Place and in part by W. 92nd Avenue, as shown on the map identified as Exhibit A attached to the application.

The matter was set for hearing and was heard, after due notice to interested parties, on Friday, July 13, 1962, at eleven

o'clock A. M., in the Conference Room of the Commission, 532 State Services Building, Denver, Colorado. The matter was duly heard by Edwin R. Lundborg, an employee of this Commission, designated by the Commission to conduct the hearing, and subsequent to the hearing, he submitted a report to the Commission.

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

A petition for street lighting service addressed to Public Service Company of Colorado (Public Service) was circulated among the residents of an area which is planned for approximately 417 homes, of which 211 are constructed and 194 occupied. In addition, as of the time of the hearing, more than 36 homes had been contracted for sale and are in various stages of financing or construction. The developer of the area, Daughenbaugh Construction Company, has signed an agreement to require applications for street lighting service from persons contracting for the purchase of homes in the future. A properly identified conformed copy of said petition, containing the signatures of 170 residents of the area, was submitted as Exhibit No. 2. In addition to the petitions, a list was presented of 58 customers or prospective customers who had signed the required applications at the time of contracting. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, street lighting in an established area otherwise qualifying will be provided upon receipt by the Company of a petition from all electric customers within the area or upon an order or decision of this Commission, directing street lighting service to be established in the area. Since 6 homeowners (2.6%) did not sign, the Company could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. A. S. Handley, and the other signators present at the hearing testified briefly.

Mr. Handley testified no street lighting now exists in the area contemplated in this application. He stated that police protection was inadequate and that there had been incidents of theft and vandalism which might have been prevented by adequate lighting. The witness testified that, due to inadequate lighting, the area has become a "parking place" for outside residents. He felt that lighting was particularly important from the traffic safety standpoint, due to the fact that traffic had increased tremendously along West 88th Avenue.

Mr. Ned Martin, staff assistant of Daughenbaugh Construction Company, testified that street lighting had become critical to the development due to the fact that the Federal Housing Administration had refused to approve houses in the development for financing until assurance had been received that street lighting would be provided. He also testified that street lighting was important to the acceptance of homes in the area, inasmuch as competitive houses in neighboring incorporated areas could offer street lighting. The witness stated that the developer had agreed to continue obtaining applications for street lighting service from all future purchasers in the area.

Mr. H. M. Edmonds, Rate Engineer of Public Service Company of Colorado, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, the Company is ready, willing and able to install street lighting in the built-up area, and to extend the lighting system as the area develops. No construction contributions are required of electric customers and, as provided in the tariff, a charge of \$0.45 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately six weeks to make the initial system operational. 4,000 lumen, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Sixth Revised 262 and First Revised 262A of Public Service Tariff, Colorado P.U.C. No. 4, Electric.

The report of the Examiner recommends that the application 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 that the Report of the Examiner referred to therein be approved.

That it has jurisdiction of the subject matter of this application, and of the Public Service Company of Colorado.

That the preservation of the public peace, health and safety require the installation of a street lighting system in the area described in the Order to follow.

## O R D E R

### THE COMMISSION ORDERS:

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

That Public Service Company is hereby authorized and directed to install, operate and maintain a non-ornamental, incandescent lamp street light system in accordance with the provisions of its Tariff, Colorado P.U.C. No. 4, Electric, Sixth Revised Sheet 262 and First Revised Sheet 262A, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 59 in number, shall be installed as required in the area described as follows:

The area north of West 88th Avenue between Lowell Boulevard and the alley east of Grove Street, bounded on the north by Highland Place from Lowell Boulevard to the intersection with the westerly line of the tier of lots West of Judson Street, thence northerly along said line to West 92nd Avenue, thence east to the alley east of Grove Street, as shown on the map identified as Exhibit A attached to the application.

That 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 G. Hahn*  
*Henry C. Juliano*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1962.  
ea

original

(Decision No. 58972)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WATSON BROS. TRANSPORTATION CO., )  
INC., DOING BUSINESS AS "WATSON- )  
WILSON TRANSPORTATION SYSTEM, " )  
1910 HARNEY STREET, OMAHA, )  
NEBRASKA. )  
----- )

PERMITS NOS. A-430  
A-430-I  
A-1268  
PUC NO. 1008-I

-----  
July 25, 1962  
-----

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 and certificate-holder, informing the Commission that said operator has changed its corporate name from: "Watson Bros. Transportation Co., Inc., doing business as "Watson-Wilson Transportation System," to "Watson-Wilson Transportation System, Inc.," and requesting that the records of the Commission be changed so to show.

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 Permits Nos. A-430, A-430-I, and A-1268, and PUC No. 1008-I to be owned and operated by:

"Watson-Wilson Transportation System, Inc.,"

in lieu of:

"Watson Bros. Transportation Co., Inc.,  
doing business as 'Watson-Wilson  
Transportation System,' "

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Singer  
Ralph C. Horton  
Henry E. Zullengo  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MISSOURI PACIFIC FREIGHT )  
TRANSPORT COMPANY, 1218 OLIVE ) PUC NO. 3992-I  
STREET, ST. LOUIS, MISSOURI. )  
- - - - - )

- - - - -  
July 25, 1962  
- - - - -

Appearances: Robert S. Davis, Esq.,  
St. Louis, Missouri,  
for Missouri Pacific  
Freight Transport  
Company.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert S. Davis, Attorney for the above-styled certificate-holder, advising that said operator has changed its corporate name from "Missouri Pacific Freight Transport Company," to Missouri Pacific Truck Lines, Inc.," and requesting that the records of the Commission be changed so to show.

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. 3992-I to be owned and operated by:

"Missouri Pacific Truck Lines, Inc.,"  
in lieu of:

"Missouri Pacific Freight Transport Company."

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. Horton  
Alvin E. Zuleygo  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1962.

ea

original

(Decision No. 58974)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MRS. J. L. COOPER, STAR ROUTE, )  
SEYMOUR, TEXAS. )  
-----

PUC NO. 5008-I

-----  
July 25, 1962  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-styled certificate-holder, requesting that her name appear on the records of the Commission as: "Mrs. Gladys Cooper, doing business as 'Cooper Trucking,'" in lieu of: "Mrs. J. L. Cooper."

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 PUC No. 5008-I to be owned and operated by:

"Mrs. Gladys Cooper, doing  
business as 'Cooper Trucking,'"

in lieu of:

"Mrs. J. L. Cooper."

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*  
*Harry Spillings*  
Commissioners

Dated at Denver, Colorado,  
this 25th day of July, 1962.  
mls

original

(Decision No. 58975)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLIE SIMCO, MOUNTAINBERG, )  
ARKANSAS. )  
-----

PUC NO. 4141-I

-----  
July 25, 1962  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charlie Simco, Mountainberg, Arkansas, owner and operator of PUC No. 4141-I, stating he desires to conduct operations under said certificate as: "Charles Simco, doing business as 'Simco Produce Company,' Box 117, Station B, Ft. Smith, Arkansas," in lieu of: "Charlie Simco, Mountainberg, Arkansas," and requesting that the records of this Commission be changed so to show.

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 PUC No. 4141-I to be owned and operated by:

"Charles Simco, doing business  
as 'Simco Produce Company,'  
Box 117, Station B,  
Ft. Smith, Arkansas,"

in lieu of:

"Charlie Simco,  
Mountainberg, Arkansas.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1962.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
JOE COSTA, JR., DOING BUSINESS	)	PUC NO. 1941
AS "TRINIDAD FREIGHT SERVICE,"	)	<u>PUC NO. 1941-I</u>
TRINIDAD, COLORADO.	)	
-----		

-----  
July 25, 1962  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-styled certificate-holder, owner and operator of PUC No. 1941 and PUC No. 1941-I, 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 certificates.

Rule 24 (a) of Rules and Regulations Governing Common Carriers by Motor Vehicle, effective June 1, 1960, provides that:

"Unless such carrier shall have secured a written waiver from the Commission, no Common Carrier by motor vehicle, except motor vehicle carriers supplemental to railroad transportation and on railroad bills of lading, shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to any consignor, or render any C.O.D. service, unless such carrier has published, posted, and filed with this Commission tariffs which contain rates, charges, and rules governing such service (which rules shall conform to this Rule), and unless such carrier shall have on file with this 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."

The financial statement of applicant on file with the Commission 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 Joe Costa, Jr., doing business as "Trinidad Freight Service," Trinidad, Colorado, be, and hereby is, granted a waiver of the provisions of Section (a) of Rule 24 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and shall not be required to file with this Commission cash or surety bond referred to in said Rule, in operations under PUC No. 1941 and PUC No. 1941-I.

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. Horton*  
*Alvin E. Gaulting*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD COHN, DOING BUSINESS AS )  
COHN'S TRUCKING SYSTEM, ROUTE 2, )  
BOX 205, ALAMOSA, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. )  
B-3016 TO C. H. PHILLIPS, 95 STATE )  
STREET, ALAMOSA, COLORADO. )

APPLICATION NO. 19204-PP-Transfer

-----  
July 27, 1962  
-----

Appearances: Richard Cohn, Alamosa, Colo-  
rado, pro se;  
C. H. Phillips, Alamosa,  
Colorado, pro se;  
Elizabeth A. Conour, Esq., Del  
Norte, Colorado, for Gibson  
Truck Line.

STATEMENT AND FINDINGS OF FACT

By the Commission:

Richard Cohn, doing business as "Cohn's Trucking System,"  
Alamosa, Colorado, is the owner and operator of Permit No. B-3016,  
authorizing:

transportation of livestock between points  
within the area extending seven (7) miles  
west, ten (10) miles east, ten (10) miles  
north, and ten (10) miles south of Center,  
and from and to points in said area, to  
and from Alamosa, Colorado Springs, Pueblo,  
and Denver, and the transportation of farm  
products between points in the same area,  
and from points in said area to Monte Vista  
and Alamosa, with the right to haul farm  
supplies between points in said pick-up area,  
and to back-haul farm supplies from Alamosa  
and Monte Vista, limited to the use of one  
truck of two-ton capacity. Decision No.  
47481 lifts truck capacity restriction, but  
limits same to one truck;

and by the instant application seeks authority to transfer said Per-  
mit No. B-3016 to C. H. Phillips, Alamosa, Colorado.

Said application was set for hearing on July 12, 1962, at

ten o'clock A. M., at the City Hall, Alamosa, 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 transferor owes \$121.87 to the Colorado Motor Carriers' Association, which he has made arrangements to pay; that the consideration for the transfer is \$650.00; that the transferee is a fit and proper person, has sufficient equipment and is financially able to render and continue operations under said permit.

An examination of the files discloses that the private carrier authority as herein sought to be transferred overlaps and duplicates, in some respects, the common carrier authority now held by the transferee, namely, PUC No. 1818. Rule 6 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle which concerns Transfer, Consolidation, Merger and Acquisition of Control, provides in part:

"The Commission will not approve a transfer of operating rights to a carrier who is the holder of operating rights duplicate, in whole or in part, except to an immaterial extent, to those proposed to be transferred, unless the transferee shall agree to cancel such duplicating rights."

In view of this fact and in order to comply with the aforementioned rule, the duplicating and overlapping authority contained in Permit No. B-3016 will be cancelled and accordingly will be rewritten to the extent as set out in the Order part of this Decision.

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 Richard Cohn, doing business as "Cohn's Trucking System," Alamosa, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-3016 to C. H. Phillips, Alamosa, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the authority of the transferee, C. H. Phillips, under Permit No. B-3016 be rewritten to take care of duplicating and overlapping authority presently contained in PUC No. 1818, so that in the future the authority under Permit No. B-3016 shall be as follows, to-wit:

transportation of livestock, between points within the following described area:

beginning at a point 10 miles due east of Center, Colorado, on Colorado Highway No. 112, thence north 10 miles, thence west 17 miles, thence south 20 miles, thence east to the Alamosa-Rio Grande County line, thence north along said County line to Colorado Highway No. 112, thence east along Colorado Highway No. 112 to the point of beginning, and from and to points in said area, to and from Alamosa, between points in the same area, and from points in said area to Monte Vista and Alamosa, with the right to haul farm supplies between points in said pick-up area, and to back-haul farm supplies from Alamosa and Monte Vista, limited to the use of one truck.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of July, 1962.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MAURICE E. HOLLOWAY, DOING BUSINESS )  
AS, "HOLLOWAY'S LUMBER", 1145 EL MONTE )  
COURT, LOS ALTOS, CALIFORNIA. )  
-----)

PERMIT NO. M-9237

-----  
August 2, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Maurice E. Holloway,  
doing business as, "Holloway's Lumber", Los Altos, California  
requesting that Permit No. M-9237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9237, heretofore issued to Maurice E. Holloway,  
doing business as, "Holloway's Lumber", Los Altos, California be,  
and the same is hereby, declared cancelled effective July 16, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOMETTE CORPORATION, P. O. BOX 86, )  
ELKHART, INDIANA. )  
----- )

PERMIT NO. M-9927

-----  
August 2, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Homette Corporation,  
Elkhart, Indiana

requesting that Permit No. M-9927 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9927, heretofore issued to Homette Corporation,  
Elkhart, Indiana be,  
and the same is hereby, declared cancelled effective July 16, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FLOYD H. BLANKA, (DECEASED), 1005 )  
NORTH STREET, BOULDER, COLORADO. )  
----- )

PERMIT NO. M-10495

-----  
August 2, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Floyd H. Blanka (Deceased),  
Boulder, Colorado

requesting that Permit No. M-10495 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10495, heretofore issued to Floyd H. Blanka (Deceased),  
Boulder, Colorado be,  
and the same is hereby, declared cancelled effective July 16, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel G. Houtant  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PETE LUCERO, P. O. BOX 32, CAPULIN, )  
COLORADO. )

PERMIT NO. M-10626

August 2, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Pete Lucero,  
Capulin, Colorado

requesting that Permit No. M-10626 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-10626, heretofore issued to Pete Lucero,  
Capulin, Colorado

be,

and the same is hereby, declared cancelled effective July 9, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
I. F. STOLLEY, 561 GALAPAGO STREET, )  
DENVER 4, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10817

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from I. F. Stolley,  
Denver 4, Colorado  
requesting that Permit No. M-10817 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10817, heretofore issued to I. F. Stolley,  
Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective July 17, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hout  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE PELTON, 3175 SOUTH CLARKSON, )  
ENGLEWOOD, COLORADO. )

PERMIT NO. M-12206

August 2, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Pelton,  
Englewood, Colorado

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requesting that Permit No. M-12206 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-12206, heretofore issued to George Felton,  
Englewood, Colorado be,  
and the same is hereby, declared cancelled effective July 20, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Kung E. Zuehlke  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
LESTER G. TOOKER AND MARY L. TOOKER, )  
DOING BUSINESS AS, "TOOKER FLOWERS", )  
500 STATE STREET, ALAMOSA, COLORADO. )  
----- )

PERMIT NO. M-13209

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August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester G. Tooker and Mary L. Tooker, doing business as, "Tooker Flowers", Alamosa, Colorado requesting that Permit No. M-13209 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13209, heretofore issued to Lester G. Tooker and Mary L. Tooker, doing business as, "Tooker Flowers", Alamosa, Colorado be, and the same is hereby, declared cancelled effective July 3, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES D. WILLIAMSON, ROUTE 3, BOX )  
531, GREELEY, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-13409

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August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles D. Williamson,  
Greeley, Colorado  
requesting that Permit No. M-13409 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13409, heretofore issued to Charles D. Williamson,  
Greeley, Colorado be,  
and the same is hereby, declared cancelled effective July 16, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

VERNON L. WALLEN, 1545 QUITMAN  
STREET - APARTMENT 7, DENVER 4,  
COLORADO.  
-----)

PERMIT NO. M-13830

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vernon L. Wallen,  
Denver 4, Colorado  
requesting that Permit No. M-13830 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13830, heretofore issued to Vernon L. Wallen,  
Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective June 26, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
King E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HUGH C. STROY, DOING BUSINESS AS, )  
"REGIONAL WHOLESALERS", 1605 - 20TH )  
AVENUE COURT, GREELEY, COLORADO. )  
----- )

PERMIT NO. M-13977

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Hugh C. Stroy, doing  
business as, "Regional Wholesalers", Greeley, Colorado  
requesting that Permit No. M-13977 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13977, heretofore issued to Hugh C. Stroy, doing  
business as, "Regional Wholesalers", Greeley, Colorado be,  
and the same is hereby, declared cancelled effective April 7, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TELEPHONE ANSWERING SERVICE, INC., )  
A COLORADO CORPORATION, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE A PUBLIC SER- )  
VICE CORPORATION FURNISHING MOBILE )  
RADIO COMMUNICATIONS SERVICE TO THE )  
PUBLIC THROUGHOUT THE CITY AND COUNTY )  
OF DENVER; THE COUNTIES OF ADAMS, )  
ARAPAHOE, WELD, DOUGLAS, MORGAN, )  
ELBERT, AND PARTS OF BOULDER, JEF- )  
FERSON AND LARIMER COUNTIES. )  
----- )

APPLICATION NO. 19001-Amended

-----  
July 27, 1962  
-----

Appearances: Pierpont Fuller, Esq.,  
Denver, Colorado, for  
Applicant;  
Akolt, Turnquist, Shepherd  
& Dick, Esqs., by Luis D.  
Rovira, Esq., Denver,  
Colorado, for Mountain  
States Telephone and  
Telegraph Company;  
Philip Esler, Limon, Colo-  
rado, for Eastern Slope  
Rural Telephone Assn. Inc.;  
Everett R. Thompson, Denver,  
Colorado, and  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On March 21, 1962, Telephone Answering Service, Inc.  
filed an application with this Commission, seeking a certificate  
of public convenience and necessity to operate and furnish mobile  
radio communications service to the public within the City and  
County of Denver, the Counties of Adams, Arapahoe, Weld, Douglas,  
Morgan and parts of Boulder, Jefferson and Larimer. On May 3, 1962,  
an amendment to the application was filed including Elbert County  
in addition to the above-named areas, and amending the rates attached  
to the original application and amending the service to be rendered.

The matter was set for hearing on Friday, May 4th.

On April 26, 1962, the hearing date was vacated and reset for hearing at 1:30 o'clock P. M., Friday, June 1st, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The hearing began at said time and place, and was later continued to ten o'clock A. M., June 15th, without further notice. At the conclusion of the hearing on this date the matter was taken under advisement.

No protests of intervention were filed prior to the hearing. Mountain States Telephone & Telegraph Company (Mountain States) of Denver, Colorado, and the Eastern Slope Rural Telephone Association, Inc. (Eastern Slope), of Limon, Colorado, entered appearances as their interests might appear.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, to operate a telephone answering business and to render any and all service to the public or other corporations relating to or utilizing telephonic, telegraphic, radio, television, electronic, sound recording and sound transmission equipment, among other powers. A certified copy of its Articles of Incorporation, as amended to date, was presented as Exhibit A.

The purpose for which Applicant is seeking a certificate of public convenience and necessity in this application is to provide one-way radio message, paging and signaling service, and two-way mobile radio-telephone communication service capable of interconnection to existing land lines. It is not the intent to seek a certificate of public convenience and necessity in connection with its telephone answering service, the present principal business of Applicant. The offering of a part of the service as proposed by Applicant herein will be made possible by an interconnection agreement to be entered into between Applicant and Mountain States, to be completed substantially in the form as set forth in Exhibit A-2.

The interest of both Mountain States and Eastern Slope was to avoid preclusion of their offering similar service within the same or a part of the same area sought by Applicant herein, which areas are now served by land lines of both companies, to quite a degree by virtue of certificates of public convenience and necessity now held by both, either through the operation of "Grandfather Rights" or certificates heretofore issued by this Commission. As a matter of fact, the tariffs of Mountain States now provide for and Mountain States is furnishing such service. Accordingly, a stipulation was entered into by Applicant, Mountain States and Eastern Slope, recognizing the rights of Mountain States to continue to furnish and Eastern Slope to furnish such service in their respective territories. The stipulation was offered as Exhibit A-1.

Applicant will be offering a communication common carrier service by radio-telephone identified as Domestic Public Land Mobile Radio Service, commonly known as Miscellaneous Common Carrier (MCC) as each of said terms is defined in the Rules and Regulations of the Federal Communications Commission, Section 21.1, subpart A, definitions, and the service is or may be a public utility within the meaning of Section 1-3 of Chapter 115, Colorado Revised Statutes, 1953. The nature of the service requires a mobile radio to be installed in the vehicles of the subscriber or, in the case of one-way paging service, a pocket-size receiver carried on the person of the subscriber. It is proposed to make possible the interconnection of the mobile radio with the land lines and other facilities of Mountain States to permit point-to-point communication by the use of facilities furnished both by Applicant and Mountain States, as well as communication between mobile units and mobile units to a dispatcher furnished by Applicant. In this type of operation, the mobile radio service is intrastate in character, and the service offering is confined intrastate even though the radio signal may reach beyond the state boundaries.

The Federal Communications Commission, as is its prerogative, grants construction permits and licenses for the operation of the radio facilities, but the jurisdiction of rates, rules and regulations lies

with the State authority in the event the operation is a public utility as such term may be defined by local statute.

The very nature of the service offering suggests only a restricted portion of the public will apply for such service, but it is offered to all who may wish to apply, thus it appears that the Applicant does have the status of a common carrier for hire, since the service is offered to anyone who may make use of it. Therefore, it appears that such service places Applicant in the status of a public utility as defined in CRS 1953, 115-1-3, and as such should be under the jurisdiction of this Commission and subject to its regulation.

Applicant offers its service to the public generally by (a) extension of public telephone communications, (b) by being a common carrier as defined by the Federal Act, and (c) will use telephonic equipment to transmit messages via mobile radio and leased land line (since it plans to interconnect with Mountain States and use its facilities for a continuous connection from a mobile station to a fixed land line connected subscriber telephone station).

Mr. X. Nady, Jr., President of the corporation, testified Telephone Answering Service, Inc., or its predecessors, had been in operation furnishing telephone answering service and related activities since August of 1940. It has been furnishing mobile radio telephone service since October of 1961. Its construction permit was received in March of 1961. There are 75 full and part time employees normally employed, of which it is estimated five employees will be required to work with the mobile service offering. It began its mobile operations with four subscribers and as of this date there are fifty active subscribers and four additional to be placed into service as quickly as service is available. All the above subscribers received two-way service.

The one-way paging service proposed to be offered consists of a pocket-type receiver unit and by means of distinctive tone transmitted from its radio base station the subscriber is alerted and following the tone, the message intended for the subscriber is delivered

via the pocket receiver.

Applicant is a member of a national association of similar organizations whose purpose is to supply assistance in the organization and operation of such facilities, and to furnish help and prepare standards.

The basic difference between the service offered by Applicant and the existing similar service furnished presently by Mountain States is the interposition of a secretary whose function is to accept and deliver messages as required, to screen the calls being made, and to otherwise give personal attention to subscribers' requirements.

At the continued hearing, Applicant offered revised exhibits of its balance sheet, feasibility study, and tariff. Applicant has the experience, the personnel, and the financial ability to carry on the public utility service for which a certificate is sought. Financing will be provided by internal funds of the Company generated by its telephone answering service operation, and by lease purchase of the radio facilities from the manufacturer.

Obviously, this service is a necessary one to many types of operations. To demonstrate the public need, convenience and necessity, Applicant produced witnesses from various fields of endeavor. One was a physician who described the use he can make of such facilities, stating it was "a godsend," and materially increased the efficiency of his operation. By use of a connection with Mountain States' land line facilities, his use would be expanded even more. Another user operating a detective agency indicated the greatly increased mobility of its operators in the field equipped with mobile radio units. The agency not only operates within the City and County of Denver but also extends its service into the counties sought to be covered by Applicant in this application. Its efficiency in providing property protection would be greatly facilitated by being able to communicate directly from their mobile radio to their clients.

Another user who operates a music, radio and television repair service, indicated substantial increase in their operating efficiency and ability by the use of the one-way radio service in conjunction with the telephone answering service to which it now subscribes. Conceivably, many more fields of use can and do avail themselves of this type of service, and even though required by only a limited segment of the public, these appear to be sufficiently large in number to require Applicant to be found to be a public utility.

Applicant's proposed tariff (Exhibit G) is on file with the Federal Communications Commission and covers (a) the two-way mobile radio service, and (b) one-way signal and message service, as well as its operating rules and regulations.

This type of utility service is a new field heretofore not available to the public in Colorado, and this Commission will have to develop such rules and regulations which may be necessary for the conduct of the utility operation, as well as such forms for the furnishing of information to this Commission as may be found to be necessary. When such steps are taken, Applicant will receive due notice. Until such time, the Commission will accept for filing the tariff as now filed with the FCC on the tariff forms now in use by this Commission, and its initial financial report and subsequent reports will be a copy of the Annual Report filed with the FCC until such time as this Commission may adopt its own forms.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement by reference shall be made a part of these Findings.

That the Commission is fully advised in the premises.

That the Commission has jurisdiction of the Applicant herein and of the subject matter involved in the instant application.

That neither the Telephone Answering Service nor the Secretarial Service is a public utility as defined in 115-1-3, Colorado

Revised Statutes, 1953, and that portion of Applicant's activities is not subject to the jurisdiction of this Commission.

That the Domestic Public Land Mobile Radio Service and the One-Way Paging Service of Applicant is a public utility subject to the jurisdiction of this Commission.

That Applicant should be authorized to enter into an agreement with Mountain States substantially in the form as set forth in the proposed Interconnection Agreement, identified herein as Exhibit A-2, and to perform the services contemplated therein.

That the public convenience and necessity requires, and will continue to require, the furnishing of One-Way Paging Service and Two-way Mobile Radio Telephone Communication Service by means of facilities as described in the Statement, and that said mobile facilities be made capable of interconnection with land line facilities of Mountain States.

That Applicant be authorized to furnish such service in the City and County of Denver and the Counties of Adams, Arapahoe, Weld, Douglas, Morgan, Elbert, and parts of Boulder, Jefferson and Larimer Counties, all as more particularly outlined on Applicant's Exhibit F attached to its amended application.

That Applicant should maintain adequate books of account and should file a copy of its Annual Report as furnished to the Federal Communication Commission until such time as this Commission may adopt its own forms.

That Applicant should file its tariff as set forth in Exhibit G on the forms prescribed by this Commission.

#### O R D E R

#### THE COMMISSION ORDERS:

That that portion of Applicant's service providing Domestic Public Land Mobile Radio Service and One-Way Paging Service is a public utility service subject to the jurisdiction of this Commission and as to that portion of Applicant's operation it is hereby declared to be a public utility.

That public convenience and necessity require, and will continue to require, Applicant to furnish One-Way Paging Service and Two-Way Domestic Public Land Mobile Radio Service in the City and County of Denver and Counties of Adams, Arapahoe, Weld, Morgan, Douglas, Elbert and parts of the Counties of Boulder, Jefferson, and Larimer, all as more particularly set forth on Applicant's Exhibit F, which is made a part hereof by reference, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Applicant is hereby authorized to enter into an agreement with Mountain States Telephone and Telegraph Company substantially in the form as set forth in the proposed Interconnection Agreement, identified herein as Exhibit A-2, and to perform the services contemplated therein, and Applicant shall file with this Commission within ten (10) days of its execution, a conformed copy of said Agreement.

That Applicant shall maintain adequate books of account and shall file Annual Reports with this Commission, which reports, until further directed, shall be a copy of its Annual Report filed with the FCC.

That Applicant shall file its Tariff Colorado P.U.C. No. 1 containing its service offering, rates, rules and regulations, as set forth in Exhibit G herein, on the forms as prescribed by this Commission, within ten (10) days of the effective date of this Order.

That Applicant shall conduct its services in accordance with the Rules and Regulations of the Federal Communications Commission as set forth in Part 21, Volume VII of said rules, until further direction of this Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Amey E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of July, 1962.

ea

original

(Decision No. 58989)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
SOUTHEAST COLORADO POWER ASSOCIA- )	
TION, 901 WEST THIRD STREET, LA )	
JUNTA, COLORADO, FOR PERMISSION )	<u>APPLICATION NO. 19132-Securities</u>
TO BORROW MONEY, AND FOR ORDER )	
AUTHORIZING ISSUE OF SECURITY. )	
----- )	

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July 27, 1962  
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Appearances: Carl M. Shinn, Esq.,  
Lamar, Colorado,  
for Applicant;  
E. R. Thompson, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On June 5, 1962, Southeast Colorado Power Association filed with this Commission an application to authorize the issuance of a mortgage note for \$450,000, dated May 7, 1962, and for the issuance of \$850,000 principal amount additional notes to be issued subsequently, maturing over a period of 35 years and bearing interest at two per cent (2%) per annum, and to approve an amendment, dated as of May 4, 1962, to Amending Loan Contract, dated as of February 24, 1944, as amended, by Southeast Colorado Power Association and the United States of America and to use the proceeds from this borrowing for making additions and improvements to its electrical transmission and distribution system.

By Commission's Decision and Order No. 58726, the matter was set for hearing after due notice to all interested parties, on June 22, 1962, at 10:00 o'clock A. M., at 532 State Services Building, Denver, Colorado; this hearing date was vacated by Commission's Decision No. 58781. By Commission's Decision and Order No. 58844, dated June 28, 1962, the matter was continued ten working days after

the re-set hearing date, and on June 29, 1962, the matter was duly set for hearing before the Commission on July 13, 1962, at 10:00 o'clock A. M., at 532 State Services Building, Denver, Colorado. At such time and place the matter was heard by Edwin R. Lundborg, a duly approved Examiner before the Commission. The evidence received and testimony taken in the matter, together with the Examiner's Report and his recommendations, were all submitted to the Commission, and the matter was taken under advisement.

No protests were filed with the Commission in regard to these matters, and no one appeared at the hearing in opposition to the granting of the authority sought.

Southeast Colorado Power Association is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a cooperative association with its office and principal place of business at 901 West Third Street, La Junta, Colorado. The principal object and purpose of this corporation is to furnish electrical energy to its members and non-member consumers, located in the Counties of Bent, Baca, Otero, Prowers, Cheyenne, Kiowa, Las Animas, Pueblo, El Paso, Crowley, and Lincoln, all in the State of Colorado.

Applicant's witness, Mr. James D. Grundy, Manager of Southeast Colorado Power Association, testified summarily to the following matters:

Applicant, over a period of many years last past, has experienced a substantial and continual growth in its need for and delivery of electrical energy to its consumers. As a result, it has been the practice and is now necessary for Applicant to continue to improve and expand its system in order to take care of the needs of its members and non-member consumers.

Mr. Grundy stated that the funds to be obtained from the issuance of \$1,300,000 of mortgage notes is to be used primarily for the following purposes:

- (a) Building of distribution facilities to 215 additional consumers.
- (b) Building of 22.5 miles of new electrical lines, the same to be used for what is commonly referred to as "tie-lines."
- (c) The conversion and changing of approximately 90.75 miles of existing lines.
- (d) The addition of new sub-stations and switching equipment.
- (e) Removing and changing of various sub-station equipment.
- (f) Obtaining of miscellaneous distribution equipment to serve new and existing consumers.
- (g) Building of 20.0 miles of transmission lines.
- (h) Obtaining of needed transmission sub-stations and switching equipment.

In general, if Applicant is to continue to serve its users in a satisfactory manner, it would be necessary in the period of the next few years for Applicant to make the contemplated improvements and additions to its system in the nature of the matter as was set forth in the application. The time in which the improvements were made and the extent to which they would be made, depend somewhat upon the continual growth of the Applicant, but, that if history repeats itself, in his opinion, it would be necessary to make these improvements and expansions within the next few years. In order to stay abreast of the matter, it is necessary for Applicant to seek and obtain the commitment of the necessary funds with which to make the improvements and expansions before the time of actual need therefor arrives. Some of the contemplated improvements and expansions are needed at this time.

Mr. Grundy testified that the Rural Electrification Administration, Washington, D. C., an agency of the United States Government, has approved and is willing to loan to Applicant a sum of money in the approximate amount of \$1,300,000 for the purpose of improving and expanding the facilities of Applicant, and has approved the improvements and expansions on the basis of a Loan Feasibility Study

entered in evidence at the hearing herein as Exhibit No. 3.

Mr. Grundy stated further that the Association had not relied entirely upon the Feasibility Study prepared by the REA, but had engaged a firm of prominent consulting engineers to make a study of the facilities required and to prepare an estimate of revenues to be derived from the expanded and improved facilities referred to.

As evidence of Applicant's financial status, there was offered in evidence Applicant's Financial and Statistical Report for the current year ending June 30, 1962, which showed that for the first six (6) months of the year, Applicant was operating with a margin of profit. Mr. Grundy stated that Southeast Colorado Power Association was up to date in its payment of interest and repayment of debt. Upon cross-examination, he stated that, in his opinion, the proposed borrowing of \$1,300,000 as needed was in the best interest of the consumers of Southeast Colorado Power Association, and that the increased amount of debt would not be a difficult burden on the Association.

The witness for Applicant stated that at this time the Applicant proposes to issue a Promissory Note only in the amount of \$450,000 to the United States Government but that the Applicant sought authority from the Commission to issue future promissory notes in the total amount, including the first \$450,000 of \$1,300,000.

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

The Report of the Examiner recommends that the authority sought herein be granted by appropriate Order of this Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant, Southeast Colorado Power Association, a Colorado corporation, La Junta, Colorado, is a public utility as defined by 115-1-3 Colorado Revised Statutes, 1953.

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

That this Commission is fully advised in the premises.

That the proposed issuance of a mortgage note for \$450,000 (Exhibit No. 1), and subsequent mortgage notes totaling \$850,000, as set forth in Applicant's application, are reasonably required and should be authorized and approved.

That the proposed securities transactions are not inconsistent with the public interest; that the purpose or purposes thereof are permitted by, and are not inconsistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That within one hundred and twenty (120) days after the execution of the instruments authorized herein, Applicant should file one conformed copy of each of said instruments with the Commission.

That the Report of the Examiner on this matter should be approved.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That the issuance of a mortgage note for \$450,000, dated May 7, 1962 (Exhibit No. 1), and subsequent mortgage notes totaling \$850,000, as set forth in Applicant's application, be, and the same are hereby, authorized and approved.

That the issuance by Applicant of the Amendment, dated May 4, 1962, to the Amending Loan Contract, dated as of February 24, 1944, as amended (Exhibit No. 2), be, and the same is hereby, ratified and approved.

That within one hundred and twenty (120) days after the execution of instruments authorized herein, Applicant shall file with the Commission one conformed copy of each instrument.

That nothing herein contained shall be construed to imply any recommendation or guaranty of or any obligation with respect to said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem to be proper and desirable.

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

That the authority herein granted should be executed from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hahn  
August J. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD SCHENCK, 6516 LEE STREET, )  
ARVADA, COLORADO. )

PERMIT NO. M-15310

August 2, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard Schenck,  
Arvada, Colorado  
requesting that Permit No. M-15310 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-15310, heretofore issued to Howard Schenck,  
Arvada, Colorado be,  
and the same is hereby, declared cancelled effective June 16, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Kung E. Zaulings  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of August, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HERMAN W. MILLER, 1258 CAROLINA AVENUE,  
LONGMONT, COLORADO.

PERMIT NO. M-15718

August 2, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herman W. Miller,  
Longmont, Colorado  
requesting that Permit No. M-15718 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15718, heretofore issued to Herman W. Miller,  
Longmont, Colorado be,  
and the same is hereby, declared cancelled effective July 5, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAMUEL V. SCHENCK, PARLIN, COLORADO. )

PERMIT NO. M-15843

August 2, 1962

### STATEMENT

By the Commission:

The Commission is in receipt of a communication from Samuel V. Schenck,  
Parlin, Colorado

requesting that Permit No. M-15843 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-15843, heretofore issued to Samuel V. Schenck,  
Parlin, Colorado be,  
and the same is hereby, declared cancelled effective July 15, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Hobart  
Kurt E. Zurlings  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MONARCH FOODS CANNERS AND PROCESSORS, )  
P. O. BOX 187, ACKLEY, IOWA. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-6942

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Monarch Foods Canners  
and Processors, Ackley, Iowa  
requesting that Permit No. M-6942 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6942, heretofore issued to Monarch Foods Canners and  
Processors, Ackley, Iowa be,  
and the same is hereby, declared cancelled effective July 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
WILLIS G. BROWN, DOING BUSINESS AS, )  
"BROWN'S GAS AND ELECTRIC COMPANY", )  
217 CLAYTON, BRUSH, COLORADO. )  
----- )

PERMIT NO. M-3938

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Willis G. Brown,  
doing business as, "Brown's Gas and Electric Company", Brush, Colorado  
requesting that Permit No. M-3938 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3938, heretofore issued to Willis G. Brown, doing  
business as, "Brown's Gas and Electric Company", Brush, Colorado be,  
and the same is hereby, declared cancelled effective July 27, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
FRANK A. BYERS, DOING BUSINESS AS, )  
"AGRICULTURAL APPLICATORS", 4665 )  
LAFAYETTE STREET, DENVER 16, COLO- )  
RADO. )  
-----)

PERMIT NO. M-5192

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August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank A. Byers, doing  
business as, "Agricultural Applicators", Denver 16, Colorado  
requesting that Permit No. M-5192 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5192, heretofore issued to Frank A. Byers, doing  
business as, "Agricultural Applicators", Denver 16, Colorado be,  
and the same is hereby, declared cancelled effective July 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
RAY OGIER (DECEASED), DOING BUSINESS )  
AS, "OGIER'S", 323 NORRIS AVENUE, )  
MC COOK, NEBRASKA. )  
----- )

PERMIT NO. M-5762

-----  
August 2, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ray Ogier (Deceased),  
Mc Cook, Nebraska  
requesting that Permit No. M-5762 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5762, heretofore issued to Ray Ogier (Deceased),  
Mc Cook, Nebraska be,  
and the same is hereby, declared cancelled effective August 1, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
N. LUSTIG, DOING BUSINESS AS, "IDEAL )  
AUTO COMPANY", 6540 WEST COLFAX, )  
LAKEWOOD 15, COLORADO. )  
-----)

PERMIT NO. M-7295

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August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from N. Lustig, doing  
business as, "Ideal Auto Company", Lakewood 15, Colorado  
requesting that Permit No. M-7295 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7295, heretofore issued to N. Lustig, doing business  
as, "Ideal Auto Company", Lakewood 15, Colorado be,  
and the same is hereby, declared cancelled effective January 31, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
C-H CONFECTION CORPORATION, 232 )  
SOUTH MAIN, PUEBLO, COLORADO. )

PERMIT NO. M-12616

August 2, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from C-H Confection  
Corporation, Pueblo, Colorado  
requesting that Permit No. M-12616 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-12616, heretofore issued to C-H Confection Corporation,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective August 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ramon C. Portant  
Wm. E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
BRIDGWOOD THOMPSON, DOING BUSINESS )  
AS "BRIDGE'S USED CARS", 430 EAST )  
11TH AVENUE, DENVER 3, COLORADO. )  
----- )

PERMIT NO. M-13948

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bridgwood Thompson,  
doing business as, "Bridge's Used Cars", Denver 3, Colorado  
requesting that Permit No. M-13948 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13948, heretofore issued to Bridgwood Thompson,  
doing business as, "Bridge's Used Cars", Denver 3, Colorado be,  
and the same is hereby, declared cancelled effective July 26, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Houtant  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
EDWARD HENRY, DOING BUSINESS AS, )  
"HENRY'S TUNE-UP CLINIC", 801 EAST )  
PROSPECT, FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. M-14571

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Edward Henry, doing  
business as, "Henry's Tune-up- Clinic", Fort Collins, Colorado  
requesting that Permit No. M-14571 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14571, heretofore issued to Edward Henry, doing  
business as, "Henry's Tune-Up Clinic", Fort Collins, Colorado be,  
and the same is hereby, declared cancelled effective July 23, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CARL L. MOORE DBA )  
DURANGO MATTRESS AND UPHOLSTERY )  
Highway 160 W. )  
Durango, Colorado )  
----- )

AUTHORITY NO. M 2147  
CASE NO. 9317 Ins.

-----  
July 30, 1962  
-----

S T A T E M E N T

By the Commission:

On July 19, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zepher  
Commissioners

Dated at Denver, Colorado,  
this 30th day of July, 1962

original

(Decision No. 59002)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHECKER CAB COMPANY, 406 SEVEN- )  
TEENTH STREET, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY, AUTHOR- )  
IZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 78. )  
----- )

APPLICATION NO. 14612-Extension

-----  
July 30, 1962  
-----

Appearances: John F. Mueller, Esq.,  
Denver, Colorado,  
for Applicant;  
John R. Barry, Esq.,  
Denver, Colorado,  
for Denver-Colorado  
Springs-Pueblo Motor-  
way, Inc., and Contin-  
ental Bus System, Inc.;  
David Butler, Esq.,  
Denver, Colorado, for  
Colorado Transportation  
Company.

S T A T E M E N T

By the Commission:

On July 25, 1960, the above-styled application was filed with the Commission by Checker Cab Company, owner and operator of PUC No. 78, seeking a certificate of public convenience and necessity authorizing extension of operations under said PUC No. 78 to include (a) "Grandfather Rights" under Article XXV of the Constitution of the State of Colorado, authorizing it to engage in the transportation of passengers for hire in sightseeing service to and from all points and places within the City and County of Denver in the State of Colorado, and (b) authorizing it to use multi-passenger buses in sightseeing service as the public demand shall require in all sightseeing service conducted by it under its Certificate No. 78.

The above matter, after considerable delay, was eventually and finally set for hearing before the Commission on February 26, 1962, and after several days of hearing, on May 15, 1962, was taken under advisement.

The files of the Commission disclose that applicant is the owner of PUC No. 78, with authority substantially as follows:

(1) The transportation of passengers over the six routes specified in Decision No. 1115 of date 3-7-27, limited to sightseeing round-trip one-day operations, without service to any intermediate points -- (a) Denver to Estes Park via North St. Vrain; (b) Denver to Estes Park via South St. Vrain; (c) Denver to Pikes Peak; (d) Denver to Georgetown Loop; (e) Denver to Echo Lake at Mt. Evans; (f) Denver to Denver Mountain Parks.

Extended by Decision No. 10174, of date 6-12-37, authorizing transportation of passengers over six additional routes, with the same limitations:

TRIP 1: GOLD PATCH TRIP, reaching Nederland, Central City and Idaho Springs.

TRIP 2: JARRE CANON TRIP, covering section of South Platte and Jarre Canon.

TRIP 3: Part of Denver Mountain Parks, including Mt. Evans and Leadville, Fairplay section.

TRIP 4: PEAK TO PEAK TRIP, extends from Longs Peak to Pikes Peak.

TRIP 5: MESA VERDE TRIP, reaches most of the major scenic attractions in the Colorado mining areas, mountainous districts of the State and points of interest on the Western Slope.

TRIP 6: Denver to Colorado Springs, and further limited to the use, on all trips, of 9 automobiles of a capacity of not to exceed seven passengers, with no service by bus, all round-trips to originate in Denver, and no branch office permitted in any town or city other than Denver, Colorado.

(2) Authority to operate and engage in the business of operating taxicabs, motor cars, motor buses, and vehicles for the transportation of passengers and their personal baggage, from and between the City and County of Denver, Colorado, Estes Park, and to and from any and all counties, cities, towns, and points within said State of Colorado, in the nature of a special taxicab and bus service, with no branch office or agent in any other town or city than Denver, Colorado, for the purpose of developing business, excepting therefrom the right and authority to operate taxicabs (a taxicab being defined as a motor vehicle engaged in the bona fide taxicab

business and having a rated seating capacity of not more than five passengers and driver), west of the line of separation between plains and mountain territory, as fixed by the Commission in Revised Case No. 1585, paragraph A-1.

In our comments on the evidence, it will be our purpose to review briefly the evidence adduced at the hearing, trying to avoid duplication. We will refer to applicant as "Checker," Denver-Colorado Springs-Pueblo Motorway and Continental Bus System, Inc. as "Continental," and will refer to protestant as "Colorado Transportation Company."

It appears that Checker, or its predecessor, Colorado Cab Company, of which Edward W. Dundon was either owner, partner or president and chief stockholder, obtained its original sightseeing authority in March, 1927, being PUC No. 78, and has operated continuously ever since. The record indicates that, generally, since 1927, Checker has operated seven-passenger limousines, viz., automobiles with a capacity of eight including driver. There is some evidence that on occasions buses were used for sightseeing in the City and County of Denver. In 1954, Checker established an office at 1669 Broadway under a contract with Continental or the Trailway System, and leased buses from Denver-Colorado Springs-Pueblo Motorway for the purpose of conducting a general sightseeing business. A Complaint, being Case No. 5107, was filed by the Colorado Transportation Company, which was heard by the Commission, resulting in Decision No. 45865, which ordered Checker to cease and desist in the use of buses for sightseeing. On the same day, Decision No. 45866, Case No. 5106, was issued as a result of a complaint by Colorado Transportation Company to abandon the bus authority held by Checker. The complaint was denied and dismissed for failure on the part of complainant to show by the evidence any non-use or abandonment of Checker to operate bus service in its motor carrier operations. As a result of Decision No. 45865, Checker discontinued use of buses in sightseeing service.

On June 27, 1956, Checker filed an application with the Commission for authority to operate sightseeing service in Denver and to remove the restriction as to equipment used in sightseeing under PUC No. 78. This authority was granted by the Commission but was reversed by the Supreme Court (141 Colo. 203), under date of December 7, 1959. During 1956, 1957, 1958 and 1959, Checker operated buses in their sightseeing operations under color of right by virtue of the decision entered by the Commission. After the reversal by the Supreme Court, Checker again, in compliance with the order of the Supreme Court discontinued its operation of buses, and in July, 1960, filed the application we are here considering.

The evidence of Checker indicates that prior to 1954, their operation in the City and County of Denver was conducted generally by limousines or automobiles, but on occasions -- when they had large groups -- they leased buses for city sightseeing operations, and on numerous occasions turned over the business to the Gray Line.

Several witnesses appeared and testified as to the desirability of sightseeing by bus, and we will quote from the testimony of Edward W. Dundon, the president and general manager of Checker, who has been continuously in the sightseeing business since 1923, serving as driver, dispatcher, manager, and in an executive capacity, and who has been connected with every phase of the sightseeing business. In answer to the following questions, he said:

"Q. Based upon your experience in sightseeing over the many years, have you had occasion to form an opinion, based on your knowledge and observations in the operation of sightseeing business, as to whether or not there is any advantage to the public, considering now the traffic that is available to you, in the use of buses as against 7-passenger limousine automobiles as now authorized by the Commission? I have asked you whether or not you have been able to form an opinion?

"A. I have.

"Q. Now what is that opinion and upon what is it based?

"A. My opinion, based upon my personal every day contact with sightseeing business is that there is no longer any other satisfactory mode of transportation excepting a glass-top sightseeing bus. I know that from my own personal experience with the leaders, the tour agents of large groups who present themselves for that service, by my personal conversations with individual passengers who want that. My personal knowledge of those who have refused to get into our limousines and my personal knowledge of those who have been refunded at our office when they found they were going to get into a limousine. I know for certain there is no other satisfactory method of taking care of sightseeing passengers except in glass-top buses."

Numerous public witnesses corroborated Dundon's testimony. These people had been served by Checker for many years, who operate hotels, motels, hospitals, bus or sightseeing operators, and those who in the operation of their business need sightseeing service.

Louis J. Carter, Supervisor of Complaints and Investigation for the Commission, with eighteen years of experience with Colorado sightseers, appeared under subpoena and testified in answer to the general question of buses versus limousines, as follows:

"Well, it is my opinion that there has been a change in the demand of the public for sightseeing service. We now, in the City of Denver, have large hotels. We have become a convention city. People come to conventions from different districts and come in bodies and in parties, and when they get here they want sightseeing service in what we call 'togetherness.' They don't want to be divided in a lot of small cars, so now there is a demand for transportation in sightseeing by more and larger vehicles in sightseeing."

\* \* \*

"Q. I will ask you another question, Mr. Carter: Do you believe that the use of limousines as prescribed by the Commission, referring now to 7-passenger limousines, is an adequate and satisfactory means of moving groups of people, such as convention-goers and other groups that you mention?

"A. Oh, no. I don't think it is adequate for that kind of movement."

Mr. I. B. James, President of Colorado Transportation Company, testified as follows:

"Q. Mr. James, did you file an Application No. 16797-Extension, seeking to convert some of your limousine authority to bus service?

"A. We did, yes sir.

\* \* \*

"Q. And did you testify in that proceeding?

"A. I believe I did.

"Q. Mr. James, I have a transcript of your testimony:

Question: 'What is Gray Line Motor Tours, Mr. James, and if you have any connection with the so-called Gray Line will you outline it?' Answer: 'Gray Line is a loosely knit association made up of sightseeing operators in the United States and Canada.'

Do you remember that?

"A. I think that is substantially as I testified today.

"Q. This is on Page 35: Question: 'Mr. James, will you state why buses are a better and a more efficient method of transportation in the operation from Denver to Pikes Peak and return than are 7-passenger cars or other automobiles for conducted tours?' Answer: 'Your present day bus has been improved a lot over what it was 25 or 30 years ago, even 10 years ago. Your bus, with the glass roof, gives your riders an opportunity to really see the sky and the sky lines if you are driving down a city. They can see up if they are in the mountains and in a canyon they can see up, and if they are going to Pikes Peak the same thing is true. Your passengers riding in the bus are seated further from the ground than they are in a 7-passenger car, and for that reason have a better chance to see more. Each seat in a bus is of uniform size. When you take what we normally called a 7-passenger Cadillac, you put two passengers in the front seat with a driver, you put three passengers in the rear seat, and then you have two folding type seats that fold down and you put two people on those seats directly in back of the front seat. We call those "jump seats." They are not padded on either the cushion or the back rest to the extent that the balance of the car is, and to satisfy your passengers on a 220-mile trip, such as Denver to Pikes Peak and return, you tell them when you load that the passenger riding the jump seat will be rotated so he doesn't get stuck in that seat for the entire trip. You don't have the freedom in a 7-passenger car to get up and stretch and move around that you have in a bus with full head room. In other words, there is more room, you are not so close to the roof, you are not so close to the passengers in front of you, and you have more elbow room in a bus than you have in a 7-passenger car.' Question: 'Are there any other

reasons that you think of, Mr. James, why multi-passenger buses are more efficient than passenger cars.' Answer: 'Well, I personally think they are more safe than a 7-passenger car, and as far as efficiencies from an operating standpoint you can make more money on one bus than you can on three limousines.'

Do you recall this?

"A. Yes. I think it was a pretty true statement.

"Q. It hasn't changed any then from today, has it, Mr. James?

"A. I don't think so.

"Q. Answer: 'We often get groups from 10 to 20 that like to be in one unit, and to eliminate the dividing of those groups and putting them in two different vehicles by having a maximum capacity of 21.' Question: 'What about the handling of groups, particularly tourists from out of state, how are they handled on a bus?'

Would your testimony be pretty much the same if you were the Applicant here, Mr. James, as it was that day?

"A. If I were the applicant?

"Q. Yes.

"A. Yes. I was the applicant in that case and I would say it would be substantially the same."

D. A. Scott, Director of International and Domestic Tours for Continental Trailways, generally outlined the program of Continental in its promotion of sightseeing, and that all sightseeing originating on their lines was turned over to Checker; that their competitor in the Denver area was Greyhound Bus Company, who had a similar program, and in Denver use the Gray Lines. Mr. Scott stated his company needed glass-topped sightseeing buses; that their business had substantially increased during the past year; and that Continental was most optimistic for 1962. It appears that his company in some cities uses Gray Lines, but where there is a competitive sightseeing operation, they favor the company not serving Greyhound, and in Denver, due to local conditions, "we prefer to use Checker."

L. C. James, Major General, United States Army, Retired, President of National Trailways Bus System, testified as to the

competitive situations between Greyhound and Trailways, and that it was important to Trailways to have a sightseeing outlet "who works and cooperates with us for the reason Trailways has expended tremendous sums in establishing offices and agents all over this country to generate and germinate business, and when we bring it into Denver, we do not wish to turn it over to a competitor."

Other officials of Continental Bus Company corroborated the testimony of General James as to their desire and need for a carrier who can operate sightseeing buses. Several public witnesses who had used the service of Checker for years, offered testimony as to their need for sightseeing bus service in Denver, and for the sightseeing area Checker has served in the past.

Colorado Transportation Company, the protestant herein, relied entirely on their President, I. B. James, who stated his company operated PUC No. 55 and I, with authority substantially as follows:

12/23/52 DEC #41786: (Tsfd from PUC-5). 1. Transportation by taxicabs, motor cars, motor buses and motor vehicles of passengers and their personal baggage from and between Denver, Greeley, Ft. Collins, Loveland, Longmont, Boulder, Estes Park, Lyons, and Idaho Springs, Colorado, to and from any and all other counties, cities, towns, and points within the State of Colorado in the nature of a special taxicab and bus service, such transportation to be engaged in, under and pursuant to individual agreements and to be rendered as occasion may require and the public demand therefor arises, and such operations to be irregular, occasional, non-scheduled operations under diverse and irregular routes between or to and from any of said points or destinations. (PUC-55) 1. The transportation of passengers, express mail, and other commodities, excluding freight, express as that term is used in this paragraph meaning the transportation of packages weighing not more than 100 lbs. per shipment in motor vehicles having facilities for the transportation of passengers and operated on a schedule designed for the transportation of passengers, and tourist sightseeing operations over the following routes: (1) Denver to Estes Park, via Longmont, Berthoud, Loveland, and Big Thompson Canyon, and return; (2) Denver to Estes Park, via Longmont, Lyons, No. St. Vrain, and return; (3) Denver to Estes Park, via Longmont, Lyons, So. St. Vrain, Allenspark, Copeland Lake, and Longs Peak, and return; (4) Denver to Estes Park, via Boulder and Lyons, and return, either North or South St. Vrain, and between intermediate points; (5) Longmont to Estes Park, via Lyons and North St. Vrain, and return; (6) Longmont to Estes Park, via Lyons,

So. St. Vrain, Allenspark, Copeland Lake and Longs Peak, and return; also intermediate points between Lyons and Estes Park; (7) Loveland to Estes Park and intermediate points, and return; (8) Ft. Collins to Estes Park and intermediate points, and return; (9) Grand Lake to Denver, via Berthoud Pass and intermediate points, and return; (10) Estes Park to Longs Peak and intermediate points, and return; (11) Denver to Estes Park, via Greeley, and return; also intermediate points between Greeley and Estes Park, but no local business to or from Greeley and Denver or points intermediate; (12) Greeley to Estes Park, via Loveland and intermediate points, and return; (13) Boulder to Estes Park, via Lyons and North or South St. Vrain, and return; (14) Estes Park to Drake, via North Big Thompson, and return; (15) Estes Park to Grand Lake, and return; (16) Estes Park to Horseshoe Park to Moraine Park to Glacier Basin to Bear Lake to YMCA Conference Camp to Estes Park, in either direction; (17) Grand Lake to Granby, and return.

2. Transportation of passengers on round trips originating in Denver, over the following routes: (1) Known as the "Gold Patch" Trip, reaching Nederland, Central City, and Idaho Springs, over a distance of some 112 miles, consuming the major part of 1 day, the charge being \$8.00 per person and the minimum number of persons on a trip being two. (2) "Jarre Canyon," covering a section of South Platte and Jarre Canyon, a distance of approximately 162 miles, consuming the major portion of 1 day, charge of \$8.00 with a minimum of 3 passengers on the trip. (3) Takes in a part of the Denver Mountain Parks, including Mt. Evans and the Leadville and Fairplay sections, covering some 318 miles, consuming approximately 2 days, charge of \$16.00 with a minimum of 3 passengers. (4) "Peak to Peak" Trip, extending from Longs Peak to Pikes Peak and touching many of the scenic points between these two peaks, over a distance of approximately 411 miles, consuming 2 to 3 days, charge \$20.00 per passenger with a minimum of 4 passengers. (5) "Mesa Verde" Trip, which reaches most of the scenic attractions of the State of Colorado, traversing the mining areas, mountainous districts of the State, the park areas, and points of interest on the Western Slope. It consumes in all approximately 6 days, and covers more than 1,000 miles of travel, charge of \$60.00 per passenger, and a minimum of 4 passengers to the car. (6) From Denver to Colorado Springs. Made in 1 day, distance being 223 miles, charge \$10.00 with a minimum of 3 passengers.

3. (a) Transportation of passengers by motor vehicle, over the following routes: (1) Denver to Estes Park, via North St. Vrain Canyon. (2) Denver to Estes Park, via South St. Vrain Canyon. (3) Denver to Pikes Peak. (4) Denver to Georgetown Loop. (5) Denver to Echo Lake and Mt. Evans. (6) Denver to Denver Mountain Parks, subject to the following terms and conditions:

(1) No transportation of passengers to any intermediate point in the route designated shall be permitted and all operations shall be limited to sightseeing, round trip, one day operations. (2) The quantity of equipment to be used to be limited to 2 automobiles. (b) Transportation of passengers by motor vehicle over the following routes: (1) Denver to Georgetown Loop and Silver Plume, and return. (2) Denver to Denver Mountain Parks, via Bear Creek Canyon, and return. (3) Denver to Lookout Mountain, and return. (4) Denver to Pikes Peak and return. (5) Denver to Echo Lake and Mt. Evans, and return, subject to the following terms and conditions: (1) No transportation of passengers to any intermediate points on the route designated shall be permitted. (2) All operations shall be limited to sightseeing, round trip, 1-day operations. (3) Equipment to be used in operation limited to 3 cars. (c) Transportation of passengers by motor vehicle over the following routes: (1) Denver to Pikes Peak and Colorado Springs Region. (2) Denver to Georgetown Loop. (3) Denver to Echo Lake and Mt. Evans. (4) Denver to Denver Mountain Parks, subject to following terms and conditions: (1) No transportation of passengers to any intermediate points on routes designated shall be permitted. (2) All operations shall be limited to sightseeing round trip, 1 day operations. (3) Quantity of equipment to be used in this operation to be limited to 2 cars. (3) Transportation of passengers by motor vehicle over the following routes: (1) Denver to Mt. Evans. (2) Denver to Bergen Park. (3) Denver to Silver Plume. (4) Denver to Echo Lake. (5) Denver to Estes Park via South St. Vrain. (6) Denver to Estes Park via North St. Vrain. (7) Denver to Pikes Peak, subject to following terms and conditions: (1) No transportation of passengers to any intermediate points on the routes designated shall be permitted. (2) All operations shall be limited to sightseeing round trip, 1 day operations. (3) Quantity of equipment to be used in this operation to be limited to 4 cars. (e) Transportation of passengers by motor vehicle in sightseeing service for round trips originating in Denver over the following routes: (1) "Gold Patch Trip" - Approximately 116 miles, charge \$8.00 per person, minimum of 2 passengers. (2) "Jarre Canon Trip" - Approximately 162 miles, charge \$8.00 per person, minimum of 3 passengers. (3) Denver Mountain Parks, Mt. Evans, Leadville and Fairplay section, approximately 318 miles, charge \$16.00 per person, minimum of 3 passengers. (4) "Peak to Peak Trip" -- Longs Peak to Pikes Peak, approximately 411 miles, charge \$20.00 per person, minimum 4 passengers. (5) "Mesa Verde Trip" - approximately 1,000 miles, charge \$60.00 per person, minimum of 4 passengers. (6) Denver to Colorado Springs, approximately 223 miles, charge \$10.00 per person, minimum of 3 passengers. All limited to 6 cars for all of said trips.

DEC. #46017 - 6/20/56: Authorized to discontinue entirely its transportation service between the Town of Evergreen, Colorado, and the Troutdale Hotel, located approximately two miles upstream from Evergreen, Colorado.

DEC. #46214 - To include the right to operate between points and places within the City and County of Denver, State of Colorado.

9/12/57 INTERSTATE AUTHORITY ISSUED. Transportation of passengers between points now authorized to be served, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

DEC. #52209: Extended to include the right to transport passengers through the use of multi-passenger buses in all its presently certificated area from Denver to Pikes Peak, and return.

DEC. #58330: Transportation of passengers and their personal baggage to and from the City and County of Denver, from and to any and all other counties, cities, towns and points within the State of Colorado, in the nature of a special taxicab service.

It appears from the testimony of I. B. James that Colorado Transportation Company is affiliated with Gray Line Association, an organization of sightseeing operators throughout the United States and Canada; that his company has a joint depot arrangement with Greyhound Bus Company under a twenty-year lease. Colorado Transportation Company distributes from 125,000 to 140,000 folders advertising its sightseeing through all Gray Line offices. The witness described in detail the entire operation, including maintenance, and that his company served all comers under its published tariff. This operation includes, in addition to sightseeing, car rental, limousine service, operation of a ski-tow, concessions for the sale of souvenirs and curios, and a hotel located at Grand Lake. The record discloses that 60% of this company's revenue comes from sightseeing operations. The total revenue of his company for the year ending December 31, 1961, amounts to \$466,168.11, and his special limousine service amounts to only \$14,574. Exhibit K, which is the advertising folder distributed by his company, fails to mention sightseeing by limousine. However, the witness testified he recalled instances where a family desires a car by themselves, and they are willing to pay the per capita rate,

plus 20%, to get exclusive use of the car for a sightseeing trip. It would appear from the evidence that Colorado Transportation Company uses limousines for funerals, weddings, and distinguished guests who visit our city. The witness was unable to break down the actual revenue for sightseeing by limousine, which would be only a portion of \$14,574.00.

We feel that our impressions of the misconception of the general public as to the connection, if any there be, as to the relationship between Gray Line and the Greyhound Company should be discussed. The Commission is satisfied that there is no connection nationally. However, we do have a tie-up here in Denver and we can readily understand why the Denver general public assumes the two operations are affiliated. This is brought about by the sharing of depot and the sale of tickets by Greyhound. This, in our judgment, is an unfortunate situation, and if this application is denied, leaving Colorado Transportation the only sightseeing service by bus in Denver, it might be advisable for the Commission to enter into an investigation as to the propriety of this combination.

A review of the testimony of Colorado Transportation Company can be summarized briefly, as follows: Colorado Transportation Company has authority; Checker does not. Colorado Transportation Company has handled sightseeing by bus in Denver in its sightseeing area for years and maintains all traffic can be handled by them in the future, and if their competitors are permitted to give sightseeing service by bus, they will lose some business. This, they contend, they cannot afford.

We have briefly commented on the evidence and the record. We do not contend that our Statement is a complete summary of the record. It would be impossible to summarize 503 pages of testimony and some 50 exhibits in a short Statement. Many witnesses appeared whose evidence was cumulative, and large portions of the record disclose the fierce and spirited competition existing in sightseeing, bus and charter service.

The application asks for certification of applicant's sightseeing authority in the City and County of Denver by reason of the passage of Article XXV to the Constitution of the State of Colorado, and the substitution of bus for limousine service in its sightseeing operations. This poses two general questions which we must answer in disposing of this application.

Question No. 1: Does Checker have "Grandfather Rights" for sightseeing in Denver, and do these "Grandfather Rights" include service by bus?

Question No. 2: Has Checker established public convenience and necessity for the use of multi-passenger buses in its entire sightseeing operations?

In commenting on Question No. 1, the evidence clearly shows that owners of PUC No. 78, or their predecessors, have operated a general sightseeing service within the City and County of Denver since 1927, and it would be reasonable to assume from the record that the service started prior to World War I; that prior to the adoption of Article XXV of the Constitution of the State of Colorado, Checker did occasionally operate sightseeing by bus and, in addition, there was considerable testimony as to the need of Checker's sightseeing service by bus in Denver.

In our consideration of Question No. 2, we approach our task realizing history and the record disclose a fierce competitive battle between the carriers here represented, who, it appears, are more interested in combat than the public need, as disclosed by the numerous hearings, especially in hearings for rules governing sightseeing and charter service, and the numerous complaints filed with the Commission. It is, however, our purpose and desire to approach this question, having in mind primarily the public need, as disclosed by the record herein. The role of the Commission in these proceedings is not that of a court or referee, passing objectively upon conflicting claims of adversary parties, but rather that of an administrative body of specialized and limited powers, and, though required at all times to act within the framework and limitations which created it, it must, nevertheless, have before it as an ultimate and paramount objective, the interest of the public as a whole.

In 1927, Colorado Transportation Company and Checker were both authorized to serve the sightseeing territory awarded to Checker, by automobile or limousine, and at that time it was the only practical and feasible service for the territory awarded to Checker. Improvement of roads and buses, however, during the past thirty-five years, has made sightseeing by bus to these points feasible. We have set out the authority of Colorado Transportation Company in detail, and it is apparent that there is territory within that authority which could be served by bus, as early as 1927. As roads and buses improved, Colorado Transportation Company substituted buses for limousine service, and it now appears they have partially abandoned sightseeing service by limousine. It is noteworthy that in Exhibit K, Colorado Transportation Company fails to mention limousines for regular sightseeing service, and Colorado Transportation Company's President, the protestant herein, very clearly points out the advantages of bus over limousine service for the public using the service. In his testimony, the question of regulated monopoly versus regulated competition was brought out in cross-examination. The Colorado Commission, for the past twenty years, has regulated motor carriers for hire under the belief that the theory of regulated competition was in compliance with our law. We will not attempt to resolve this question as it would appear it is a matter of law which we feel is beyond our jurisdiction, and should be left to the Courts, so, hereafter, we will confine our comments to the needs of the public.

This is an application to upgrade service of a presently certificated sightseeing common carrier. Checker's present service is regulated by law because its service is determined to be necessary and needed by the public. We said in Decision No. 52209, dated May 6, 1959, wherein Colorado Transportation Company asked to extend Certificate No. 55 to include the right to transport passengers through the use of multi-passenger buses from all its presently certificated

area, from Denver to Pikes Peak and return, which involves the question here to be determined.

In Decision No. 52209, we said: "The Commission is of the opinion that if the service to the public can be materially improved by the substitution of improved equipment, it is our duty to provide that service if economically feasible." We are here faced with an identical situation as in Application No. 16797, and if it applied to Colorado Transportation Company's application to Pikes Peak, it is equally applicable to Checker's sightseeing operations.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the owners of PUC No. 78, or their predecessors, have operated continuously sightseeing service within the City and County of Denver, since 1927, to date.

That prior to the passage of Article XXV of the Constitution of the State of Colorado, Checker occasionally operated a bus for sightseeing in its Denver city tour.

That the evidence clearly discloses a need by the public for sightseeing service within the City and County of Denver, and that by the use of multi-passenger buses, and that public convenience and necessity require the granting of Checker's application for sightseeing within the City and County of Denver.

That Checker Cab Company, the applicant herein, has established "Grandfather Rights" for sightseeing service by bus within the City and County of Denver.

That the evidence and record clearly disclose that the sightseeing service rendered by Checker will be improved, and the public thereby benefitted by authorizing Checker to use multi-passenger buses in all of its sightseeing service as the public demand shall require, in all its sightseeing service conducted by it under Certificate of Public Convenience and Necessity No. 78.

The Commission is of the opinion, and we so find, that the granting of this extension will give to the sightseeing public a more convenient, economical, safer, and desirable service.

That the public need for this improved service has been definitely established by the evidence and exhibits, and that public convenience and necessity require the extended motor vehicle common carrier sightseeing operations to include the right to transport passengers through the use of multi-passenger buses under Certificate of Public Convenience and Necessity No. 78, as set forth in the Order following, and that the foregoing Statement, where facts have been determined, is incorporated and made a part of these Findings by reference.

That Checker now holds authority for 9 automobiles of a capacity not to exceed 7 passengers; that glass-topped sightseeing buses presently used by the Broadmoor Hotel in Colorado Springs have now a capacity of 21 passengers. We therefore are of the opinion, and so find, that Checker should be restricted to the use of three buses in its sightseeing operations. This, in our opinion, will not substantially distort the competitive situation as it existed at the time of the granting of the original authorities.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations of Checker Cab Company, Denver, Colorado, under PUC No. 78, to include the right to transport passengers in sightseeing service to and from all points and places within the City and County of Denver, State of Colorado.

2. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations of Checker Cab Company, Denver, Colorado, under PUC No. 78, to include the right to transport passengers through the use of multi-passenger buses, said authority to be limited to the use of three buses,

of a capacity of not over 37 passengers each, 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. Nigro  
Ralph C. Horton  
Alvin E. Zurlungo  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RAYMOND L. JACOBS AND KATHRYN M. )  
JACOBS, DOING BUSINESS AS, "HOSPITAL )  
T. V. RENTALS", 240 NORTH FRANKLIN, )  
COLORADO SPRINGS, COLORADO. )  
-----)

PERMIT NO. M-14405

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Raymond L. Jacobs and Kathryn M. Jacobs, dba "Hospital T. V. Rentals", Colorado Springs, Colorado requesting that Permit No. M-14405 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14405, heretofore issued to Raymond L. Jacobs and Kathryn M. Jacobs, dba "Hospital T. V. Rentals", Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective August 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RAY LOUDEN, DOING BUSINESS AS, "RAY  
LOUDEN - DISTRIBUTOR", 1104 6TH  
STREET, GREELEY, COLORADO.  
-----)

PERMIT NO. M-13018

-----  
August 2, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ray Louden, doing  
business as, "Ray Louden - Distributor", Greeley, Colorado  
requesting that Permit No. M-13018 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13018, heretofore issued to Ray Louden, doing business  
as, "Ray Louden - Distributor", Greeley, Colorado be,  
and the same is hereby, declared cancelled effective July 17, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VIRGIL SLADE, F. B. SLADE, BOB K. )  
TAYLOR, D. A. HARRIS AND C. A. DECKER, )  
DOING BUSINESS AS, "MESA MERCANTILE", )  
ROUTE 1 BOX 51, HESPERUS, COLORADO. )  
-----)

PERMIT NO. M-4462

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August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Virgil Slade, F. B. Slade,  
Bob K. Taylor, D. A. Harris and C. A. Decker, dba "Mesa Mercantile", Hesperus, Colorado  
requesting that Permit No. M-4462 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4462, heretofore issued to Virgil Slade, F. B. Slade,  
Bob K. Taylor, D. A. Harris and C. A. Decker, dba "Mesa Mercantile", Hesperus, be,  
Colorado  
and the same is hereby, declared cancelled effective June 18, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AILEEN F. WALTHER, 6790 ALBION STREET )  
DERBY, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-14937

-----  
August 2, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Aileen F. Walther,  
Derby, Colorado  
requesting that Permit No. M-14937 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14937, heretofore issued to Aileen F. Walther,  
Derby, Colorado be,  
and the same is hereby, declared cancelled effective July 24, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 2nd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN W. BRENING, DOING BUSINESS AS, )  
"GROVER TRUCK LINE", P. O. BOX 12, )  
GROVER, COLORADO. )  
----- )

PERMIT NO. M-3422

-----  
August 9, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from John W. Brening,  
doing business as, "Grover Truck Line", Grover, Colorado  
requesting that Permit No. M-3422 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3422, heretofore issued to John W. Brening,  
doing business as, "Grover Truck Line", Grover, Colorado be,  
and the same is hereby, declared cancelled effective June 30, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Wm. E. Zwickler  
Commissioners

Dated at Denver, Colorado,

this 9th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. BRENING, DOING BUSINESS )  
AS, "GROVER TRUCK LINES", P. O. )  
BOX 12, GROVER, COLORADO. )

PUC NO. 381

-----  
August 9, 1962  
-----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. 381 be suspended for six months from June 30, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That John W. Brening, doing business as, "Grover Truck Line",  
Grover, Colorado  
be, and is hereby, authorized to suspend operations under PUC No. 381 until December 30, 1962.

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*  
*Samuel C. [unclear]*  
*Wm. E. Zuckerman*

Dated at Denver, Colorado,  
this 9th day of August, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. BRENING, DOING BUSINESS )  
AS, "GROVER TRUCK LINE", P. O. )  
BOX 12, GROVER, COLORADO. )  
-----

PUC NO. 408

-----  
August 9, 1962  
-----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. 408 be suspended for six months from June 30, 1962.

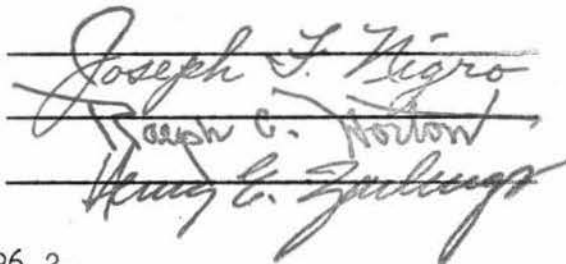
F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That John W. Brening, doing business as, "Grover Truck Line",  
Grover, Colorado  
be, and is hereby, authorized to suspend operations under PUC No. 408 until December 30, 1962.

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

Dated at Denver, Colorado,  
this 9th day of August, 1962.

he

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN W. BRENING, DOING BUSINESS )  
AS, "GROVER TRUCK LINE", P. O. )  
BOX 56, GROVER, COLORADO. )  
-----

PUC NO. 1782 &amp; I

-----  
August 9, 1962  
-----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. 1782 & I be suspended for six months from June 30, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That John W. Brening, doing business as, "Grover Truck Line", Grover, Colorado be, and is hereby, authorized to suspend operations under PUC No. 1782 & I until December 30, 1962.

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*  
*Robert C. Woodmont*  
*Henry E. Zank*

Dated at Denver, Colorado,  
this 9th day of August, 196 2.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. Y. HARRINGTON (DECEASED), )  
310 NORTH AUSTIN, TULIA, TEXAS. )

PUC NO. 4865-I

August 9, 1962

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. Y. Harrington  
(Deceased), Tulia, Texas

requesting that Certificate of Public Convenience and Necessity No. 4865-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. 4865-I heretofore issued to J. Y. Harrington,  
(Deceased), Tulia, Texas

be, and the same is hereby, declared cancelled effective March 21, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Harrison*  
*Wm. E. Ziegler*  
Commissioners

Dated at Denver, Colorado  
this 9th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELMER E. MOZEE, 3041 EAST 31ST )  
AVENUE, DENVER 5, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. B-3877

-----  
August 9, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elmer E. Mozee,  
Denver 5, Colorado  
requesting that Permit No. B-3877 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3877, heretofore issued to Elmer E. Mozee,  
Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective July 19, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Joseph F. Negro  
Ralph C. Norton  
Wing E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARNOLD LEEPER, MARY ELLEN LEEPER,  
PATRICIA ANN WASSENBERG AND GOLDIE  
M. WASSENBERG, DOING BUSINESS AS,  
"X-L MOBILE COURT", 1700 LA PORTE  
AVENUE, FORT COLLINS, COLORADO. )

PUC NO. 4583

August 9, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named  
certificate-holder requesting that their PUC No. 4583  
one year  
be suspended for ~~six months~~ from July 15, 1962.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Arnold Leeper, Mary Ellen Leeper, Patricia Ann Wassenberg  
and Goldie Wassenberg, doing business as, "X-L Mobile Court", Fort Collins,  
Colorado be, and are hereby, authorized to suspend oper-  
ations under PUC No. 4583 until July 15, 1963.

That unless said certificate-holder shall, prior to the expira-  
tion of said suspension period, make a request in writing for the reinstate-  
ment of said certificate, file insurance and otherwise comply with all  
rules and regulations of the Commission applicable to common carrier cer-  
tificates, 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*  
*Robert C. Trotter*  
*Henry E. Zerkow*

Dated at Denver, Colorado,  
this 9th day of August, 196 2.

original

(Decision No. 59014)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HIGHLINE ELECTRIC ASSOCIATION, A )  
COLORADO CORPORATION, HOLYOKE, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO FURNISH )  
ELECTRIC SERVICE FOR CERTAIN TERRI- )  
TORY LOCATED IN SEDGWICK, PHILLIPS, )  
YUMA, LOGAN, WASHINGTON, MORGAN, AND )  
WELD COUNTIES, COLORADO. )

APPLICATION NO. 17431

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July 30, 1962  
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Appearances: Baxter W. Arnold, Esq., Sterling,  
Colorado, and  
Erl H. Ellis, Esq., Denver, Colo-  
rado, for Applicant;  
Ben Sublett, Esq., Sterling,  
Colorado,  
Bryant O'Donnell, Esq., Denver,  
Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Donald D. Kawelti, Esq., Denver,  
Colorado, for Protestant, Pub-  
lic Service Company of Colorado;  
John J. Vandemoer, Esq., Julesburg,  
Colorado, for Protestant, the  
Town of Julesburg;  
Paul M. Brown, Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On October 5, 1959, Highline Electric Association (Highline or Applicant) filed an application for a certificate of public convenience and necessity in an area in Sedgwick, Phillips, Yuma, Logan, Washington, Morgan, and Weld Counties, Colorado, and to be excluded therefrom were certain areas served by Public Service Company of Colorado, and the Towns of Fleming, Haxtun, Julesburg, and Holyoke.

The matter was originally set for hearing June 29, 1951, after due notice to all interested parties, was later vacated and re-set for

July 17, 1961, at ten o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. A written protest was filed June 16, 1961, by the Public Service Company of Colorado and after the hearing was in progress, at the session of August 10, 1961, the Town of Julesburg, Colorado, through its attorney, filed a protest.

At the conclusion of the first day's hearing, the matter was continued and further hearings were had on August 10, August 11, 1961; January 16, 17, and March 19, 1962. A total of six days were required for the presentation of evidence and cross-examination. At the conclusion, the matter was taken under advisement.

Applicant is a non-profit Colorado corporation, organized and existing by virtue of Colorado Revised Statutes 31-23-1, 5 (inclusive) and is engaged primarily in the business of purchasing, transmitting, distributing and selling electricity in portions of Sedgwick, Phillips, Yuma, Logan, Washington, Morgan and Weld Counties, Colorado. It also supplies electric service in Perkins and Chase Counties in Nebraska. The jurisdiction of this Commission extends only to Applicant's operations in Colorado.

A certified copy of Applicant's Composite Articles of Incorporation, as amended to date, were offered as Exhibit No. 14 in this hearing.

Applicant has been, as to a part of its operations, subject to the jurisdiction of this Commission through its acquisition of the properties of M. E. Isaacson, doing business as Sedgwick County Electric Company, by transfer approved by this Commission in its Decision No. 20742, of April 7, 1943. This acquisition was for electric service to residents of the Towns of Ovid and Sedgwick, Colorado, and in the areas contiguous to the distribution line connecting the two communities. Membership in the Cooperative could not be required as a condition prerequisite to service in the above area. It was disclosed in testimony

that non-members are also being served in the presently non-certificated service area.

Public Service Company of Colorado (Public Service or Company) protested the granting of this application on the basis that it presently holds certificates of public convenience and necessity in a portion of the area sought by Highline to be certificated in this application and requested the Commission to require Highline to remove all lines constructed by it in the service area of Public Service Company and all lines constructed by it which are in duplication of the lines and facilities of Public Service and that a certificate of public convenience and necessity for the area requested by Applicant be denied.

A written protest was filed at the session of August 10, 1961, by the Town of Julesburg (Julesburg) requesting its corporate area and specified areas adjacent thereto be deleted and excluded from Applicant's requested certificate area. Julesburg, however, did not support by testimony that the area it sought to delete from Applicant's requested area should be deleted.

In its testimony, the substantial areas protested to by Public Service in this application covered, generally, the Towns of Willard, Atwood, Sterling, Iliff, Padroni and Peetz, and, roughly, on both sides of an imaginary line connecting each of these towns in the order named. There was no protest by testimony to the remainder of the area sought by Applicant to be certificated in this action.

Many public witnesses for Applicant detailed the problems they encountered in seeking electric service from Protestant Public Service. Generally, the complaint of these witnesses was against the extension policy of Public Service, which, at the time they sought to obtain electric service, required contributions or deposits of cash they could not afford. According to witnesses, depending on the length of extension that would be required to serve, cash requirements varied from \$300 to \$3,000. The latter figure did not provide for the extension to a single

individual, but to a group of individuals. The largest mentioned single construction contribution to serve only one customer seemed to be \$1,500. Following this experience, a group of rural people in an area later to be designated by Highline as its "B" section held several meetings to explore the possibility of obtaining a loan from the Rural Electrification Administration. The activities of these people were successful and a loan was obtained to construct facilities in the "B" section. Such a line was constructed and energized in 1941 supplying electric service to approximately 400 customers. An initial power supply for this distribution system was obtained from Public Service. Several witnesses stated they receive power at the present time from both Highline and Public Service and that in both instances, the service received has been good. The power supply for the entire operation of Highline is now obtained from the Tri-State Generation and Transmission Association, Inc., (Tri-State). Prior to the organization of Tri-State and after suspending the purchase of power from Public Service, Highline's power and energy was obtained for all its areas from the Bureau of Reclamation (Bureau). As of the present time, Tri-State does not have any generating plants. It contracts for power from the Bureau, which it in turn, supplies to twenty-nine member cooperatives located in Colorado, Nebraska and Wyoming. The Rural Electrification Administration has earmarked for Tri-State \$10,000,000 with which to begin construction of a generating plant or plants, and it is planned to have such in service by the time the Bureau of Reclamation can no longer supply the increasing power requirements of the member cooperatives.

Mr. David A. Hamil, a member of Highline and a former administrator of the Rural Electrification Administration, testified that, in his opinion, jurisdiction of this Commission over Applicant was desirable and that territorial definitions were advisable. Highline has nearly completed area coverage in the territory it seeks to

serve and has, so far as is known, no applicant awaiting service. Present density of Highline is 1-1/2 customers per mile and since this density is so light, it is not, in his opinion, practicable for Highline to give up any of its customers from its denser service areas, such as around urban communities, to another utility in order to attain clean territorial boundaries.

Considerable testimony was given relative to existence or lack thereof of early agreements as to which utility Highline or Public Service would serve in any specific location where conflict might exist. From the testimony that was developed, it appeared that local operating personnel were able to supply new service requirements in a harmonious manner and without undue conflict of opinion as to which utility should supply the service. Such testimony was given not only from personnel of Highline, but also from the former manager of the Sterling division of Public Service Company whose period of service with Public Service in the Sterling area extended from July 1942 to January 1953. It was never established conclusively that any maps were developed to delineate the areas of agreement between Highline and Public Service, but the weight of testimony indicated some kind of a workable guide had been followed.

The initial power supply contract entered into by Highline and Public Service contained a provision, in some degree, limiting the extensions possible by Highline. At no time during the life of the contract was any challenge made or action taken relative to the enforcement of this provision.

Highline now has an approximate system demand of 6800 KW supplied from substations of the size and location as follows:

Sterling	2500 Kva	Julesburg	3000 Kva
Crook	2500 Kva	Holyoke	2500 Kva
Fleming	1500 Kva		

Another station of 750 Kva capacity is now under construction at a location approximately fifteen miles north of Yuma, Colorado.

Highline is financed 100% by means of mortgage loans from the Rural Electrification Administration and it appears that funds may be obtained from this same source as may be required for future expansion and conversion of existing facilities to higher capacity. It is current in its payments of loans and interest, and, in addition, has prepaid \$849,239 of principal. There is currently available \$1,000,000 of unadvanced funds for future additions and expansion. It has \$450,000 invested in United States Bonds earmarked as a reserve for emergency requirements.

Since it is a non-profit operation, any excess of income over expense cannot be retained and these amounts are apportioned as capital credits to its member and non-member users at the end of each year in proportion to their yearly payments for electric service. The cash represented by capital credits is used by Highline until such time as its Board of Directors determines the Capital Credits should be paid off. To date, \$275,000.00 in cash has been returned to its customers for capital credits through the year 1952. It cannot be stated with certainty in what year capital credits of later years may be returned in cash.

As of October 31, 1960, Highline operated 28 miles of transmission lines, 2,788 miles of distribution lines and served 4,287 customers. In recent years it has experienced only a small increase in the number of customers connected but the kilowatt hour annual use per customer continues to increase.

In the opinion of J. S. Tarr, Certified Public Accountant, and Auditor of the Cooperatives' accounts, their operation is exceptionally efficient. He stated customer growth was only at a rate of 1% during the past four years; however, use per customer reflected a good increase.

Robert Goldenstein, office manager, affirmed the statement that Highline did not refuse service to any applicant, whether member

or non-member. It was admitted, however, an attempt is made to persuade non-members to become members, but if not successful, there was no difference in the treatment, non-members being served under the same rate, rules and regulations and participating in capital credits to the same extent as did members.

Highline has been filing annual reports as required of public utilities by this Commission. The books of accounts are kept in accordance with the Uniform System of Accounts as prescribed by this Commission. The Manager, Mr. Cooper, testified that with one exception, all of the rates of Applicant are on file with the Commission, including those applicable in heretofore "non-jurisdictional areas." The exception is an "all electric rate" which has been made available on a trial basis in the non-jurisdictional areas.

In recent years, annual operating revenues have been substantially in excess of operating expense and debt service requirements. As a result, an independent engineering firm had been engaged to make a rate survey. Their recommendation indicated a reduction could be made in all of the existing rates. It was Mr. Cooper's hope that a new schedule of rates would be placed into effect by the first of 1961 which would result in a reduction of between \$35,000.00 and \$45,000.00, approximately 6.5% of its 1960 revenues.

Studies have been made relative to the system requirements and capacity as far as twenty years in advance. An adequate power supply is available and the Manager feels Highline will be able to take care of all normal load growth and any unusual loads that might occur in their contemplated service area. He holds the same opinion as does Mr. Hamil, that the more dense areas served by Highline could not be given up and still maintain adequate revenues to support the total system's cash requirements. It was also the Manager's opinion that public convenience and necessity requires this Commission to assume jurisdiction of Highline and that this Commission should grant

to it a certificate of public convenience and necessity.

At the close of the testimony on August 10, at which time the hearing was continued to a later date, the presiding Commissioner suggested that it would be very desirable for Applicant and Protestant to try to resolve boundaries in the areas of conflict so that the Commission would not have to make such a decision and, it was his opinion, such an agreement could be had by the date set for the continuance of the hearing. Apparently, Applicant and Protestant were unable to reach a mutually agreeable conclusion and Protestant, Public Service, proceeded with the presentation of its case.

Employees of Public Service having contact with the area in question at the time of the construction and the beginning of operation of the B section covering the area in the vicinity of Sterling could not recall any areas of agreement or any maps that may have been prepared purporting to delineate the territory that would be served by Public Service and the then beginning Highline. Public Service, by virtue of earlier decisions of this Commission, held certificates to exercise franchise rights in the City of Sterling and Towns of Peetz and Iliff and areas contiguous thereto and also a certificate for the construction of a distribution line from Atwood to Stoneham and areas contiguous to the route of this distribution line. The Company considered it was serving the area and would have made extensions to any one seeking service in accordance with the extension policy of the Company then on file with this Commission. The Company contends that they have a substantial investment in the rural areas around Sterling and other areas under dispute in this application; that in order to protect these investments and give the Company an opportunity for future expansion it is necessary to preserve for Public Service sufficient room to expand on either side of their existing rural distribution lines.

The operating ratio in the Sterling area is 91%, and the operating ratio of the Company-wide system is 78%. In the Company's view,

the only practicable way to reduce the operating ratio of the Sterling division to that of the system as a whole is through the connection of additional customers. The number of customers in rural areas connected per mile of distribution line by Public Service is roughly similar to the number of customers connected per mile of distribution line by Highline. If the application as sought by Highline were to be granted, the Company witnesses felt Public Service growth would be severely restricted. Public Service presented a counter proposal for the assignment of territory as set forth in its Exhibit E. There were three general areas contained in this Exhibit, for each of which conditions of electric service to the public were suggested. The first area included incorporated communities and a buffer zone surrounding these communities. The buffer zones were of varying sizes depending upon the community size and its projected population growth and future land use. Public Service proposed that Highline would sell to it all of its facilities within these areas and in the future it would be the sole supplier of electric service. The second area generally covered a distance of three miles radially from existing Public Service distribution facilities. The facilities of Highline would be frozen in this area as they now exist and Public Service would supply electric service to new applicants at any point within this area. Beyond these two zones is the third area in which Highline would be certificated for its present and all future construction.

In the three-mile zone of the second area, it is conceivable Public Service Company might have to extend its facilities as much as three miles to serve a customer who might be immediately adjacent to facilities of Highline. To determine the applicable costs under its filed extension policy, the construction contribution or revenue guarantee estimate would be based on the shorter of the distances as determined by measurement from the Applicant's location to the facilities of Public Service or the facilities of Highline. In other words,

should Highline facilities be the closer to the prospective customer, this distance would be utilized to estimate costs applicable under the extension policy of Public Service even though the customer would be connected by an extension from the facility of Public Service which might be at a greater distance.

Testimony was presented by Trafton Bean, a Planning Consultant, as to the future growth and expansion of the City of Sterling, primarily to support the request of Public Service that the large area contiguous to Sterling be included in its exclusive service area. Several customer witnesses were presented by Public Service in further support of the Company's position that it should be the sole supplier of service in the areas specified by it in its Exhibit E. These customer witnesses also stated the service of Public Service had been entirely satisfactory; they further felt that Public Service was in a better position to grow and expand with the City of Sterling than the Applicant and it was their opinion Public Service should supply power exclusively in this area. The Company does have an adequate power supply. The demand within the area for the Year 1961 was 11,000 kilowatts and there was available for this requirement from its own generation and contract power delivered from the Bureau a total of 20,000 kilowatts.

Testimony was introduced to attempt to compare the extension policies of the two companies, but since their philosophy, method of financing and operating problems are completely different, such comparison is of little value.

The issue in this case is not whether Highline is a public utility subject to the jurisdiction of this Commission. Applicant and Protestants agreed Highline is a public utility. The issue became the usual controversial question of who should serve where. It is regrettable the cooperatives of this State did not long ago seek public utility status and obtain a certificate for the areas they proposed to

serve. They did not. They built their distribution systems initially to serve only their members. This, in many cases, led to construction of lines in the proximity of existing lines of public utilities and conversely public utilities built distribution lines in the proximity of existing lines of Cooperatives. In the instant case, some lines are physically conflicting and duplicating.

To compel the removal of existing facilities at locations of proximity or conflict is not always economically justifiable. To control, henceforth, the extension of electric facilities is emphatically in the public interest to prevent unnecessary construction and duplicating facilities.

To require Applicant, which is definitely the smaller utility, as compared to Public Service, to remove its facilities, or sell them, as suggested by Protestant, could possibly jeopardize the financial stability of Applicant. However, it is reasonable that service to incorporated communities and a potential expansion area of the community should be reserved for future extensions by the core utility, that is, the utility serving within the corporate community limits. Any facilities of Applicant within such an area should be frozen to the locations and customers existing on the date of this Decision. If, later, Highline and Public Service should mutually agree on a sale and purchase, or exchange of facilities and customers to eliminate duplications and conflict in the exclusive areas, this Commission would view the transaction with favor.

It is Public Service's suggestion that it make extensions and supply electric service without further Order of this Commission in the area heretofore described as the "second area," the area extending radially three miles from existing facilities of the Company. To permit this would undoubtedly lead to duplication of facilities because Public Service can attain proximity if not actual paralleling of facilities of Applicant while making extensions of up to three miles.

It cannot conceivably be in the public interest for one utility to make a three mile line extension if the other utility can establish service with an extension of substantially less mileage. A boundary should be drawn to define an area in which both utilities should continue to serve and to extend their facilities under the supervision of this Commission. To minimize such supervision, a plan of line extensions should be provided.

In the above mentioned third area, there is no conflict and Applicant should be granted a certificate of public convenience and necessity for its existing facilities and any extensions thereto as may hereafter be required.

The issuance of a certificate of public convenience and necessity appears to require three areas to provide control of line extensions and orderly expansion of service within the total area which is the subject of this application. These three areas will be defined in the Order and described in Appendices attached hereto.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission has jurisdiction of the subject matter herein, of the Applicant and of the Protestants hereto.

That Applicant is a public utility pursuant to Colorado Revised Statutes 115-1-3, as amended by the Legislature in House Bill 245 in its session of 1961, and holds a certificate of public convenience and necessity to serve limited areas.

That Applicant serves members and non-members within its service area and its operations are affected by the public interest.

That the external boundary for a certificated area as sought and the internal exceptions as proposed by Applicant in its application and as later amended during the hearing are not in the public interest and should be denied.

That the alternate proposals of Protestants are not in the public interest and should be denied.

That the external boundaries, internal exceptions thereto and limitations to line extensions as discussed in the Statement and as set forth in the following Order are in the public interest and a certificate of public convenience and necessity should be issued therefor.

That public convenience and necessity do not require service by the Applicant as set forth in its application to the full extent as therein requested, whereas, public convenience and necessity do require service by the Applicant as described and delineated in the following Order, and such service as so certificated will be in the public interest.

That the protest and counter proposal of Publis Service is not completely in the public interest and to the extent that the same are recognized in the following Order should be allowed.

That the protest of the Town of Julesburg is not supported by the evidence and should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Applicant is a public utility subject to the jurisdiction of this Commission.

That the protest of the Town of Julesburg is hereby denied.

That the public convenience and necessity require and will require the continued operation of Applicant's facilities as they now exist and as they may be extended from time to time in the territory described in Appendix A hereto, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, subject to the exclusions and limitations of Appendices B and C hereto.

Appendix B delineates the areas to be excluded from Appendix

A and is reserved for electric service by Public Service in Exclusions No. 1-4, both inclusive, by the Town of Fleming in Exclusion No. 5, by the Town of Haxtun in Exclusion No. 6, by the Town of Julesburg in Exclusion No. 7 and by the Town of Holyoke in Exclusion No. 8. However, within the areas of exclusion No. 1-8, both inclusive, as of the date of this decision, existing facilities of and electric service to the various existing locations by Applicant may remain but without further extensions thereto.

Appendix C delineates the territory to be served by Applicant and Public Service on a "non-exclusive" basis as of the date of this Decision, and extensions from existing facilities of either party shall be made only under the following conditions.

1. Without further reference to this Commission an extension of 2640 feet in the aggregate may be made to bona fide applicants for electric service provided such an extension at no point along its route will come as close as 2640 feet to existing distribution lines of the other utility.
2. In the event the above distance separation does not obtain the utilities may determine by agreement, concurred in by reduction to writing, the utility which will provide electrical service.
3. In the event the utilities do not agree which utility will provide the service within five working days after notification in writing to the other utility, by the utility desiring to provide such service, either or both utilities shall immediately make formal application for a certificate of public convenience and necessity to provide such service and neither utility will make such extension except upon order of this Commission.

Appendices A, B and C are incorporated herein by reference.

That any certificates of public convenience and necessity heretofore issued by this Commission that appear to be in conflict with this Decision shall be superceded by this Decision.

Nothing herein contained is intended to prohibit any utility from construction, operation and maintenance of any of its facilities on, into or across the territory of another utility to connect uncon-

nected points of its facilities, or to provide alternate supply sources, provided, however, no electric service shall be furnished to customers therefrom in the territory of another utility.

That a customer need not be a member of Applicant as a prerequisite to receiving electric service and Applicant shall treat both members and non-members alike.

That Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by the Commission.

That Applicant shall maintain its operations as a public electric utility in accordance with the Rules Regulating the Service of Gas and Electric Utilities as promulgated by this Commission, now in effect and as hereafter amended.

That within sixty (60) days from the date of this Decision, Applicant will complete its electric Tariff, Colorado P.U.C. No. 1, to include all the rates, rules, regulations and extension policies now in effect.

That this Order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Robert C. Holton*  
*Henry E. Zalusko*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of July, 1962.

## APPENDIX A

### EXTERIOR BOUNDARY OF HIGHLINE'S CERTIFICATE

Beginning at the NE Corner of fractional Sec. 20, T. 12 N., R. 42 W. (the northeast corner of Colorado); thence westerly along the line common to Colorado and Nebraska a distance of  $53\frac{1}{4}$  miles, more or less, to the NW corner of the fractional Sec. 21, T. 12 N., R. 51 W.; thence southerly along section lines a nominal distance of  $1\frac{1}{2}$  miles to the SW corner of Sec. 28, T. 12 N., R. 51 W.; thence easterly along section line to the SE corner of Sec. 28, T. 12 N., R. 51 W.; thence southerly along section lines a nominal 5 miles to the NE corner of Sec. 28, T. 11 N., R. 51 W.; thence westerly along section lines a nominal  $1\frac{1}{2}$  miles to N $\frac{1}{4}$  corner of Sec. 29, T. 11 N., R. 51 W.; thence southerly along the center line of the sections a nominal  $4\frac{1}{2}$  miles to the center of Sec. 17, T. 10 N., R. 51 W.; thence westerly a nominal 3 miles to the center of Sec. 14, T. 10 N., R. 52 W.; thence northerly a nominal  $2\frac{1}{2}$  miles to the N $\frac{1}{4}$  corner Sec. 2, T. 10 N., R. 52 W.; thence westerly a nominal  $7\frac{1}{2}$  miles to the SE corner Sec. 33, T. 11 N., R. 53 W.; thence northwesterly a nominal 5 miles to the NW corner Sec. 18, T. 11 N., R. 53 W.; thence westerly along section lines a nominal 3 miles to SE corner Sec. 9, T. 11 N., R. 54 W.; thence northwesterly a nominal 2-2/10 miles to the NW corner Sec. 4, T. 11 N., R. 54 W.; thence westerly along section lines a nominal 2 miles to SW corner Sec. 31, T. 12 N., R. 54 W.; thence northerly  $\frac{1}{2}$  mile to the E $\frac{1}{4}$  corner of Sec. 36, T. 12 N., R. 55 W.; thence westerly a nominal 6 miles to the W $\frac{1}{4}$  corner Sec. 31, T. 12 N., R. 55 W.; thence northerly along the section line a nominal one mile to the E $\frac{1}{4}$  corner Sec. 25, T. 12 N., R. 56 W.; thence southwesterly a nominal 3-6/10 miles to the center of Sec. 33, T. 12 N., R. 56 W.; thence southeasterly a nominal 4-7/10 miles to the SE corner Sec. 22, T. 11 N., R. 56 W.; thence southerly along section lines a nominal 2 miles to SW corner of Sec. 35, T. 11 N., R. 56 W.; thence easterly along section lines a nominal 2 miles to intersect the Weld County-Logan County common line at NW corner Sec. 6, T. 10 N., R. 55 W.; thence southerly along said common county line a nominal distance of 12 miles to the SW corner Sec. 31, T. 9 N., R. 55 W.; thence westerly along the Weld County-Logan County common line a distance approximately 7/10 mile to the NW corner Sec. 6, T. 8 N., R. 55 W.; thence southerly a nominal 3 miles to SW corner Sec. 18, T. 8 N., R. 55 W.; thence easterly along section lines a nominal 2 miles to SE corner Sec. 17, T. 8 N., R. 55 W.; thence southerly along section lines a nominal 5 miles to SW corner Sec. 9, T. 7 N., R. 55 W.; thence easterly a nominal one mile to SE corner of said Sec. 9; thence southerly a nominal  $\frac{1}{2}$  mile to the W $\frac{1}{4}$  corner, Sec. 15, T. 7 N., R. 55 W.; thence easterly a nominal 2 miles to the E $\frac{1}{4}$  corner, Sec. 14, T. 7 N., R. 55 W.; thence southerly a nominal  $\frac{1}{2}$  mile to the SE corner of said Sec. 14; thence easterly  $1\frac{1}{2}$  miles to the N $\frac{1}{4}$  corner, Sec. 19, T. 7 N., R. 54 W.; thence southerly a nominal 4 miles to the S $\frac{1}{4}$  corner, Sec. 6, T. 6 N., R. 54 W.; thence westerly a nominal  $3\frac{1}{2}$  miles to the NW corner, Sec. 10, T. 6 N., R. 55 W.; thence southerly a nominal 5 miles to the SW corner Sec. 34, T. 6 N., R. 55 W.; thence easterly along section lines a nominal 4 miles to SE corner Sec. 31, T. 6 N., R. 54 W.; thence northerly along section lines a nominal one mile to SW corner Sec. 29, T. 6 N., R. 54 W.; thence northeasterly across said Sec. 29, T. 6 N., R. 54 W. a nominal distance of 1-4/10 miles to the NE corner thereof; thence northerly along section line a nominal one mile to the NW corner Sec. 21, T. 6 N., R. 54 W.; thence easterly along section lines a nominal 2 miles to SW corner Sec. 14,

T. 6 N., R. 54 W.; thence northerly along section line a nominal  $3\frac{3}{4}$  miles to NW corner of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 14, T. 6 N., R. 54 W.; thence easterly a nominal one mile to NE corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 14, T. 6 N., R. 54 W.; thence northerly along section line a nominal  $\frac{1}{4}$  mile to NE corner Sec. 14, T. 6 N., R. 54 W.; thence easterly along section line a nominal 2 miles to NE corner of Sec. 18, T. 6 N., R. 53 W.; thence southerly a nominal  $\frac{1}{2}$  mile to the center line of the South Platte River; thence northeasterly along the center line of South Platte River to its intersection with the south line of Sec. 26, T. 7 N., R. 53 W.; thence westerly approximately one mile to the S $\frac{1}{4}$  corner, Sec. 27, T. 7 N., R. 53 W.; thence north a nominal  $1\frac{1}{2}$  miles to the center of Sec. 22; thence east a nominal  $1\frac{1}{2}$  miles to the E $\frac{1}{4}$  corner Sec. 23; thence south a nominal  $\frac{1}{2}$  mile to the SE corner Sec. 23; thence easterly a nominal one mile to the center of South Platte River being approximately SE corner Sec. 24, all in T. 7 N., R. 53 W.; thence northerly along the center of South Platte River a nominal 3.7 miles to the south line of Sec. 4, T. 7 N., R. 52 W.; thence easterly a nominal 1.9 miles to the SE corner Sec. 3, of said Township and Range; thence north a nominal 3 miles to the SW corner Sec. 23, T. 8 N., R. 52 W.; thence easterly a nominal  $4\frac{1}{2}$  miles to the S $\frac{1}{4}$  corner Sec. 21, T. 8 N., R. 51 W.; thence southwesterly a nominal 15.7 miles to the NE corner Sec. 36, T. 6 N., R. 53 W.; thence southerly a nominal one mile to the SE corner of said Sec. 36; thence westerly a nominal 6 miles to the NW corner Sec. 6, T. 5 N., R. 53 W.; thence southerly 6 miles to the SW corner Sec. 31 of said Township and Range; thence easterly along section lines a nominal 3 miles to SW corner Sec. 34, T. 5 N., R. 53 W.; thence northerly a nominal one mile to NW corner Sec. 34, T. 5 N., R. 53 W.; thence easterly along section lines a nominal 2 miles to NE corner Sec. 35, T. 5 N., R. 53 W.; thence southerly a nominal one mile to SE corner Sec. 35, T. 5 N., R. 53 W.; thence easterly along section lines a nominal  $2\frac{1}{4}$  miles to NE corner Sec. 5, T. 4 N., R. 52 W.; thence southerly a nominal 6 miles to SW corner Sec. 33, T. 4 N., R. 52 W.; thence easterly  $61\frac{1}{4}$  miles, more or less, to intersect the common north-south line of the States of Colorado and Nebraska at or about southeast corner of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 34, T. 4 N., R. 42 W.; thence northerly  $50\frac{1}{4}$  miles, more or less, along said common line of Colorado and Nebraska to the point of beginning.

APPENDIX B

EXCLUSIONS FROM APPENDIX A TERRITORY

TO BE SERVED BY OTHERS, EXCEPT AS NOTED IN ORDER

EXCLUSION NO. 1 - Atwood & vicinity  
(Service by Public Service Company)

All of the following territory in T. 7 N., R. 53 W., beginning at southeast corner Sec. 26; thence westerly approximately  $1\frac{1}{2}$  miles to  $S\frac{1}{4}$  corner Sec. 27; thence northerly approximately  $1\frac{1}{2}$  miles to center of Sec. 22; thence easterly  $1\frac{1}{2}$  miles to the  $E\frac{1}{4}$  corner Sec. 23; thence southerly  $1\frac{1}{2}$  miles to SE corner Sec. 26 the point of beginning.

EXCLUSION NO. 2 - Sterling & vicinity  
(Service by Public Service Company)

Beginning at the southeast corner Sec. 3, T. 7 N., R. 52 W.; thence westerly approximately 4 miles to the SW corner Sec. 6, said Township and Range; thence northerly approximately .7 mile to a point in the east line Sec. 1, T. 7 N., R. 53 W.; thence westerly approximately one mile to a point on the west line of said Section; thence northerly approximately .3 mile to northwest corner of said Section; thence westerly approximately  $\frac{1}{2}$  mile to  $S\frac{1}{4}$  corner Sec. 35, T. 8 N., R. 53 W.; thence northerly 2 miles to the  $N\frac{1}{4}$  corner Sec. 26; thence easterly approximately  $1\frac{1}{2}$  miles to the SW corner Sec. 19, T. 8 N., R. 52 W.; thence north approximately one mile; thence east approximately one mile to the NE corner of said Sec. 19; thence N. one mile to the NW corner of Sec. 17, T. 8 N., R. 52 W.; thence E. approximately 2 miles to the NE corner of Sec. 16; thence S. one mile; thence E. one mile to the NE corner Sec. 22 of said Township and Range; thence S. approximately 4 miles to the SE corner, Sec. 3, T. 7 N., R. 52 W. the point of beginning.

EXCLUSION NO. 3 - Padroni & vicinity  
(Service by Public Service Company)

Beginning at a point which point lies .4 mile east of SW corner Sec. 4, T. 9 N., R. 52 W.; thence northerly .7 mile; thence easterly 1.2 miles; thence southerly one mile; thence westerly 1.2 miles; thence northerly .3 miles the point of beginning.

EXCLUSION NO. 4 - Iliff & vicinity  
(Service by Public Service Company)

Beginning at SE corner Sec. 16, T. 9 S., R. 51 W.; thence westerly approximately one mile; thence northerly  $1\frac{1}{2}$  miles to the  $W\frac{1}{4}$  corner Sec. 9, said Township and Range; thence easterly approximately one mile to  $E\frac{1}{4}$  corner said Sec. 9; thence southerly approximately  $1\frac{1}{2}$  miles to the SE corner Sec. 16 the point of beginning.

EXCLUSION NO. 5 - Fleming & vicinity  
(Service by Town of Fleming)

Beginning at the NW corner of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Sec. 4, T. 8 N., R. 49 W.; thence approximately  $1\frac{1}{2}$  miles easterly to the NE corner of  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of Sec. 3, T. 8 N., R. 49 W.; thence southerly approxi-

mately 2-2/10 miles to the southeast corner of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 10, T. 8 N., R. 49 W.; thence westerly approximately 1 $\frac{1}{2}$  miles to the SW corner of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 9, T. 8 N., R. 49 W.; thence northerly approximately 2-2/10 miles to the NW corner of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 4, T. 8 N., R. 49 W., the point of beginning.

EXCLUSION NO. 6 - Haxtun & vicinity  
(Service by Town of Haxtun)

Beginning at the W $\frac{1}{4}$  corner of Sec. 20, T. 8 N., R. 47 W., thence easterly approximately 1 $\frac{1}{2}$  miles to the center of Sec. 21, T. 8 N., R. 47 W.; thence southerly approximately 1 $\frac{1}{2}$  miles to S $\frac{1}{4}$  corner of Sec. 28, T. 8 N., R. 47 W.; thence westerly approximately one mile to S $\frac{1}{4}$  corner of Sec. 29, T. 8 N., R. 47 W.; thence northerly approximately  $\frac{1}{2}$  mile to the center of Sec. 29, T. 8 N., R. 47 W.; thence westerly approximately  $\frac{1}{2}$  mile to the W $\frac{1}{4}$  corner of Sec. 29, T. 8 N., R. 47 W.; thence northerly approximately one mile to the W $\frac{1}{4}$  corner of Sec. 20, T. 8 N., R. 47 W.; the point of beginning.

EXCLUSION NO. 7 - Julesburg & vicinity  
(Service by Town of Julesburg)

Beginning at NE corner of fractional Sec. 23, T. 12 N., R. 44 W., in Sedgwick County, Colorado, thence approximately 8-3/4 miles westerly along the common line of Colorado and Nebraska to the intersection thereof with the east line of right-of-way of the Union Pacific Railroad in fractional Sec. 21, T. 12 N., R. 45 W.; thence southeasterly approximately 6/10 mile along said east line of right-of-way to the intersection thereof with the south line of Sec. 21, T. 12 N., R. 45 W.; thence easterly approximately 6/10 mile to the NE corner of Sec. 28, T. 12 N., R. 45 W.; thence southerly approximately  $\frac{1}{2}$  mile to E $\frac{1}{4}$  corner of Sec. 28, T. 12 N., R. 45 W.; thence easterly approximately 2 miles to the E $\frac{1}{4}$  corner of Sec. 26, T. 12 N., R. 45 W.; thence northerly approximately  $\frac{1}{4}$  mile to SW corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 25, T. 12 N., R. 45 W.; thence easterly approximately  $\frac{1}{2}$  mile to SE corner of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 25, T. 12 N., R. 45 W.; thence northerly 2/10 mile to a point in the west line of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 25, T. 12 N., R. 45 W.; thence easterly approximately  $\frac{1}{4}$  mile to a point in the east line of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 25, T. 12 N., R. 45 W.; thence southerly approximately 2/10 mile to the SW corner of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 25, T. 12 N., R. 45 W.; thence easterly approximately 1 $\frac{1}{4}$  miles to the SE corner of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 30, T. 12 N., R. 44 W.; thence northerly approximately  $\frac{1}{4}$  mile to the NE corner of Sec. 30, T. 12 N., R. 44 W.; thence westerly approximately 1/8 mile to SW corner of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Sec. 19, T. 12 N., R. 45 W.; thence northerly approximately  $\frac{1}{2}$  mile to the Colorado-Nebraska common line; thence easterly along said common line a distance of  $\frac{1}{4}$  mile; thence southerly approximately 5/8 mile to the SE corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 29, T. 12 N., R. 44 W.; thence westerly approximately 1/8 mile to the SW corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 29, T. 12 N., R. 44 W.; thence southerly approximately 7/8 mile to SW corner of Sec. 29, T. 12 N., R. 44 W.; thence westerly approximately  $\frac{1}{4}$  mile to the NW corner of E $\frac{1}{2}$  of NE $\frac{1}{4}$  of Sec. 31, T. 12 N., R. 44 W.; thence southerly approximately  $\frac{1}{2}$  mile to SW corner of E $\frac{1}{2}$  of NE $\frac{1}{4}$  Sec. 31, T. 12 N., R. 44 W.; thence easterly approximately 1 $\frac{1}{4}$  miles to East  $\frac{1}{4}$  corner of Sec. 32, T. 12 N., R. 44 W.; thence southerly approximately  $\frac{1}{4}$  mile to NE corner of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 32, T. 12 N., R. 44 W.; thence easterly approximately one mile to NE corner of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 33, T. 12 N., R. 44 W.; thence southerly approximately  $\frac{1}{4}$  mile to SE corner of Sec. 33, T. 12 N., R. 44 W.; thence easterly approximately  $\frac{1}{4}$  mile to SE corner of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 34, T. 12 N., R. 44 W.; thence northerly approximately one mile to NE

corner of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 34, T. 12 N., R. 44 W.; thence northeasterly approximately 2-3/10 miles to NE corner of fractional Sec. 23, T. 12 N., R. 44 W.; in Sedgwick County, Colorado, the point of beginning.

EXCLUSION NO. 8 - Holyoke & vicinity  
(Service by Town of Holyoke)

Beginning at W $\frac{1}{4}$  corner of Sec. 7, T. 7 N., R. 44 W.; thence easterly approximately 3/4 miles to SW corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 7, T. 7 N., R. 44 W.; thence northerly approximately  $\frac{1}{4}$  mile to NW corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 7, T. 7 N., R. 44 W.; thence easterly approximately  $\frac{1}{4}$  mile to NE corner of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 7, T. 7 N., R. 44 W.; thence southerly approximately  $\frac{1}{4}$  mile to E $\frac{1}{4}$  corner of Sec. 7, T. 7 N., R. 44 W.; thence easterly approximately 3/4 mile to the NE corner of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  Sec. 8, T. 7 N., R. 44 W.; thence southerly approximately 3/4 mile to SW corner of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 17, T. 7 N., R. 44 W.; thence easterly approximately  $\frac{1}{4}$  mile to SE corner of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 17, T. 7 N., R. 44 W.; thence northerly approximately  $\frac{1}{4}$  mile to NE corner of Sec. 17, T. 7 N., R. 44 W.; thence easterly approximately  $\frac{1}{2}$  mile to N $\frac{1}{4}$  corner of Sec. 16, T. 7 N., R. 44 W.; thence southerly approximately one mile to S $\frac{1}{4}$  corner Sec. 16, T. 7 N., R. 44 W.; thence westerly approximately 2 $\frac{1}{2}$  miles to SW corner of Sec. 18, T. 7 N., R. 44 W.; thence northerly approximately 1 $\frac{1}{2}$  miles to the W $\frac{1}{4}$  corner of Sec. 7, T. 7 N., R. 44 W.; the point of beginning.

## APPENDIX C

### AREA OF NON-EXCLUSIVE SERVICE

Beginning at a point, which point is the intersection of center line of South Platte River with the east line of Sec. 18, T. 6 N., R. 53 W.; thence northerly approximately  $\frac{1}{2}$  mile to the NE corner of said Sec. 18; thence westerly approximately 2 miles to the SW corner Sec. 12, T. 6 N., R. 54 W.; thence northerly approximately  $2\frac{1}{2}$  miles to the E $\frac{1}{4}$  corner, Sec. 35, T. 7 N., R. 54 W.; thence westerly approximately  $4\frac{1}{2}$  miles to the center of Sec. 31 of said Township and Range; thence northerly 3 miles to the center of Sec. 18 said Township and Range; thence easterly approximately  $7\frac{1}{2}$  miles to the W $\frac{1}{4}$  corner Sec. 16, T. 7 N., R. 53 W.; thence northerly approximately  $\frac{1}{2}$  mile to NW corner of Sec. 16; thence easterly approximately  $1\frac{1}{2}$  miles to S $\frac{1}{4}$  corner, Sec. 10; thence northerly approximately one mile to N $\frac{1}{4}$  corner of said Sec. 10; thence easterly approximately one mile to S $\frac{1}{4}$  corner Sec. 2, all in T. 7 N., R. 53 W.; thence northerly approximately 3 miles to the N $\frac{1}{4}$  corner Sec. 26, T. 8 N., R. 53 W.; thence westerly  $3\frac{1}{2}$  miles to the SW corner Sec. 20 said Township and Range; thence northwest approximately 5.6 miles to the S $\frac{1}{4}$  corner, Sec. 4 T. 8 S., R. 54 W.; thence northerly approximately one mile to N $\frac{1}{4}$  corner said Sec. 4, all in said Township and Range; thence northeasterly approximately  $4\frac{1}{4}$  miles to the NW corner Sec. 24, T. 9 N., R. 54 W.; thence easterly approximately 2 miles to the NE corner, Sec. 19, T. 9 N., R. 53 W.; thence southerly approximately  $3\frac{1}{2}$  miles to the center of Sec. 5, T. 8 N., R. 53 W.; thence easterly approximately  $3\frac{1}{2}$  miles to the W $\frac{1}{4}$  corner of Sec. 1 said Township and Range; thence northeasterly approximately 5 miles to a point on the South line of Sec. 21, T. 9 N., R. 52 W., which point lines due south of the westerly line of the Padroni exclusion; thence northerly approximately 3.7 miles to the NW corner of Padroni exclusion; thence easterly approximately 2 miles to the center line of Sec. 2, T. 9 N., R. 52 W.; thence northerly along the center line of the Sections approximately 3.9 miles to the center of Sec. 14, T. 10 N., R. 52 W.; thence easterly along center line of Sections approximately 3 miles to center of Sec. 17, T. 10 N., R. 51 W.; thence southerly approximately 5 miles to the center of Sec. 8, T. 9 N., R. 51 W.; thence easterly approximately  $1\frac{1}{2}$  miles to E $\frac{1}{4}$  corner Sec. 9, said Township and Range; thence southerly approximately 7 miles to the S $\frac{1}{4}$  corner Sec. 10, T. 8 N., R. 51 W.; thence southwesterly approximately 2.3 miles to the S $\frac{1}{4}$  corner Sec. 21, T. 8 N., R. 51 W.; thence westerly approximately  $4\frac{1}{2}$  miles to the intersection of easterly boundary of the Sterling exclusion; thence beginning northerly and proceeding in a counter clockwise direction around the boundary of Sterling exclusion to the center line of South Platte River being on the southerly boundary, Sec. 4, T. 7 S., R. 52 W.; thence southwesterly approximately  $3\frac{1}{2}$  miles along the center line of South Platte River to its intersection with the south line of Sec. 19; thence westerly approximately 1.2 miles to the SW corner Sec. 24, T. 7 N., R. 53 W.; thence beginning northerly and proceeding in a counter clockwise direction around the Atwood exclusion to the intersection of the southerly boundary with the South Platte River; thence southwesterly approximately 4.7 miles to the point of beginning.

original

(Decision No. 59015)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ATCHISON, TOPEKA AND SANTA FE )  
RAILWAY COMPANY FOR PERMISSION TO )  
DISCONTINUE MILLWOOD, GOODALE, PAR- )  
RISH, AND KARL, PROWERS COUNTY, )  
COLORADO, AND ELDER, OTERO COUNTY, )  
COLORADO, AS PREPAY STATIONS AND )  
TO REMOVE CERTAIN TRACKS AT THOSE )  
STATIONS. )  
----- )

APPLICATION NO. 19127

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July 31, 1962  
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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 Atchison, Topeka and Santa Fe Railway Company, by its Attorneys, did, on May 31, 1962, file its application requesting authority to remove certain trackage and discontinue various stations, all as entitled above, said discontinuances to be effective on June 18, 1962.

In further accordance with said rules of the Commission, a public notice of the proposed station discontinuance and/or track removal was conspicuously posted for thirty (30) days at each station. In said notice, it was indicated that any protests to the proposed action should be filed with this Commission at least ten (10) days prior to the effective date of June 18, 1962. No protests were received by the Commission.

With reference to the various map exhibits and explanatory data submitted in the instant application, the permission and authority as sought is summarized as follows:

ARKANSAS VALLEY BRANCH

<u>Mile Post</u>	<u>Station Name</u>	<u>Discontinue Station</u>	<u>Track Removal</u>	<u>Length</u>	<u>Capacity Cars</u>
6.0	Millwood	Yes	Siding No. 1	1188'	17
17.2	Parrish	Yes	Spur Track No. 1	712'	11
19.9	Goodale	Yes	Siding No. 2	988'	14
25.1	Karl	Yes	Siding No. 1	1012'	14
<u>Main Line:</u>					
580.0	Elder	Yes	Siding No. 1	2210'	35

In each of the above instances, Applicant has reported declines in business or complete non-use during the past five years. There is no community development at any station; train service on the branch line consists of only one train per day, and no enroute siding or meeting tracks are required. Ample storage and yard trackage is available in nearby towns. In this manner, there is no further economic justification for maintenance of the enroute storage sidings, and request is made for the proposed removals as a logical economy measure.

Upon investigation of this matter by the Commission, we note the following distribution of trackage and rail service in the nearby area: (Affected stations are underlined)

ARKANSAS VALLEY BRANCH

<u>Mile Post</u>	<u>Station</u>	<u>Agent</u>	<u>Trackage</u>	<u>Capacity</u>
0.0	Holly	Yes	Yard	Main line connection
6.0	<u>Millwood</u>	<u>No</u>	<u>Siding</u>	<u>17</u>
7.8	<u>Hartman</u>	<u>Yes</u>	<u>Sidings</u>	<u>113</u>
13.1	Bristol	Yes	Sidings	113
17.2	<u>Parrish</u>	<u>No</u>	<u>Spur Track</u>	<u>11</u>
19.9	<u>Goodale</u>	<u>No</u>	<u>Siding</u>	<u>14</u>
25.1	<u>Karl</u>	<u>No</u>	<u>Siding</u>	<u>14</u>
26.8	Channing	No	Yard	88
36.3	Wiley	Yes	Yard	72
<u>Main Line:</u>				
565.6	Rocky Ford	Yes	Yard	521
571.0	<u>Vroman</u>	<u>No</u>	<u>Yard</u>	<u>157</u>
574.5	Manzanola	Yes	Yard	232
580.0	<u>Elder</u>	<u>No</u>	<u>Siding</u>	<u>35</u>
583.1	<u>Fowler</u>	<u>Yes</u>	<u>Yard</u>	<u>196</u>

The above stations are located in the agricultural area of the lower Arkansas Valley, being north of the river and cross-country

main-line tracks. The rather short separation distances reflect past conditions wherein movement of farm produce to shipping points was by means of horse and wagon or early non-dependable motor trucks. Recent years have seen the development of improved and paved roadways, new distribution methods, more mechanical equipment, larger and more plentiful farm trucks, improved rail power and the use of longer trains with need for fewer sidings, as described above.

It appears then that in the instant matter there are ample rail facilities to meet the public needs of the region. The apparent changes in shipping practices, as noted above, and non-use of the various sidings can therefore leave no justification for the continued maintenance of trackage where no business was handled in the past five years. In fact, the proposed removal of little or non-used sidings and switches can be in the public interest because of resulting increased safety protection, due to fewer items for maintenance or failure on the main tracks.

At this time, since no protests have been submitted and none appears in the Commission's files, the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity in and around the non-agency stations of Millwood, Parrish, Goodale, Karl, and Elder, can, and is being adequately served by other existing stations, facilities, and track.

That safe and economical railroad operation does not require station designation or siding trackage at Millwood, Goodale, Karl, and Elder, nor a spur track at Parrish, all in Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above Statement and Findings be made a part hereof by reference.

That The Atchison, Topeka and Santa Fe Railway Company, Denver, Colorado, is hereby granted a certificate of public convenience and necessity, wherein it is authorized as follows:

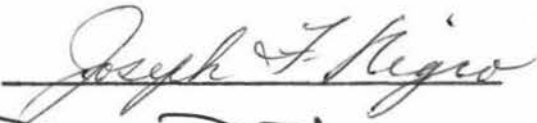
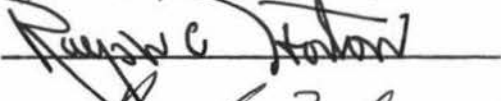
(a) To discontinue the non-agency stations in Colorado of Millwood, Parrish, Goodale, Karl and Elder, and to remove said stations from the Open and Prepay Station List.

(b) To abandon, dismantle and take up siding trackage at Millwood, Goodale, Karl and Elder, and a spur-track at Parrish, all located in the State of Colorado.

That reference shall be made to this decision in the affected tariffs as required, to show the station changes and as authority for said action.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of July, 1962.

ea

original

(Decision No. 59016)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EMPIRE DISPATCH, INC., 2109 SOUTH )	
23RD AVENUE, GREELEY, COLORADO, FOR )	
AUTHORITY TO TRANSFER PUC NO. 545 )	
TO MARSHALL ANDERSON AND EUNICE )	APPLICATION NO. 19190-Transfer
ANDERSON, AS JOINT TENANTS, DOING )	
BUSINESS AS "YELLOW CAB AND DE- )	
LIVERY SERVICE," 2412 8TH AVENUE, )	
GREELEY, COLORADO. )	
----- )	

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July 31, 1962  
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Appearances: William C. Rhodes, Esq.,  
Greeley, Colorado, for  
Transferor and Transferees.

S T A T E M E N T

By the Commission:

Empire Dispatch, Inc., Greeley, Colorado, is the owner  
and operator of PUC No. 545, authorizing:

Passengers, baggage and trunks from point to point within a radius of 4 miles of the Weld County Court House and between points within said area and other points in the State of Colorado. Applicant shall not operate outside of the City of Greeley on schedule except to and from LaSalle, Colorado, for the purpose of meeting UP trains Nos. 15 and 13.

Package and delivery system for hire from retail stores in Greeley to points within a radius of 4 miles of the Court House in Greeley, with back-haul of trade-ins or returned merchandise, subject to the following conditions: (1) That applicants, in performing such service, shall not operate any equipment except taxicabs and one truck with rated capacity of 3/4 tons or less; (2) That no shipments shall be picked up at any one point of origin for delivery to any customer weighing in excess of 200 pounds, except that said maximum shall not apply to "furniture and household furnishings" and feed sold by retail stores in Greeley, unless said service is rendered between points on the routes of line-haul motor vehicle common carriers,

and by the instant application, seeks authority to transfer said PUC No. 545 to Marshall Anderson and Eunice Anderson, as joint tenants,

doing business as "Yellow Cab and Delivery Service," Greeley, Colorado.

The application was set for hearing on July 10, 1962, at ten o'clock A. M., in the 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 proposed transfer.

That the transferees will have sufficient equipment and experience to properly carry on the operations, and the transferee's financial standing is established to the satisfaction of the Commission.

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 Empire Dispatch, Inc., Greeley, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 545 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Marshall Anderson and Eunice Anderson, as joint tenants, doing business as "Yellow Cab and Delivery 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 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.

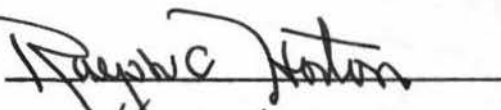
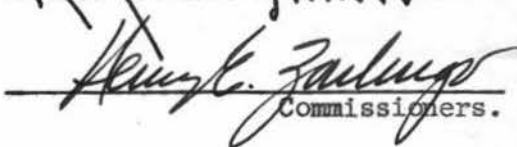
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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 upon the death of either of the transferees, the survivor shall comply with the law and the rules relating to transfer of common carrier certificates.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 31st day of July, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE REDUCED RATES ON CONTAINERS, )  
SHEET IRON OR STEEL, SETUP, ETC. )  
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INVESTIGATION AND SUSPENSION

DOCKET NO. 497

-----  
July 30, 1962  
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S T A T E M E N T

BY THE COMMISSION:

On June 29, 1962, Motor Tariff Service, John P. Norman, Agent, filed schedules of reduced rates on containers, sheet iron or steel, as designated in Item No. 648, Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3, such item published to become effective August 5, 1962, reading as follows:

5th Revised Page No. 162-A:

Section No. 2 Commodity Rates For Application, See Page 155				
Item No.		Rates in Cents Per 100 Pounds		
		From	To	Rate
648 / R *	Containers, sheet iron or steel, setup liquid capacity exceeding 1 gill, but not exceeding 1 quart.	Jeffco Mfg. Company	Golden, Colo.	
	Minimum weight 18,000 pounds.			16
	Tops or can bottoms, NOI. Minimum weight 40,000 pounds.			6
/ denotes - addition R denotes - reduction * denotes - Not subject to Item 310				
310 Part A	<u>Carriers other than scheduled line haul carriers.</u> (A) All motor vehicle common carriers holding certificates of Public Convenience and Necessity authorizing service over irregular routes on call and demand, and all Class "B" private carriers by motor vehicle, when transporting commodities other than explosives, as described in Item 120, including blasting caps, milk, cream, ore and concentrates, the commodities named in Sections 3, 4, 5, 6, and 7, also including any supplement or amendment to said sections, in competition with any duly authorized common carrier or carriers operating over regular routes or between fixed points, shall charge and collect rates and charges which shall not be less than twenty per cent (20) greater than the rates herein provided for such scheduled common carrier or carriers.			

The reduced rates may, if permitted to become effective, result in reductions which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of the said schedules should be suspended and an investigation instituted upon the Commission's own motion concerning the lawfulness of the rates and changes contained therein.

### F I N D I N G S

#### THE COMMISSION FINDS:

That upon its own motion, without formal pleading, the schedules as referred to in the statement herein should be suspended and that it enter upon a hearing concerning the lawfulness thereof.

### O R D E R

#### THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.
2. It shall, upon its own motion enter upon a hearing concerning the lawfulness of the rates resulting from the amendments proposed by Item No. 648, 5th Revised Page No. 162-A, Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3, of the Motor Tariff Service, issued to become effective August 5, 1962.
3. The operation of said schedules be and it hereby is suspended, and the use thereof be deferred to and including December 3, 1962, unless otherwise ordered by the Commission.
4. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.
5. Seven days prior to the hearing date hereon, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which respondents intend to introduce in evidence in support of their case.
6. A copy of this order be filed with the schedules in the office of the Commission and that copies hereof be served upon the carriers parties to the said schedules and that the said carriers be, and they are hereby, made respondents to this proceeding.

7. This Investigation and Suspension Docket No. 497 be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Hobart  
Henry E. Zarlengo  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of July, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

REDUCED COMMODITY RATES  
VIA EXPRESS  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 498

-----  
July 31, 1962  
-----

S T A T E M E N T

BY THE COMMISSION:

On June 22, 1962, Railway Express Agency, Inc., filed schedules of reduced rates and charges on various commodities moving in intrastate commerce in Colorado as set forth in its Commodity Tariff No. 33-B, Colorado P.U.C. No. 227, Section 3, Rate Table 5, pages 84 through 87, both inclusive, Section 1, pages 15 through 35, both inclusive, and the rules and other governing provisions published to become effective August 1, 1962.

The reduced rates and charges may, if permitted to become effective, result in reductions which may be in violation of the Public Utilities Law. Upon consideration of the schedules and protests thereto, it is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted concerning the lawfulness of the rates, charges and the rules and other governing provisions contained therein.

F I N D I N G S

THE COMMISSION FINDS:

That an investigation into and concerning the lawfulness of the rates, charges and governing provisions referred to in the statement hereof should be instituted and that the operation of said schedules should be suspended.

O R D E R

THE COMMISSION ORDERS, That:

1. The Statement and Findings, be, and they are hereby made a part hereof.

2. It shall enter upon a hearing concerning the lawfulness of the rates, charges and rules and other governing provisions applicable on commodities moving in intrastate commerce in Colorado as proposed by Railway Express Agency, Inc., Commodity Tariff No. 33-B, Colorado P.U.C. No. 227, Section 3, Rate Table 5, pages 84 through 87, both inclusive, Section 1, pages 15 through 35, both inclusive, and the rules and other governing provisions, page 14, issued to become effective August 1, 1962.

3. The operation of the said schedules be, and it hereby is suspended and the use thereof deferred to and including November 28, 1962, unless otherwise ordered by the Commission.

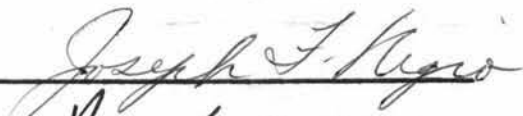
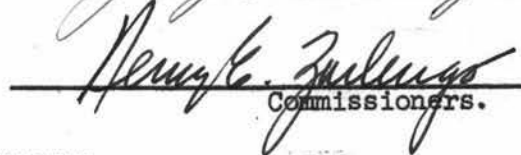
4. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

5. Seven days prior to the hearing date hereon, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which respondent intends to introduce in evidence in support of its case.

6. A copy of this order be filed with the schedules in the office of the Commission and that a copy hereof be served upon the Railway Express Agency, Inc., and that said Railway Express Agency, Inc., be, and it is hereby made respondent to this proceeding.

7. This Investigation and Suspension Docket No. 498 be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON NECESSARILY  
ABSENT AND DID NOT PARTICIPATE.

Dated at Denver, Colorado,  
this 31st day of July, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES D. WILLIAMSON, ROUTE 3 )  
BOX 531, GREELEY, COLORADO. )  
 )  
 )  
 )

PUC NO. 5226-I

-----  
August 9, 1962  
-----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. 5226-I be suspended <sup>one year</sup> ~~for six months~~ from July 16, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:That Charles D. Williamson, Greeley, Colorado

\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 5226-I until July 16, 1963.

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 S. Negro*  
*Joseph C. Holman*  
*Henry E. Zuckerman*

Dated at Denver, Colorado,  
this 9th day of August, 1962.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 59020 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MARIE S. STANION, HAYDEN, COLO- )  
RADO. )

PERMIT NO. A-2493

August 9, 1962

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 her Permit No. A-2493 be suspended  
 one year  
 for ~~six months~~ from July 24, 1962.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Marie S. Stanion, Hayden, Colorado

be, and is hereby, authorized to suspend her operations under Permit No. A-2493 until July 24, 1963.

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  
Frank C. Wood  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 19 62.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 59021 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOWARD L. ARBOGAST, 234-31 3/10 )  
ROAD ROUTE #4, GRAND JUNCTION, )  
COLORADO. )  
-----

PERMIT NO. B-4605

-----  
August 9, 1962  
-----

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-4605 be suspended  
one year  
for ~~six months~~ from July 17, 1962.

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 Howard L. Arbogast, Grand Junction, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-4605 until July 17, 1963.

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  
Frank C. Norton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 19 62.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PERMIT NO. B-5471-I

August 9, 1962

S T A T E M E N T

The Commission is in receipt of a request from the above-named permittee requesting that her Permit No. B-5471-I be suspended for six months from July 11, 1962.

## FINDINGS

That the request should be granted.

O R D E R

That Arlene D. Martinez, Antonito, Colorado

be, and is hereby, authorized to suspend her operations under Permit  
No. B-5471-I until January 11, 1963.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 9th day of August, 19 62.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 59023 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHESTER A. WHEAT, WATSON, )  
OKLAHOMA. )  
----- )

PERMIT NO. B-5532

-----  
August 9, 1962  
-----

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-5532 be suspended  
one year  
for ~~six months~~ from June 20, 1962.

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 Chester A. Wheat, Watson, Oklahoma

be, and is hereby, authorized to suspend his operations under Permit  
No. B-5532 until June 20, 1963.

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  
Frank C. [illegible]  
Wm. E. [illegible]  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BERT R. HAPPY, GENERAL DELIVERY, )  
YAMPA, COLORADO. )  
----- )

PERMIT NO. B-5675

-----  
August 9, 1962  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5675 be further suspended for one year from July 17, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Bert R. Happy, Yampa, Colorado

be, and is hereby, authorized to further suspend his operations under Permit No. B-5675 until July 17, 1963.

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 L. Negro*  
*Joseph C. Norton*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

hc

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 59025 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BEN LELL, ROUTE 1 BOX 200, )  
LOVELAND, COLORADO. )  
)  
)  
)  
-----

PERMIT NO. B-5794

-----  
August 9, 1962  
-----

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-5794 be suspended  
one year  
for ~~six months~~ from July 25, 1962.

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 Ben Lell, Loveland, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-5794 until July 25, 1963.

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  
Frank C. Norton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 19 62.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 59026 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
M. F. KISH, 510 EAST 3RD STREET, )  
FLORENCE, COLORADO. )  
 )  
 )  
 )  
-----

PERMIT NO. B-5870

-----  
August 9, 1962  
-----

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-5870 be suspended  
for six months from July 14, 1962.

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 M. F. Kish, Florence, Colorado

be, and is hereby, authorized to suspend his operations under Permit  
No. B-5870 until January 14, 1963.

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 J. Negro  
Joseph C. Johnson  
Henry C. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
G. H. SAGER, DOING BUSINESS AS, )  
"SAGER MINING COMPANY", 525 )  
CHEYENNE BOULEVARD, COLORADO )  
SPRINGS, COLORADO. )  
-----

PERMIT NO. B-5670

-----  
August 9, 1962  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5670 be further suspended for one year from July 21, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That G. H. Sager, doing business as, "Sager Mining Company", Colorado Springs, Colorado  
be, and is hereby, authorized to further suspend his operations under Permit No. B-5670 until July 21, 1963.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Joseph C. Norton*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES D. CLAY AND ANDY VOLOSHIN, )  
RIVERVIEW TRAILER PARK, CRAIG, )  
COLORADO. )

PUC NO. 5069

August 9, 1962

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that their PUC No. 5069 be suspended for six months from July 1, 1962.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That James D. Clay and Andy Voloshin, Craig, Colorado

\_\_\_\_\_ be, and are hereby, authorized to suspend operations under PUC No. 5069 until January 1, 1963.

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  
 Frank C. Johnson  
 Henry E. Zuckers

Dated at Denver, Colorado,  
this 9th day of August, 1962.

# hc

original

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 )	<u>APPLICATION NO. 19274</u>
COLORADO, 1953, FOR EMERGENCY )	
MOVEMENT OF WHEAT. )	
----- )	

-----  
July 31, 1962  
-----

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 the transportation of wheat in the Counties of Las Animas, Baca, Otero, Bent, Prowers, Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams and Arapahoe, and that said emergency will probably continue for a period of approximately thirty (30) days thereafter.

Request is made for an Order of the Commission relative to the issuance of temporary certificates for the seasonal transportation of said wheat crop in the Counties above set forth.

F I N D I N G S

THE COMMISSION FINDS:

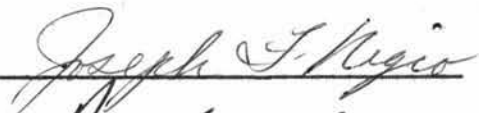

That an emergency exists because of the shortage in certificated trucks for the transportation of wheat in the Counties above set forth, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of wheat to market or places of storage, as provided by Chapter 115, Article 9, Section 4, Session Laws of 1953, said certificates to be effective on August 1, 1962, both dates inclusive.

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 the operation of motor vehicles, for the transportation of wheat, to markets or places of storage, in the Counties of Las Animas, Baca, Otero, Bent, Prowers, Kiowa, Crowley, Lincoln, Elbert, Cheyenne, Kit Carson, Washington, Yuma, Phillips, Sedgwick, Logan, Weld, Morgan, Adams and Arapahoe, State of Colorado, said certificates to be effective on August 1, 1962, and to continue in force up to and including August 31, 1962, no such certificate to issue for the transportation of said wheat by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 31st day of July, 1962.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SUBURBAN TRANSIT COMPANY, 3395 SOUTH )  
LINCOLN STREET, ENGLEWOOD, COLORADO, )  
PUC NO. 50, TO SUSPEND OPERATION ON )  
A PART OF THE SYSTEM (A) LAKEWOOD )  
LINE, (B) CLARKSON LINE, AND (C) )  
YALE DOWNING LINE. )  
----- )

APPLICATION NO. 19229

-----  
August 2, 1962  
-----

Appearances: Ted Epstein, Jr., Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

This matter coming on for hearing on the petition of Suburban Transit Company, Bankrupt, to suspend operation under PUC No. 50, and it appearing to the Commission that Suburban Transit Company has filed a Petition in Bankruptcy and is in an insolvent condition and unable to meet its current cash expenditures with cash receipts received by it, and that the action to suspend has been ordered by the United States District Court for the District of Colorado, by the duly appointed Referee in Bankruptcy,

O R D E R

IT IS ORDERED:

That Suburban Transit Company, Bankrupt, be, and is hereby, authorized to suspend operations under PUC No. 50 until further Order of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 2nd day of August, 1962.  
ea

Joseph F. Nigro  
Samuel E. Zullengo  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEONARD TOLSMA, 1908 HAMILTON )  
PLACE, ENGLEWOOD, COLORADO. )  
----- )

PUC NO. 3402

-----  
August 9, 1962  
-----

S T A T E M E N T

By the Commission:

On may 25, 1962, the Commission authorized Leonard Tolsma to suspend operations under his PUC No. 3402, until November 25, 1962.

The Commission is now in receipt of a communication from the above-named certificate-holder requesting that his PUC 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 PUC No. 3402, should be, and the same hereby is, reinstated as of July 26, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Higgins*  
*George C. [unclear]*  
*Henry E. Zschewe*  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

\* \* \*

CASE NO. 8924 Ins.

August 7, 1962

Dated at Denver, Colorado,  
this 7th day of August, 1962

original

(Decision No. 59033)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LEADVILLE UTILITIES COMPANY, 1700 )	
BROADWAY, DENVER, COLORADO, TO )	APPLICATION NO. 19212-SECURITIES
ISSUE SECURITIES. )	
----- )	

-----  
August 6, 1962  
-----

Appearances: Robert D. Means, Esq.,  
Denver, Colorado,  
for Applicant;  
J. M. McNulty, Denver,  
Colorado, and  
Everett R. Thompson,  
Denver, Colorado, for  
the Staff of the Commission.

S T A T E M E N T

By the Commission:

On July 5, 1962, Leadville Utilities Company filed with this Commission an application for authorization to increase its common stock to \$100,000 capitalization; to issue 990 shares of common capital stock to Joseph E. Newman, for the sum of \$99,000, and to approve and authorize the borrowing of \$125,000 from the Central Bank and Trust Company, Denver, Colorado.

By the Commission's Decision and Order No. 58903, the matter was set for hearing after due notice to all interested parties, on July 31, 1962, at ten o'clock A. M., 532 State Services Building, Denver, Colorado. At such time and place, the matter was heard by Edwin R. Lundborg, a duly approved Examiner before the Commission. The evidence received and testimony taken in the matter, together with Examiner's Report and his recommendations, were all submitted to the Commission, and the matter was taken under advisement.

No protests were filed with the Commission in regard to these matters, and no one appeared at the hearing in opposition to the granting of the authority sought.

Mr. Joseph E. Newman presently owns all the authorized issued and outstanding common stock (\$1,000), and by the foregoing proposal would still own all of the authorized issued and outstanding stock of Applicant, and all of such stock will have been paid for by Mr. Joseph E. Newman in cash at its full par value.

The sum of \$125,000 will be borrowed for a period of three years, with interest only payable thereon quarterly at  $6\frac{1}{2}\%$  per annum. At the end of this period, the loan agreement may be rewritten so that the loan can be amortized monthly over a period of an additional five years. The loan will be secured by a pledge of 100% of the authorized issued and outstanding common capital stock held by J. E. Newman. Also, the loan will be further secured by an agreement with the Central Bank and Trust Company, whereby Applicant will retain the certificate of convenience and necessity granted by this Commission as long as any balances of this loan remain due.

The funds totaling \$224,000 to be obtained from this proposed financing are for the purpose of revising and expanding the present propane gas distribution system in the Town of Leadville, Colorado, upon the introduction of natural gas, so that such natural gas service will be available prior to the heating season in the fall of the year 1962.

As evidence of the Company's financial status, there was introduced into evidence, a Balance Sheet as of April 30, 1962, which indicated a net utility plant in service of \$82,440, and other assets bringing the total to \$118,634. Net worth of the Company was shown to be approximately \$48,100. Exhibit B, Statement of Funds Required and Source of Funds, was entered into evidence showing that \$202,970 would be expended for construction of the natural gas system, including such revisions of present system as required. The balance, approximately \$21,000, would be available for new customer solicitation and advertising. Exhibit C, a Pro Forma Balance Sheet giving effect to the new capital and additional utility plant, introduced into evidence, indicated that the total net plant in service would amount to \$285,410, and that the total capitalization would consist of \$147,095 of equity, and \$125,000

of long-term debt. Such capitalization would result in 54.1% equity and 45.9% debt.

Applicant's witness testified that the Company had made an exhaustive study of the costs of construction of the new system and the expected revenues and expenses, after the introduction of natural gas, for a period beginning in the fall of 1962 through the year 1965. This study, shown in Exhibit D, Estimate of Operating Income, and Exhibit E, Estimate of Natural Gas Customers and Sales, indicates that the proposed operations utilizing natural gas would be feasible and profitable. Beginning with the third year, 1964, the Company would be making approximately 6% return on its net investment.

Also introduced in evidence was a proposed rate schedule as filed with the Public Utilities Commission, August 12, 1962.

Applicant's witness, Mr. I. L. Thrasher, Secretary-Treasurer of the Leadville Utilities Company, upon cross-examination, stated that the Company had inquired as to other sources of loans and had found that the proposed loan from the Central Bank and Trust Company is the best loan that could be obtained. In his opinion, the proposed natural gas project at Leadville, Colorado, and the financing as proposed would result in a feasible and profitable undertaking. Also, he stated that the Company had made cash studies projected through the eight years of the loan which indicated that the net earnings of the Company would be sufficient to service the debt; that is, pay all the interest and repay the loan.

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

The Report of the Examiner recommends that the authority sought herein be granted by appropriate Order of this Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That Applicant, Leadville Utilities Company, of Leadville,

Colorado, is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes, 1953.

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

That the Commission is fully advised in the premises.

That the proposed issuance of 990 shares of common capital stock, par value of \$100, to Joseph E. Newman, President of the Leadville Utilities Company, should be authorized and approved.

That the proposed borrowing of \$125,000 from the Central Bank and Trust Company, Denver, Colorado, under the terms set forth in the application, should be authorized and approved.

That the proposed securities transactions are not inconsistent with the public interest; that the purpose or purposes thereof are permitted and are not inconsistent with Chapter 115, Colorado Revised Statutes, 1953.

That within one hundred twenty (120) days after the consummation of issuance of securities authorized herein, Applicant should file with this Commission a report stating the amount of funds received, the direct "out-of-pocket" expenses connected therewith, and a copy of the journal entries of such transactions entered on the books of the Company.

That the Report of Examiner on this matter should be approved.

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

#### O R D E R

#### THE COMMISSION ORDERS:

That the proposed issuance of 990 shares of common capital stock, par value of \$100, to Joseph E. Newman, President of the Leadville Utilities Company, be, and the same is hereby authorized and approved.

That the proposed borrowing of \$125,000 from the Central Bank and Trust Company, Denver, Colorado, under the terms set forth in the application, be, and the same is hereby authorized and approved.

That within one hundred twenty (120) days after the consummation of issuance of securities authorized herein, Applicant shall file with this Commission a report stating the amount of funds received, the direct "out-of-pocket" expenses connected therewith, and a copy of the journal entries of such transaction entered on the books of the Company.

That nothing contained herein shall be construed to imply any recommendation or guaranty of or any obligation with respect to said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of these proceedings to the end that it may make further Order or Orders in the premises, as it may deem proper and desirable.

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

That the authority herein granted should be executed from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Nigro  
Ralph C. Horton  
August Zaulargo  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of August, 1962.

ea

\* \* \*

APPLICATION NO. 19225-PP-Transfer

August 6, 1962

## STATEMENT AND FINDINGS OF FACT

On May 15, 1962, the Applicant filed his application for reinstatement of Permit No. B-5438, and to transfer said operating rights to Donald L. Camper, Canon City, Colorado.

The application was set for hearing on July 26, 1962, at ten o'clock A. M., at the County Office Building, 27 East Vermijo Street, Colorado Springs, Colorado. The matter was to have been heard by an Examiner duly designated, and to whom the hearing was assigned by the Commission; however, when the application was called for hearing by the Examiner, applicant failed to appear, either in person or by representative. The Examiner transmitted to the Commission a written statement of his findings of fact and conclusion.

The Commission having considered the application and the written statement of the Examiner, states and finds:

-1-

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application be, and it is hereby, continued, to be heard 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. Nigro  
Robert C. Johnson  
Henry E. Paulengo  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of August, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CENTRAL BANK AND TRUST COMPANY, )  
GLADYS M. COSPER, AND JACKIE LEE )  
COSPER, CO-EXECUTORS OF THE ESTATE )  
OF WALTER B. COSPER, DECEASED, )  
DOING BUSINESS AS "WALTER B. )  
COSPER TRUCKING COMPANY," 4415 )  
MCINTYRE, GOLDEN, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19172-PP  
SUPPLEMENTAL ORDER

-----  
August 6, 1962  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado,  
for Applicant;  
Ernest Porter, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way,  
Inc.

S T A T E M E N T

By the Commission:

By Decision No. 58937, of date July 19, 1962, the Commission granted to applicant herein authority to transport crated lettuce, from cooling plants, and potatoes, in bags, from fields and storage facilities, from Alamosa, Colorado, and a radius of fifty miles thereof, to points within the City of Denver, Colorado, and a radius of ten miles thereof; peaches, apples and pears, from Delta and Mesa Counties, to named customers, only, as set forth in said Decision No. 58937.

On July 23, 1962, Petition for Rehearing, or, in the Alternative, for Modification of Decision 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 filed by attorney for applicant 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 or, in the Alternative, for Modification of Decision filed herein by attorney for applicant should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing or, in the Alternative, for Modification of Decision, in the above-styled matter, 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

  
RALPH C. HORTON

  
HENRY E. ZARIENGO

Commissioners.

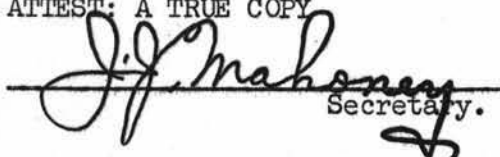
CHAIRMAN JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of August, 1962.

ea

(S E A L)

ATTEST: A TRUE COPY

  
Secretary.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY TO CONSTRUCT A  
GAS DISTRIBUTION MAIN TO AND A GAS  
DISTRIBUTION SYSTEM IN THE TOWN OF  
MORRISON, COUNTY OF JEFFERSON,  
STATE OF COLORADO, AND TO EXERCISE  
FRANCHISE RIGHTS THEREIN FOR THE  
PURCHASE, MANUFACTURE, GENERATION,  
TRANSMISSION, DISTRIBUTION AND SALE  
OF GAS, EITHER NATURAL, ARTIFICIAL  
OR MIXED, IN SAID TOWN OF MORRISON,  
AND TO DISTRIBUTE AND SELL GAS IN  
THE AREA ADJACENT THERETO AND ALONG  
THE GAS DISTRIBUTION MAIN TO THE TOWN.  
-----

APPLICATION NO. 19214

-----  
August 7, 1962  
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Appearances: Lee, Bryans, Kelly & Stans-  
field, Esqs., Denver,  
Colorado, by  
Donald D. Cawelti, Esq.,  
Denver, Colorado, for  
Applicant;  
E. R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

Public Service Company of Colorado filed an application with this Commission seeking a certificate of public convenience and necessity authorizing the construction of a gas distribution main to and a gas distribution system in the Town of Morrison, Jefferson County, Colorado, authorizing the exercise of franchise rights for the distribution and sale of gas, either natural, artificial or mixed, in said Town, and for a certificate of public convenience and necessity for the distribution and sale of gas in the area adjacent thereto and along the gas distribution main to the Town.

The matter was set for hearing after due notice to all interested parties, on July 31, 1962, at 10:30 o'clock A. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

On July 27, 1962, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application. This application was heard at said time and place on a joint record with Application No. 19213, with Examiner Lundborg conducting said hearing, and subsequent thereto, he submitted a report of the proceedings to the Commission.

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 primarily in the purchase, generation, transmission, distribution and sale of electric energy, and in the purchase, distribution and sale of natural gas at various points within the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Applicant showed that on July 10, 1962, the Board of Trustees of the Town of Morrison duly passed and adopted Ordinance No. 62, granting a franchise for the service of gas in the Town, a copy of which franchise ordinance was attached to the application as Exhibit No. C, and is entitled as follows:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF MORRISON, JEFFERSON COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF MORRISON A PLANT OR PLANTS, AND WORKS, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS EITHER NATURAL, ARTIFICIAL OR MIXED AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF MORRISON, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES, BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF MORRISON, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The term of said franchise is for a period of twenty-five years. Attached to the franchise is a copy of the Certificate of Introduction, Passage and Signature by the Mayor of said franchise, a copy of the Certificate of the Recording thereof, and a copy of the acceptance of the franchise by applicant, all of which were certified as true and correct copies.

Witness for Applicant, H. M. Edmonds, testified that Applicant will obtain its supply of natural gas for distribution and sale in the Town of Morrison and in areas adjacent thereto from its Denver Metropolitan System by means of a gas main extension from the vicinity of West Hampden Avenue and South Kipling Street, a distance of four (4) miles. Service will also be made available along the distribution main to the Town.

Maps of the proposed gas distribution main and system to be constructed were attached to the application as Exhibits A and B respectively. It was estimated that the cost of such distribution system to be constructed during the first year of the franchise will be approximately \$60,000, and that during the life of the franchise, the investment will be \$250,000.

Applicant estimates that approximately 147 gas customers will be served by the end of the first year, and approximately 235 customers by the end of the fifth year of service to the Town of Morrison. As of 1960, the Town had a population of 426. Applicant expects to have the gas distribution system completed prior to the winter heating season of 1962. All gas will be odorized in the Denver Metropolitan System prior to sale to customers in the Morrison area.

Gas will be supplied at the same rates as those presently on file with this Commission for Applicant's Denver Fringe Area, West of Kipling Street, which rates will be re-filed to apply in the Morrison area.

The Report of the Examiner recommends that the application be granted and that the figure of \$250,000 should be used for the setting of the fee for the certificate sought, with the understanding that it shall not be binding upon the Commission in any future proceedings where rates or valuation may be an issue.

## 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 the Report of the Examiner referred to therein should be approved.

That the Commission has jurisdiction of Applicant herein, Public Service Company of Colorado, and of the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 62 of the Town of Morrison, dated July 10, 1962, for the distribution and sale of gas, either natural, artificial, or mixed, in said Town, and the public convenience and necessity require, and will require, the distribution of natural gas by Applicant in the area adjacent thereto, and along the gas distribution main to the Town.

## O R D E R

### THE COMMISSION ORDERS:

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

That public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 62 of the Town of Morrison, dated July 10, 1962, attached to the application as Exhibit C which, by reference, is made a part hereof, for the distribution and sale of gas, either natural, artificial, or mixed, in said Town, and that the public convenience and necessity require, and will require, the distribution of natural gas by Applicant in the area adjacent thereto, and along the gas distribution main to said Town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Public Service Company of Colorado shall install, operate and maintain its gas system and supply service in the areas heretofore designated in accordance with its schedules of gas rates, classifications, rules and regulations presently in effect in Applicant's Denver Fringe area west of Kipling Street, which will be refiled to include the Morrison area, or as the same may be changed according to law and the rules and regulations of this Commission.

That the adoption of the figure of \$250,000 as the basis for setting the issuance fee for the certificate granted herein shall not preclude the Commission from adopting other and different valuation, should the question of rates or valuation be an issue in any subsequent proceeding.

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of August, 1962.

ea

original

(Decision No. 59037)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE MC KIE TRANSFER COMPANY, 320 )	
KIMBARK STREET, LONGMONT, COLORADO, )	
FOR AUTHORITY TO TRANSFER PUC NO.40 )	APPLICATION NO. 18989-Transfer
TO ALLEN TRANSFER COMPANY, 320 KIM- )	<u>SUPPLEMENTAL ORDER</u>
BARK STREET, LONGMONT, COLORADO. )	
----- )	

-----  
August 8, 1962  
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Appearances: Tull, Hays and Thompson, Esqs.,  
Denver, Colorado, by John W.  
Patterson, Esq., for Trans-  
feror;  
Hartwell and Starkey, Esqs.,  
Loveland, Colorado, by  
Frank E. Starkey, Esq.,  
for Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 58409, of date April 19, 1962, the Com-  
mission authorized The McKie Transfer Company, transferor, to transfer  
all right, title and interest in and to PUC No. 40 to Allen Transfer  
Company, transferee, as set forth in said decision and order.

It has now been called to the attention of the Commission  
that the proper name of the transferee carrier should be "Allen  
Transfer Co." and requested the Commission to make a supplemental  
order correcting said name.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 58409 should be amended, as provided in  
the Order following.

O R D E R

THE COMMISSION ORDERS:

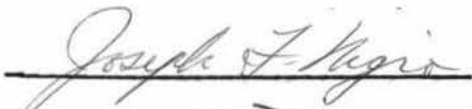


That Decision No. 58409, of date April 19, 1962, be, and  
the same is hereby amended, nunc pro tunc as of said 19th day of  
April, 1962, by striking the name of the transferee wherever it occurs,

viz., in the first paragraph of the Statement and Findings of Fact and in the first paragraph of the Order, and corrected to "Allen Transfer Co." so that the first paragraph of said Order, as amended, shall read:

"That The McKie Transfer Company, Longmont, Colorado, be, and hereby is, authorized to transfer all its right, title, and interest in and to PUC No. 40 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Allen Transfer Co., Longmont, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured."

That, except as herein amended, said Decision No. 58409 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of August, 1962.

ea

original

(Decision No. 59038)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DOROTHY TINDALL, 274 28 $\frac{1}{2}$  ROAD, )  
GRAND JUNCTION, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19080  
SUPPLEMENTAL ORDER

-----  
August 8, 1962  
-----

Appearances: Cecil S. Haynie, Esq., Grand  
Junction, Colorado, for  
Applicant;  
Philip S. Icke, Esq., Ouray,  
Colorado, for the Town of  
Nucla and San Miguel Power  
Association;  
T. L. Brooks, Esq., Montrose,  
Colorado, for Orville  
Dunlap;  
Ernest Porter, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

On July 18, 1962, the Commission entered its Decision No. 58936 in the above-styled application, granting to applicant herein the right to operate as a common carrier by motor vehicle for hire, as therein set forth.

The Commission is now in receipt of a communication from Dorothy Tindall, applicant herein, requesting authority to do business under the trade name and style: "Gateway Nucla Express," in the conduct of operations thereunder.

F I N D I N G S

THE COMMISSION FINDS:

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

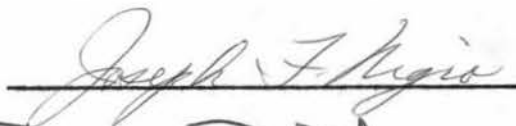
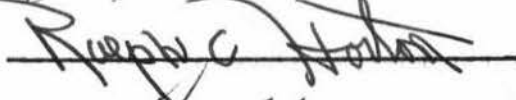

O R D E R

THE COMMISSION ORDERS:

That Dorothy Tindall, Grand Junction, Colorado, be, and she hereby is, authorized to do business under the trade name and style: "Gateway Nucla Express," in the conduct of operations under authority granted by Decision No. 58936, of date July 18, 1962.

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 8th day of August, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BILL BILYEU, DOING BUSINESS AS )	
"BILYEU TRANSPORT," 1914 EAST )	
BLAINE, SPRINGFIELD, MISSOURI, )	
FOR AUTHORITY TO TRANSFER INTER- )	PUC NO. 4877-I-Transfer
STATE OPERATING RIGHTS TO BILYEU )	
TRANSPORT, INCORPORATED, 1914 )	
EAST BLAINE, SPRINGFIELD, MISSOURI. )	
----- )	

-----  
August 8, 1962  
-----

S T A T E M E N T

By the Commission:

Heretofore, Bill Bilyeu, doing business as "Bilyeu Transport," was granted a certificate of public convenience and necessity (PUC No. 4877-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.

Said certificate-holder now seeks authority to transfer said PUC No. 4877-I to Bilyeu Transport, Incorporated, Springfield, Missouri.

Inasmuch as 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 Bill Bilyeu, doing business as "Bilyeu Transport," Springfield, Missouri, be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 4877-I to Bilyeu Transport, Incorporated, Springfield, Missouri, 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 T. Nigro  
Rueph G. Horkan  
Ken W. Selway  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of August, 1962.

ea

original

(Decision No. 59040)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
JULIAN BACA, 508 NORTH TENTH, )	<u>PERMIT NO. B-6116</u>
ROCKY FORD, COLORADO. )	
----- )	

-----  
August 8, 1962  
-----

S T A T E M E N T

By the Commission:

On January 4, 1962, the Commission entered its Decision No. 57776, authorizing Julian Baca, Rocky Ford, Colorado, owner of Permit No. B-6116, to suspend operations under said permit for a period of six months from December 18, 1961, and until June 18, 1962.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said permit for an additional period of six months.

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 Julian Baca, Rocky Ford, Colorado, be, and he hereby is, authorized to further suspend operations under Permit No. B-6116, nunc pro tunc, from June 18, 1962, until December 18, 1962.

That, unless said permit-holder shall, prior to the expiration of said suspension period, make a request, in writing, for reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall

stand revoked, without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins

Ralph G. Hahn

Harry E. Harlowe  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of August, 1962.

ea

original

(Decision No. 59041)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
ESTATE OF OTTO J. CHRISTIAN, )	
JR., P.O. BOX 141, LA SALLE, )	<u>PERMIT NO. M-7232</u>
COLORADO. )	
----- )	

-----  
August 8, 1962  
-----

S T A T E M E N T

By the Commission:

On June 5, 1962, the Commission entered its Decision No. 58663, cancelling the above-styled permit, effective May 26, 1962.

It now appears that proper cancellation date for said permit should have been "January 29, 1962."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 58663, of date June 5, 1962, should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 58663, of date June 5, 1962, be, and the same hereby is, amended, nunc pro tunc, as of said 5th day of June, 1962, by striking the date "May 26, 1962," appearing in the Order contained in said Decision No. 58663, and inserting in lieu thereof the date "January 29, 1962."

That, except as herein amended, Decision No. 58663 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Anderson  
Samuel J. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of August, 1962.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) WESTERN POWER & GAS COMPANY, A ) DELAWARE CORPORATION, 144 SOUTH ) 12TH STREET, LINCOLN 1, NEBRASKA, ) FOR AUTHORITY TO ISSUE 150,000 ) SHARES OF ITS PREFERRED STOCK ) WITHOUT PAR VALUE. ) ----- )	APPLICATION NO. 19170-SECURITIES (Amended) <u>SUPPLEMENTAL ORDER</u>
---	--

-----  
August 8, 1962  
-----

Appearances: J. W. Preston, Esq., Pueblo,  
Colorado, and  
Melvin A. Hardies, Esq.,  
Chicago, Illinois, for  
Applicant;  
E. R. Thompson, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

Western Power and Gas Company (Applicant), on August 6, 1962, filed an amendment to its Application No. 19170-Securities, requesting an amendment to Commission's Decision and Order No. 58920, July 11, 1962.

Commission's Decision and Order No. 58920 authorized Applicant to issue and sell 150,000 shares of preferred stock without par value. In the Statement of the Decision and Order No. 58920, on page 4, the dividend provisions of the proposed issuance were stated as "The dividend rate on the new preferred to be fixed by Applicant's Board of Directors will not exceed 5% of the stated value of shares of the New Preferred nor 5-1/8% of the initial public offering price of such shares."

Applicant states in its amendment to Application No. 19170-Securities, that in the current market, it has not been possible to sell the proposed issue of preferred stock on a yield basis of 5% and it is considered preferable that the initial public offering

price per share be the \$50.00 stated value per share of the proposed issue. Therefore, the Company requests that the sentence quoted above, in the Commission's Statement of Decision and Order No. 58920, issued July 11, 1962, be amended to read: "The dividend rate on the New Preferred to be fixed by Applicant's Board of Directors will not exceed 5-1/8% of the stated value or the initial public offering price of such shares."

### F I N D I N G S

#### THE COMMISSION FINDS:

That Applicant's request for the substitution of the sentence set forth above, is reasonable and no public hearing is required with regard to this matter, and that Applicant's Petition amending Application No. 19170-Securities, should be approved.

### O R D E R

#### THE COMMISSION ORDERS:

That the sentence "The dividend rate on the New Preferred to be fixed by Applicant's Board of Directors will not exceed 5-1/8% of the stated value or the initial public offering price of such shares," shall be substituted for the sentence "The dividend rate on the New Preferred to be fixed by Applicant's Board of Directors, will not exceed 5% of the stated value of shares of the New Preferred nor 5-1/8% of the initial public offering price of such shares."

That said Decision and Order No. 58920 otherwise remains in full force and effect.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 8th day of August, 1962.

ea

*Joseph F. Regio*  
*Ralph C. Hutton*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEADVILLE TRANSIT COMPANY, INC- )  
PORATED, P. O. BOX 169, SALIDA, )  
COLORADO. )  
-----

PUC NO. 5348

-----  
August 16, 1962  
-----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 their PUC No. 5348 be suspended for six months from July 18, 1962.

F I N D I N G STHE COMMISSION FINDS:

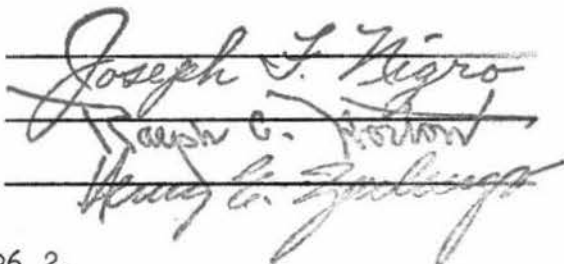
That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Leadville Transit Company, Inc., Salida, Colorado

\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 5348 until January 18, 1963.

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

Dated at Denver, Colorado,  
this 16th day of August, 196 2.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR F. TATE, P. O. BOX 246,  
BAYFIELD, COLORADO.

PERMIT NO. M-14112

August 16, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur F. Tate,  
Bayfield, Colorado  
requesting that Permit No. M-14112 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14112, heretofore issued to Arthur F. Tate,  
Bayfield, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Norton  
Wm E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

A. W. B. KJOSNESS, EL RIO HOTEL,  
CANON CITY, COLORADO.

PERMIT NO. M-7498

August 16, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from A. W. B. Kjosness,  
Canon City, Colorado  
requesting that Permit No. M-7498 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7498, heretofore issued to A. W. B. Kjosness,  
Canon City, Colorado be,  
and the same is hereby, declared cancelled effective June 7, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLEN J. PENNO, DOING BUSINESS AS, )  
"L-P GAS AND APPLIANCE COMPANY", )  
1709 HAVANA, AURORA, COLORADO. )  
-----)

PERMIT NO. M-3611

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen J. Penno, doing  
business as, "L-P Gas and Appliance Company", 1709 Havana, Aurora, Colorado  
requesting that Permit No. M-3611 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3611, heretofore issued to Glen J. Penno, doing  
business as, "L-P Gas and Appliance Company", 1709 Havana, Aurora, Colorado be,  
and the same is hereby, declared cancelled effective August 2, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph G. Hobson  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES JOSEPH, 5904 SOUTH COLUMBINE )  
WAY, LITTLETON, COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-14134

-----  
August 16, 1962  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from James Joseph,  
Littleton, Colorado  
requesting that Permit No. M-14134 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14134, heretofore issued to James Joseph,  
Littleton, Colorado be,  
and the same is hereby, declared cancelled effective August 6, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. J. SUMMERS, P. O. BOX 211,  
GUNNISON, COLORADO.

PERMIT NO. M-768

August 16, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. J. Summers,  
Gunnison, Colorado  
requesting that Permit No. M-768 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-768, heretofore issued to J. J. Summers,  
Gunnison, Colorado be,  
and the same is hereby, declared cancelled effective July 9, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. J. SUMMERS, P. O. BOX 211, )  
GUNNISON, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. B-5217

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. J. Summers,  
Gunnison, Colorado  
requesting that Permit No. B-5217 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5217, heretofore issued to J. J. Summers,  
Gunnison, Colorado be,  
and the same is hereby, declared cancelled effective July 9, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Tigro  
Samuel C. Westcott  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD MAHLENDORF, DUANE SHUNK AND )  
PHILIP SHUNK, DOING BUSINESS AS, )  
"S. M. S. TRUCKING COMPANY", VALLEY, )  
NEBRASKA. )  
-----)

PERMIT NO. M-13275

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald Mahlendorf,  
Duane Shunk and Philip Shunk, dba "S. M. S. Trucking Company", Valley, Nebraska  
requesting that Permit No. M-13275 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13275, heretofore issued to Donald Mahlendorf, Duane  
Shunk and Philip Shunk, dba "S. M. S. Trucking Company", Valley, Nebraska be,  
and the same is hereby, declared cancelled effective June 30, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph G. Hobart  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DONALD MAHLENDORF, DUANE SHUNK, )  
AND PHILIP SHUNK, DOING BUSINESS )  
AS "S. M. S. TRUCKING COMPANY", )  
VALLEY, NEBRASKA. )  
-----

PUC NO. 4027-I

-----  
August 16, 1962  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Donald Mahlendorf,  
Duane Shunk and Philip Shunk, dba "S. M. S. Trucking Company", Valley, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 4027-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. 4027-I heretofore issued to Donald  
Mahlendorf, Duane Shunk and Philip Shunk, dba "S. M. S. Trucking Company",  
Valley, Nebraska

be, and the same is hereby, declared cancelled effective June 30, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Frank C. Horton*  
*Henry E. Zullinger*  
Commissioners

Dated at Denver, Colorado  
this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACK AND RUSSELL FREEMAN DBA )  
JACK FREEMAN AND SON )  
Box 488 )  
Montrose, Colorado )  
----- )

AUTHORITY NO. M 1288  
CASE NO. 9409 Ins.

-----  
August 9, 1962  
-----

S T A T E M E N T

By the Commission:

On July 19, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Norton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962

original

(Decision No. 59053)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE GUNNISON COUNTY ELECTRIC ASSO- )  
CIATION, INC., CRESTED BUTTE, COLO- )  
RADO, FOR AN ORDER RATIFYING AND )  
AUTHORIZING THE ISSUANCE OF SECUR- )  
ITIES, AND THE APPLICATION OF THE )  
PROCEEDS THEREFROM TO CERTAIN LAW- )  
FUL PURPOSES. )  
----- )

APPLICATION NO. 19215-SECURITIES

-----  
August 9, 1962  
-----

Appearances: Robert G. Porter, Esq.,  
Gunnison, Colorado,  
for Applicant;  
J. M. McNulty, Denver,  
Colorado, and  
Everett R. Thompson, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

On July 12, 1962, Gunnison County Electric Association, Inc. (later referred to as "Association"), filed with this Commission an application for authorization to issue a mortgage note principal amount of \$269,000, to be secured by the mortgage dated as of May 1, 1953, and approval of an Amendment, dated as of June 6, 1962, to Amending Loan Contract, dated as of April 2, 1953, as amended, with the United States of America.

By Commission Decision and Order No. 58925, the matter was set for hearing after due notice to all interested parties, on July 31, 1962, at ten o'clock A. M., at 532 State Services Building, Denver, Colorado. At such time and place the matter was heard by Edwin R. Lundborg, a duly approved Examiner before the Commission. The evidence received and testimony taken in the matter, together with the Examiner's Report and his recommendations, were submitted to the Commission and the matter was taken under advisement.

No protests were filed with the Commission in regard to these matters, and no one appeared at the hearing in opposition to the granting of the authority sought.

Applicant is engaged in the business of acquiring, distributing and selling electric energy to the public in the Counties of Gunnison, Saguache and Hinsdale, in the State of Colorado. It is a non-profit cooperative corporation and is financed by loans from the United States Government through the Rural Electrification Administration.

The proposed loan for \$269,000 is for the purpose of construction, completion, extension and improvement of the properties of Applicant. Part of the funds are for the improvement and maintenance of its services, including the relocation of approximately twenty-four miles of its present lines to be inundated by the water impounded by the Blue Mesa Reservoir now under construction. Approximately \$108,000 will be earmarked for an extension of its electric line up the Taylor River Canyon and into the Taylor Park area, a distance of approximately thirty-two miles.

The new Mortgage Note for \$269,000, identified as Colorado 18 P Gunnison, to be dated June 6, 1962, is for a period of thirty-five years from this date, bearing interest at two per cent (2%) per annum, as shown in Exhibit A entered into evidence.

As evidence of Applicant's financial position, there was entered into evidence (Exhibit E), its Financial and Statistical Report to REA, consisting of a Balance Sheet as of June 30, 1962; a Statement of Operations for the six months ending June 30, 1962, and consumers sales and revenue data. This Financial Statement indicates that the Association has a net utility plant of approximately \$820,000, and long-term debt of approximately \$884,000. Total equity and margins from prior years' operations stand at approximately \$93,300. For the six months ended June 30, 1962, the Association's operations resulted in a deficit of \$3,809.

There was entered into evidence, by reference, the Association's Annual Report to this Commission for the Year 1961. For the calendar

year 1961, the Association had an excess of revenues over expenses, including interest on long-term debt, of \$16,572. In recent years, the Association has been operating on a profitable basis.

Mr. H. A. Duke, Manager of the Gunnison County Electric Association, Inc., testified, in part, as follows:

The Association has made extensive studies of its system facility requirements, including the extension to the Taylor and Tin Cup areas. Certain studies are embodied in the report of Merrick & Company, Consulting Engineers, dated March 26, 1962, entitled "Loan Application Study 1962-1964" for the Gunnison County Electric Association (Exhibit F). Mr. Duke testified that the new single-phase line to serve the Taylor and Tin Cup areas appeared to be feasible if sufficient customers could be connected. He said there were a total of 118 potential customers, of which 70 were seasonal, and 7 out of the 70 were commercial type of consumers. He further stated that the prospective consumers have not signed up for service in sufficient numbers to make the line feasible at this time. In answer to direct question on cross-examination, he stated that it might be some years before this line is built.

In connection with the borrowing, Mr. Duke stated that funds were earmarked for the Taylor-Tin Cup extension, and they could not be drawn down until such time as the project proved to be feasible and approved by the REA at that time. He stated further that the Association was up to date on its interest payments and repayment of debt, and that it had a cushion of credit with the Rural Electrification Administration of approximately \$27,000. In answer to questions by the Staff, he said that the funds other than for Taylor and Tin Cup would be drawn down over a period of approximately three years. In his opinion, the borrowing of \$269,000 would be drawn down only as needed, and would not be a burden upon the Association's present consumers.

In connection with the relocating of lines at the Curecanti Reservoir site, the Bureau of Reclamation would contribute approximately \$43,500 for such relocation.

The Commission has carefully reviewed all the evidence presented at the hearing held in this matter. In view of the fact that approximately \$160,000 to be obtained from the issuance of \$269,000 note is for various construction needs other than for the Taylor Park extension, and the fact that the Association will not be burdened with debt service other than for monies drawn down as required, Applicant's request for approval of this loan should be granted.

The Report of the Examiner recommends that the authority sought herein be granted by appropriate order of this Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Gunnison County Electric Association, Inc. is a public utility, as defined in Chapter 115-1-3, Colorado Revised Statutes, 1953.

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

That the Commission is fully advised in the premises.

That the above and foregoing Statement be incorporated as part of these Findings.

That the proposed issuance of a mortgage note for \$269,000 (Exhibit A) is reasonably required and should be authorized and approved.

That the Amendment dated as of June 6, 1962 to the Amending Loan Contract dated April 2, 1953, as amended, should be authorized and approved.

That the proposed securities transactions are not inconsistent with the public interest; that the purpose or purposes thereof are permitted by, and are not inconsistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That within one hundred twenty (120) days after execution of the instruments authorized herein, Applicant should file one conformed copy of each of said instruments with the Commission.

That the Report of the Examiner on this matter should be approved.

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

O R D E R

THE COMMISSION ORDERS:

That the issuance of a mortgage note for \$269,000, to be dated June 6, 1962 (Exhibit A), be, and the same is hereby, authorized and approved.

That the issuance by Applicant of the Amendment, dated as of June 6, 1962, to the Amending Loan Contract, dated as of April 2, 1953, as amended (Exhibit C), be, and the same is hereby, authorized and approved.

That within one hundred twenty (120) days after the execution of the instruments authorized herein, Applicant shall file with the Commission one conformed copy of each instrument.

That nothing herein contained shall be construed to imply any recommendation or guaranty of or any obligation with respect to said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem to be proper and desirable.

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

That the authority herein granted should be executed from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Tolson*  
*Henry G. Sullivan*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of August, 1962.

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 OVERPASSING RAILROAD )  
PROPERTIES AND FACILITIES AT )  
MILEPOSTS 6.54 AND 6.67 ON THE )  
DENT BRANCH OF THE UNION PACIFIC )  
RAILROAD COMPANY, SITUATED IN )  
ADAMS COUNTY, STATE OF COLORADO. )  
----- )

APPLICATION NO. 19086

-----  
August 9, 1962  
-----

Appearances: James R. Richards, Assistant  
Attorney General, Denver,  
Colorado, for Applicant  
Department of Highways;  
Mr. and Mrs. B. R. Fernold,  
Henderson, Colorado, pro se;  
Celine J. Frossard, Derby,  
Colorado, pro se;  
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, by appropriate notice to all parties in interest, to the Board of Adams County Commissioners, and to adjacent property owners, was set for hearing on the date of July 16, 1962, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The matter was there heard by the Commission, and taken under advisement.

Purpose of the instant application is to secure Commission approval for the proposed construction of twin highway-overpass structures across the Dent Branch main line trackage of Union Pacific Railroad at two locations. At Mile Post 6.54, twin bridges are proposed for a new portion of the Interstate System; at Mile Post 6.67, improvements to Colorado Highway No. 224 and connections to the new Interstate road indicate need for highway overpass structures to replace a local

grade crossing. At the hearing, the following exhibits were received, after explanation given by Mr. E. L. King, who is a Supervising Highway Engineer in the Plans and Surveys Division of the Department of Highways, at Denver, Colorado:

- Exhibit A: (Part of Application)  
Map sheet and Title page of project plans to show extent of proposed highway project and locations of proposed structures; M. P. 6.54 for Interstate Route and M. P. 6.67 for Colorado Urban route.
- Exhibit B: (Application)  
General Location Plan to show relation of proposed structures.
- Exhibit C: (Application)  
General Layout Plan to show vertical and horizontal clearances for Interstate structures at Mile Post 6.54.
- Exhibit D: (Application)  
Combination plan sheet to show vertical and horizontal clearances for Urban structure at Mile Post 6.67.
- Exhibit E: Prepared Statement of Mr. King to further describe the items of:  
Location, agreements, approvals, need, safety protection, construction and clearance details, costs and liability insurance coverage for railroad protection.
- Exhibit F: Facsimile copy of fully executed Agreement, dated February 15, 1962, between Department of Highways and Union Pacific Railroad Company for construction of proposed overpass structures.

According to Mr. King, Freeway Agreement, dated October 20, 1961, was negotiated between the Department of Highways and Board of Adams County Commissioners, which covers public ingress and egress in connection with the proposed Interstate Route connecting between Dupont (Interstate 80 S) and Valley Highway, near 67th Avenue (Interstate 25). Acquisition of rights-of way and preliminary engineering have been budgeted and authorized; the proposed work provides a four-lane divided roadway, including twin bridge structures of two lanes each and 156 feet in length to carry Interstate traffic over the railroad at Milepost 6.54. Traffic estimates indicate that by 1975, some 10,000 vehicles daily will be using this portion of the Interstate route.

The instant overpass structures are required under Federal Rules and Regulations relating to the Interstate Highway System, whereby all highway-railroad grades must be separated.

Rail traffic at Mileposts 6.54 and 6.67 include 10 train movements daily consisting of freight and passenger trains. Maximum train speed is 50 miles per hour.

In like manner, the increasing volumes of local traffic in the Adams City, Welby and Thornton areas, together with related ramp connections to the new Interstate, have indicated the justification for improvement of the existing County road along 74th Avenue and elimination of the Dent Branch grade crossing at Milepost 6.67.

According to testimony, total improvement will secure a four-land divided roadway extending eastward along 70th Avenue from North Washington Street, thence to a new bridge over the Platte River, and along 74th Avenue across the rail line to Colorado Boulevard, and finally connect with the Greeley road (U. S. 85), at Adams City. As funds and plans become available, work will be completed in stages wherein the first phase will consist of construction of one-half of the facility, or one double-lane roadway extending eastward to Colorado Boulevard and two bridges -- one to span the Platte River, and a unit to cross the rail line. Grade separation structure at the rail line affords a good approach to the Platte River bridge and will provide separation for a ramp connection to the Interstate Highway. By 1982, some 4,500 vehicles daily will be using this Urban Highway, and the additional roadway and separation structure will be completed as needs develop.

Proposed rail separation bridge at Milepost 6.67 is to be 163.5 feet long, consisting of reinforced concrete deck on steel girders supported by steel piling. Safety curbs at 2 feet wide with steel bridge railing 2'6" high will be placed on the bridge crossing along each side of the roadway..

Design specifications for the proposed new overpass conform to current standards of the American Association of State Highway officials. Minimum clearance dimensions of this Commission at

22'6" vertical and 8'6" horizontal will be exceeded, as follows:

<u>Mile Post</u>	<u>Vertical</u>	<u>Horizontal</u>
6.54	23' 6"	14' 9"
6.67	23' 6"	21' 7"

During the hearing, inquiry pertaining to property access was made by adjacent property owners Fernold and Frossard. After explanation as given by Mr. King during a recess granted for the purpose, understanding was reached for further right-of-way review to be made at the Highway offices, and there was no protest or further question for the Commission hearing.

As provided in the Agreement covering construction work and necessary changes on railroad properties, cost of the new structures and additional work by railroad forces will all be paid by the Highway Department. Estimated costs are as follows:

<u>Location</u>	<u>Bridge</u>	<u>RR Force Account</u>	<u>Total</u>
Milepost 6.67 (1st Phase)	\$64,840	\$ 10,846	\$75,686
(2nd Phase)	65,000	--	65,000
Subtotals -	\$129,840	\$ 10,846	\$140,686
Milepost 6.54	\$145,000	\$ 8,704	\$153,704
Totals -	\$274,840	\$ 19,550	\$294,390

Following completion of the highway structures, all maintenance shall be at the sole expense of the Department.

It is to be noted that during the first phase of construction, a detour is to be constructed involving a temporary grade crossing about 150 feet northerly of an existing grade crossing at Milepost 6.67. The temporary grade crossing will be removed by Railroad Forces when the new bridge and approaches are suitable for traffic to use. Parts of the detour roadway outside railroad right-of-way will be utilized as a frontage road in the ultimate construction.

Protection will consist of customary construction work and slow speed signing; there will be some flagging according to construction activity, and two reflectorized crossbuck signals will be installed at the temporary crossing.

No other testimony was presented at the hearing. Approvals for the proposed work have been given by the U. S. Bureau of Public

Roads; the Chief Engineer, Colorado Department of Highways; Board of Adams County Commissioners, and appropriate officers of Union Pacific Railroad Company.

### F I N D I N G S

#### THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That the public safety, convenience and necessity require placement of temporary detour at Mile Post 6.67, and construction of highway-railroad grade separation structures of Colorado Highway No. 224, and Interstate Freeway Route No. 80 S across the tracks and right-of-way of the Dent Branch of Union Pacific Railroad at Mile Posts 6.67 and 6.54 near Adams City, Adams County, Colorado.

### O R D E R

#### THE COMMISSION ORDERS:

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

- (a) Construction, operation and removal of temporary detour grade crossing some 150 feet northerly from an existing grade crossing at Mile Post 6.67.
- (b) Closing, removal and abandonment of existing highway-railroad grade crossing at RR Mile Post 6.67 and 74th Avenue road.
- (c) Construction, operation and maintenance of twin highway overpass structures over U. P. rail line at Mile Post 6.67 as a part of the improved Urban facility. (Highway No. 224).
- (d) Construction, operation and maintenance of twin highway overpass structures over U.P. rail line at Mile Post 6.54, a part of the new Interstate Highway Route 80 S.

all as located over the Dent Branch Line of Union Pacific Railroad Company, located near Adams City, Adams County, Colorado.

That the work to be done, operation of temporary detour, construction, maintenance, and payments shall all be in accordance with the foregoing Statement and Exhibits "A", "B", "C", "D", "E", and "F", all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Richard G. Holton  
Paul E. Pulengo  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of August, 1962.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) PAUL V. CHRISTENSON, 4800 GRANT ) STREET, DENVER, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. ) ----- )	APPLICATION NO. 19230-PP
---	--------------------------

-----  
August 9, 1962  
-----

Appearances: Paul V. Christenson,  
Denver, Colorado,  
pro se.

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 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points; transportation of road-surfacing materials restricted against the use of tank vehicles; clay, peat moss and fertilizers, between points within a radius of 100 miles of Denver, Colorado.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at 532 State Services Building, Denver, 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 there is a need for the proposed transportation services, and 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 Paul V. Christenson, 4800 Grant Street, Denver, 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 50 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points; transportation of road-surfacing materials restricted against the use of tank vehicles, clay, peat moss and fertilizers, between points within a radius of 100 miles of Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins  
Joseph C. Hobart  
Paul E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of August, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE CEMENT, IN BULK, FROM PORTLAND,  
COLORADO, TO JOB SITES LOCATED  
BETWEEN BRUSH AND FT. MORGAN, COLORADO. )  
----- )

CASE 1585

-----  
August 8, 1962  
-----

S T A T E M E N T

BY THE COMMISSION:

On July 27, 1962, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, for and on behalf of Don Ward, Inc., filed its Application No. 204 requesting that it be permitted to publish on one day's notice in its Motor Freight Tariff No. 14, Colorado P.U.C. No. 13, the following:

Cement, in bulk, in tank vehicles, from Portland, Colorado, to the Peter Kiewit Sons Company job site located between Brush and Ft. Morgan, Colorado, 30¢ per 100 pounds, minimum weight 50,000 pounds. (Expires with December 31, 1962, unless sooner canceled, changed or extended.)

The petitioner justifies the application upon the following facts: Peter Kiewit Sons Company has been awarded the contract for a road construction project between Brush and Fort Morgan, Colorado, which is scheduled to begin pouring cement on August 6, 1962.

The average length of haul will be approximately 190 miles and at the proposed rate of 30¢ per 100 pounds, the carrier will receive \$150.00 per trip or approximately 39.5¢ per round-trip mile. The carrier's record indicates that its average cost of operation is 37.5¢ per running mile. The carrier has been assured the traffic will amount to an average of 25 loads per day. The present effective rate is 34¢ per 100 pounds, subject to a minimum weight of 45,000 pounds.

This matter was handled under the association's independent action procedure and other carriers parties to the tariff were notified.

## F I N D I N G S

### THE COMMISSION FINDS:

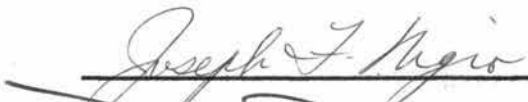


That the request as referred to in the statement hereof should be granted. On the basis of the facts presented, the proposed rate and minimum weight appear to represent a just, fair and reasonable rate and minimum weight. An order should be entered prescribing the said rate and minimum weight.

## 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 on August 9, 1962, upon one day's filing with the Commission and shall be the prescribed rates, rules, regulations and provisions of the Commission applicable over the lines of Don Ward, Inc., only.
3. All private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall charge not less than the rates herein prescribed for the common carrier named in Ordering Paragraph No. 2 hereof.
4. 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.
5. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.
6. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of August, 1962.

ph

ing copy

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

GERALD F. POTTER )  
JERRY'S Sheet Metal )  
P.O. Box 458 )  
Evans, Colorado )  
----- )

AUTHORITY NO. M 7480

CASE NO. 9380 Ins.

-----  
August 10, 1962  
-----

S T A T E M E N T

By the Commission:

On July 19, 1962, in the above Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission. Proper insurance filing has now been made with the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said Authority should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That said Authority be, and the same hereby is, reinstated, as of the date of revocation, and the said revocation Order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. [unclear]  
Wm. E. Zurlungo  
Commissioners

Dated at Denver, Colorado,  
this 10th day of August, 1962

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) HANSON-WEIL CONSTRUCTION COMPANY ) TRUST, 739 SOUTH OGDEN STREET, ) DENVER, COLORADO, FOR AUTHORITY ) TO EXTEND OPERATIONS UNDER PERMIT ) NO. B-4390. ) ----- )	<u>APPLICATION NO. 19232-PP-Extension</u>
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-----  
August 9, 1962  
-----

Appearances: Everett Weil, Denver,  
Colorado, for  
Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No.  
B-4390, which authorizes operation as a private carrier by motor  
vehicle for hire, as follows:

Transportation of sand, gravel and other road-  
surfacing materials from pits and supply points  
located in the State of Colorado, to road and  
building construction jobs within a radius of 50  
miles of said pits and supply points, excluding  
service in Boulder, Clear Creek and Gilpin Counties,  
but including the right to haul in Boulder County  
for the Boulder Toll Road only.

Transportation of sand, gravel, and other road-  
surfacing materials used in the construction of  
roads and highways, from pits and supply points in  
the State of Colorado, to road jobs, mixer and  
processing plants within a radius of fifty miles  
of said pits and supply points; sand and gravel,  
from pits and supply points in the State of Colo-  
rado, to railroad loading points, and to homes and  
small construction jobs within a radius of fifty  
miles of said pits and supply points; sand, gravel,  
dirt, stone, and refuse, from and to building con-  
struction jobs, to and from points within a radius  
of fifty miles of said jobs; insulrock, from pits  
and supply points in the State of Colorado, to  
roofing jobs within a radius of fifty miles of  
said pits and supply points; clay, from pits within  
a radius of fifty miles of Denver, to Robinson Brick  
& Tile Company, Denver, Colorado, transportation of  
road-surfacing materials herein authorized in Boulder,  
Clear Creek and Gilpin Counties, to be restricted to  
the use of dump trucks, only,

and by the instant application, applicant seeks to extend and enlarge

such permit to authorize the transportation of sand, gravel and road-surfacing materials, insulrock and clay, as set forth in the application herein.

The application was set for hearing on July 25, 1962, at two o'clock P. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, 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 there is a need for the proposed transportation services, and 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 Hanson-Weil Construction Company Trust, 739 South Ogden Street, Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-4390 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points in the State of Colorado, 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a

radius of 100 miles of said pits and supply points; transportation of road-surfacing materials restricted against the use of tank vehicles; transportation of clay, from pits in the State of Colorado, to Robinson Brick & Tile Company, Denver, Colorado, and this Order is the authorization therefor.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Samuel J. Arledge  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of August, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF  
THE DENVER AND RIO GRANDE WESTERN  
RAILROAD COMPANY TO WITHDRAW ON A  
YEAR-AROUND BASIS THE AGENCY WHICH  
IT IS PRESENTLY REQUIRED TO MAIN-  
TAIN AT WOLCOTT, COLORADO, FROM  
SEPTEMBER 15TH TO NOVEMBER 15TH  
OF EACH YEAR.

APPLICATION NO. 19169

August 9, 1962

Appearances: T. A. White, Esq., Denver,  
Colorado, and  
M. R. Smyser, Esq., Denver,  
Colorado, for The Denver &  
Rio Grande Western Rail-  
road Company.

S T A T E M E N T

By the Commission:

Pursuant to this Commission's Rules and Regulations Per-  
taining to Railroads and Express Companies Operating in the State  
of Colorado, The Denver & Rio Grande Western Railroad Company did on  
June 14, 1962, file a request seeking authority to withdraw, on a year-  
around basis, the railroad agency which it is presently required to  
maintain at Wolcott, Colorado, from September 15th to November 15th  
of each year.

By Decision No. 46812, of date November 15, 1956, this  
Commission authorized applicant herein to withdraw agency at said  
station of The Denver & Rio Grande Western Railway Company, at Wolcott,  
Colorado, during the interval from November 15th to September 15th  
of each year.

Wolcott, Colorado, is situated ten miles east of the  
Agency Station of Eagle, Colorado, and seventeen miles west from the  
Agency Station at Minturn, Colorado, all as located on the Rio Grande  
Royal Gorge Route, and also served by good, paved, all-weather highways.

Applicant states that there is very little less-than-carload business handled on rail billing at Wolcott, Colorado, for the reason that over many years past, less-than-carload shipments to and from Wolcott have been and are now being handled in substituted motor truck service, with pick-up and delivery service being furnished consignors and consignees at Wolcott; that there is very little passenger business which requires the services of an agent because the daily passenger trains operate through Wolcott at times when the agent would not normally be on duty. However, the trains will stop and passengers may purchase tickets from the train conductors. During the past several years, The Denver and Rio Grande Western Railroad Company has not handled any mail from or to Wolcott, and during that period, all milk and cream shipments have been and are now handled in substituted motor truck service; that carload business handled at Wolcott during the two-month period, September 15th to November 15th, consists almost entirely of shipments of livestock, and that this business is not sufficient to justify the maintenance of an agent at Wolcott and that the billing on carload shipments to and from Wolcott can be handled satisfactorily and conveniently for all concerned by The Denver and Rio Grande Western Railroad Company's Agent at Eagle, Colorado; that an agent is not required at Wolcott for the safe operation of train service on said railroad, and that public convenience and necessity do not require the maintenance of an Agency at Wolcott since Petitioner was unable to open the Agency at Wolcott during the period September 15th through November 15th for the Years 1960 and 1961, and that the Petitioner has been informed and believes that no difficulty or inconvenience was experienced by any shipper at Wolcott as a consequence of failure to open said station during said times. Further, that if this Petition is granted, considerable savings will be realized by the Petitioner, and said Petitioner should therefore be authorized, as a matter of efficient and economical management, to discontinue the agency which it is presently required to maintain at Wolcott, from September 15th to November 15th of each year.

"Notice of the Change in Service of The Denver and Rio Grande Western Railroad Company at Wolcott, Colorado" was attached to the instant application, having been posted in a conspicuous place at the Station at Wolcott, Colorado, at least thirty (30) days prior to the effective date proposed.

The Commission has received no protests to the closing of said Wolcott Station. In its other investigation, the Commission has secured data regarding shipments and shippers, station revenues and expenses and explanation of station operations. Additional railroad correspondence, dated June 22, 1962, includes the following:

"In connection with the notice above referred to, I can advise that Mr. L. H. Pennington, Assistant Superintendent of Transportation for the Railroad Company, has attempted to contact and notify all of the persons and firms who have been forwarding or receiving shipments at Wolcott during the last couple of years. Mr. Pennington advises that he has contacted all of these people except possibly two or three of the cattle buyers who reside out of state, and that these people whom he has contacted advise him that they have no objections to the closing of Wolcott and that they are agreeable to having their business transacted by the agent at Eagle."

It is the belief of the Commission that the proposed change is compatible with the public interest and therefore the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of the Wolcott, Colorado, Station of The Denver and Rio Grande Western Railroad Company during the interval September 15th to November 15th of each year.

That public convenience and necessity can be adequately served by Agency Station at Eagle, Colorado.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That the above Statement and Findings are hereby made a part

of this Order, by reference.

That The Denver and Rio Grande Western Railroad Company  
be, and hereby is, authorized to withdraw the railroad agency service  
which it has been required to maintain at Wolcott, Colorado, from  
September 15th to November 15th of each year, and to keep said station  
closed on a permanent year-around basis, effective as of this day  
and date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Regio  
Ralph C. Horton  
Henry E. Edwards  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of August, 1962.

ea

original

(Decision No. 59060)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
APPLEWOOD UTILITIES, INC., 1800 )  
YOUNGFIELD, LAKEWOOD, COLORADO, )  
FOR AN EXTENSION OF ITS CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY FOR THE SALE AND DISTRI- )  
BUTION OF WATER. )  
----- )

APPLICATION NO. 18980-Amended

-----  
August 10, 1962  
-----

Appearances: Gorsuch, Kirgis, Campbell,  
Walker and Grover, Esqs.,  
Denver, Colorado, by  
Leonard M. Campbell, Esq.,  
for Applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, 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 was filed with this Com-  
mission on March 8, 1962, for enlargement in area of the certificate  
of public convenience and necessity now held by Applicant for water  
service in certain designated areas in Jefferson County, Colorado.

The matter was set for hearing after due notice to all  
interested parties, in the Commission's Hearing Room, 532 State  
Services Building, Denver, Colorado, on June 6, 1962, at ten o'clock  
A. M. At said time and place the matter was duly heard by the Com-  
mission, and at the conclusion of the hearing, taken under advisement.

Applicant is a Colorado corporation, authorized, among  
other purposes, to distribute water as a public utility, under  
certificates of public convenience and necessity issued by this Com-  
mission in:

Application No. 13481, Decision No. 44429 of July 18, 1955;  
Application No. 14042, Decision No. 45710 of April 20, 1956;  
Application No. 15267, Decision No. 47948 of May 27, 1957;  
Application No. 16783, Decision No. 51977 of March 26, 1959.

By virtue of the above decisions, Applicant has heretofore been authorized to furnish water service to a maximum of 510 connections. The area in which it is to render service has heretofore been designated in said orders. It is presently serving 291 customers. By the present application, Applicant seeks to enlarge the area for service under which it proposes to continue to render service as a public utility but not to increase the number of presently authorized connections. At the hearing, Applicant amended its application herein to show in said application all of the prior authority granted to it by this Commission. This amendment was permitted and the hearing proceeded on the amended application.

Mr. Myron Bunger, Vice-President and General Manager of the Company, testified that since commencing operations in its certificated area, the proposed number of home locations have decreased. This decrease has been brought about by the fact that parts of the area have been dedicated as public streets; certain home owners have purchased more than one lot upon which to build a single home; two churches have also been located in the area which use more ground than the normal residence; all resulting in fewer home sites being developed on the originally certificated land. Applicant at this time proposes to include in its area for service two new areas which will add additional potential building sites as an offset to the loss of sites in its present area. The first area is approximately 4.5 acres in extent and is located generally to the north and west of Applicant's presently certificated area. The second area, consisting of approximately 75.4 acres, is generally located south and west of Applicant's presently certificated area. Both areas have in part a common boundary with Applicant's existing certificated areas. The second area also includes a proposed future park area and a future water storage reservoir site with a combined area of about 10 acres. The net residential area will be less than 65 acres after the plotting of the subdivision.

Further testimony by Mr. Myron Bunger revealed that the 75-acre plot has a portion of Table Mountain located in it, including a portion on top of the mountain. This area would be at a higher elevation than most of the area presently certificated to Applicant. It was also contemplated that the individual sites would be larger than those in the Valley, and that because of the rough terrain, these sites might have less lawn area and, therefore, use less water. The cost of constructing both transmission and distribution mains in this particular area would be higher than normal, and pumping costs to a proposed storage tank on top of the mountain would also tend to make service in this area more costly than the balance of the certificated area. It was his opinion that it might be necessary for the utility to require "Contributions in Aid of Construction" in order to furnish water service in this proposed area. The area of 4.5 acres does not present any unusual conditions for service.

Mr. Mills Bunger testified at the hearing in regard to the water rights held by Applicant. His testimony in this matter was very much the same as on previous occasions, and since by the instant application, Applicant is not seeking to increase the number of customers to be served, there is ample water to supply the 510 taps now authorized.

Mr. K. E. Richards, Registered Professional Engineer, also testified at the hearing, and the gist of his testimony was to the effect that with some additions to plant, Applicant will have sufficient facilities to supply 510 customers, including the newly proposed areas. In order to supply the new areas, it will be necessary to extend pipe lines and to install a new 100-gallon per minute filter, a 15-gallon per minute well, a new pumping station to supply the higher areas on the side of Table Mountain, and a 50,000-gallon high level storage tank. He estimated the total cost of the above equipment to be about \$25,500. Any additions to the water utility plant of Applicant will first be approved by the State Board of Health, in accordance with past practices.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant and of the subject matter herein.

That the Commission is fully advised in the premises.

That the above Statement be made a part of these Findings by reference.

That Applicant should plan the extension of its plant and facilities in the 75.4-acre area on the site of Table Mountain in such a manner as to avoid undue discrimination between existing and proposed customers by either requiring "Contributions in Aid of Construction" or a differential in the rate for service.

That the application sought herein should be granted.

## O R D E R

### THE COMMISSION ORDERS:

That this Order shall be taken, deemed and held to be a certificate of public convenience and necessity to Applewood Utilities, Inc., authorizing the construction, maintenance and operation of a water utility company to supply water in accordance with the Articles of Incorporation not to exceed 510 residential sites located in the following areas:

#### PRESENT AREA CERTIFICATED

The Applewood Mesa Ranchettes and Applewood Ranchettes Subdivision, Jefferson County, Colorado, lying in the  $S\frac{1}{2}$  of Section 30, and the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 31, Township 3-South, Range 69-West of the 6th P. M.

Also that part of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 31, lying East of the Golden Canal, also known as Welch Ditch, and that part of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 31, lying North of said Golden Canal.

Also that portion of the  $E\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section 25, Township 3-South, Range 70-West of the 6th P. M., Jefferson County, State of Colorado, lying South of the Agricultural Ditch.

Also  $N\frac{1}{2}$  of Lot 9 and the  $N\frac{1}{2}$  of  $W\frac{1}{2}$  of Lot 10, Roxbury Gardens, Jefferson County, State of Colorado, and in the  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of said Section 30.

Lots 1, 2 and that portion of Lots 7 and 8 lying North of the Centerline of the Rocky Mountain Ditch, Orchard Gardens Subdivision, Jefferson County, Colorado, and in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 30, Township 3-South, Range 69-West of the 6th P. M.

Also Lots 6 and 11 of said Orchard Gardens lying in the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  of said Section 30.

Also the Orchard Ranchettes Subdivision, Jefferson County, Colorado, lying in the West 503 feet of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 30, and South of the Lee, Stewart and Eskins Ditch.

Blocks 4, 5 and 12, Orchard Gardens, located in the SW $\frac{1}{4}$  of Section 30, Township 3-South, Range 69-West, Jefferson County, State of Colorado.

And that part of the West 503 feet of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 30, Township 3-South, Range 69-West of the 6th Principal Meridian, lying North of the Lee, Stewart and Eskins Ditch, containing 4 acres, more or less, and located in Jefferson County, State of Colorado.

#### NEW AREA

The new area will consist of:

1. A tract of land in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 3-South, Range 69-West of the 6th Principal Meridian, Jefferson County, Colorado, described as follows:

Beginning at a point 30 feet South and 211.94 feet East of the West Quarter Corner of said Section 30; thence East 313.06 feet; thence South 629.54 feet more or less to the South line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  to a point which is 525.00 feet East of the Southwest Corner thereof; thence West 312.45 feet; thence North 629.53 feet more or less to the point of beginning, containing 4.521 acres more or less.

2. A tract of land in the NW $\frac{1}{4}$  of Section 31, Township 3-South, Range 69-West of the 6th Principal Meridian, Jefferson County, Colorado, described as follows:

Beginning at the Northwest Corner of said NW $\frac{1}{4}$ , thence South 2632.80 feet more or less along the West line of said NW $\frac{1}{4}$  to the Southwest Corner thereof; thence N 89°24' E 1224.86 feet along the South line of said NW $\frac{1}{4}$ ; thence N 27°10' W 111.80 feet; thence N 0°36' W 50.00 feet; thence N 29°24' East 177.02 feet; thence N 90°24' E 236.77 feet more or less to the Westerly line of Applewood Mesa Ranchettes - Fourth Addition on the Easterly bank of the Golden Canal (Welch Ditch); thence northerly along said Westerly line 1321.23 feet more or less to the North line of

the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 31; thence South 89°26' West 427.76 feet more or less to the Northwest Corner of said SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence North 1007.81 feet along the East line of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  to the Northerly bank of said Golden Canal; thence Northwesterly along said Northerly bank 995 feet more or less to the North line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence South 89°21' West 280.0 feet more or less to the point of beginning, containing 75.355 acres more or less.

All as more fully shown on Exhibit No. 1 which, by reference, is made a part hereof.

That as to the extension of facilities into the 75.4 acres on the site of Table Mountain, Applicant shall plan the extension of said facilities in such a manner so that there will be no undue discrimination between existing and proposed customers by either requiring "Contributions in Aid of Construction," or a differential in the rate for service.

That the Applicant shall construct, maintain and operate the water system in accordance with good engineering practice and in conformity with the rules and regulations of this Commission and the Department of Health of the State of Colorado.

That Applicant shall maintain in its office the "as constructed" plans of the water system, together with the itemized costs of said construction, said costs to be broken down in accordance with the uniform system of accounts for water companies as prescribed by this Commission.

That, prior to the rendering of water service in the new areas authorized herein, Applicant shall obtain written approval of the Department of Public Health of the State of Colorado of its facilities, and file a copy of said approval with this Commission.

That said water service so authorized shall be in accordance with the rates, rules and regulations of the company presently on file with the Commission, subject to such amendments as may be authorized by law or by the Commission.

That the Applicant shall maintain its accounts in accordance with the uniform system of accounts as prescribed by this Commission, and shall always and at all times abide by the rules and regulations

governing the service of water as prescribed by this Commission.

That this Commission shall retain jurisdiction of this matter, to issue such further order or orders as may be necessary.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Holton  
Henry E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of August, 1962.

ea

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO  
a Colorado Corporation, PUBLIC  
SERVICE COMPANY BUILDING, DENVER,  
COLORADO, FOR AN ORDER AUTHORIZING  
THE ISSUANCE OF NOT TO EXCEED 1,367,104  
SHARES OF COMMON STOCK, OF THE PAR  
VALUE OF \$5 EACH.

APPLICATION NO. 19277  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application of Public  
Service Company of Colorado, a corporation in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on August 21,  
1962, at 10:00 o'clock A. M., 532 State Services Building, Denver, Colo-  
rado, respecting the matters involved and issues presented in the pro-  
ceeding. Any interested municipality or any representative of interested  
consumers or security holders of applicant corporation, and any other  
person whose participation herein is in the public interest, may intervene  
in said proceedings. Intervention petitions should be filed with the Commis-  
sion on or before August 15, 1962, and should set forth the grounds of the  
proposed intervention and the position and interest of the petitioners, in  
the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Hinkley  
Samuel J. McLaughlin  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

original

(Decision No. 59062)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
GEORGE E. GUNNING, DOING BUSINESS }  
AS "GUNNING FOR QUALITY," 5635 EAST }  
6TH AVENUE, DENVER, COLORADO, FOR A }  
CLASS "B" PERMIT TO OPERATE AS A }  
PRIVATE CARRIER BY MOTOR VEHICLE }  
FOR HIRE. }

APPLICATION NO. 19238-PP

-----  
August 13, 1962  
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Appearances: George E. Gunning, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

George E. Gunning, doing business as "Gunning for Quality," Denver, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of dry cleaning and laundry from customers to cleaners, and return, within the City of Denver, Colorado, and a ten-mile radius thereof, and filed application therefor June 7, 1962.

The application was regularly set for hearing after statutory notice to all interested parties, and was heard at 532 State Services Building, Denver, Colorado, at 1:30 o'clock P. M., July 27, 1962, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the applicant appeared in support of his application, testifying as to his trucking experience, equipment, and financial standing. He stated that he has had trucking experience and has been operating under Temporary Authority issued by this Commission on June 7, 1962; that he has ample and suitable equipment with which to operate; that he has a net worth of \$1,000; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought herein is granted.

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

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority sought herein should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That George E. Gunning, doing business as "Gunning for Quality," Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of dry cleaning and laundry from customers to cleaners, and return, within the City of Denver, Colorado, and a ten-mile radius thereof.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea

-2-

Joseph F. Nigro  
Robert C. Holman  
Henry J. Mulkey  
Commissioners.

original

(Decision No. 59063)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROY GAGE, P. O. BOX 184, SARATOGA, )	
WYOMING, FOR A CLASS "B" PERMIT TO )	<u>APPLICATION NO. 19239-PP</u>
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
August 13, 1962  
-----

S T A T E M E N T

By the Commission:

On May 21, 1962, the above-styled application was filed with the Commission.

By letter of date July 21, 1962, applicant advised the Commission, as follows:

"I am not hauling in Colorado anymore, so would like to cancel my application for a Class "B" permit to operate as a private carrier,"

and requested that the application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and it hereby is, dismissed, at the request of applicant.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Republic Hinton  
Ray Spulung  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea.

original

(Decision No. 59064)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENNETH R. COLGAN, 10490 W. 78TH )  
AVENUE, ARVADA, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19240-PP

-----  
August 13, 1962  
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Appearances: Kenneth R. Colgan, Arvada,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles and timber products from forest to sawmills and places of storage and loading points within a radius of 50 miles of said forests; rough lumber from sawmills in said 50-mile radius to markets in the State of Colorado; no town-to-town service.

Said application was regularly set for hearing after statutory notice to all interested parties, and was heard at 532 State Services Building, Denver, Colorado, at 1:30 o'clock P. M., July 27, 1962, and at the conclusion thereof, the matter was taken under advisement.

Applicant appeared in support of his application, and testified as to his experience, equipment and financial status. He stated he was an experienced truck operator; that he has ample equipment with which to operate; and that he has a net worth of approximately \$6,000. He has work lined up to do and stated that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the

territory which applicant seeks to serve.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Kenneth R. Colgan, Arvada, 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 forest to sawmills and places of storage and loading points within a radius of 50 miles of said forests; rough lumber from sawmills in said 50-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. Negro  
Reginald C. Horton  
Blair E. Culver  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.  
ea

original

(Decision No. 59065)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN BURBANK, 9171 W. 66TH AVENUE, )	
ARVADA, COLORADO, FOR AUTHORITY TO )	<u>APPLICATION NO. 19241-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO. )	
B-2648. )	
----- )	

-----  
August 13, 1962  
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Appearances: John Burbank, Arvada,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

John Burbank, of Arvada, Colorado, the applicant herein,  
is the owner and operator of Permit No. B-2648, authorizing:

Transportation of sand, gravel, and other road-surfacing materials from pits and supply points within a radius of 50 miles of Wheatridge to jobs in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver and Wheatridge, Colorado.

Transportation of sand, gravel and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; and the transportation of 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; and the transportation of insulrock from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points.

Transportation of 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; clay, from points within a radius of fifty miles of Denver, to points within a radius of ten miles of Denver, Colorado,

and by the instant application, seeks authority to extend operations under said Permit No. B-2648 to include the transportation of natural fertilizer and peat moss between points within a radius of 100 miles of Denver, Colorado.

The application was regularly set for hearing after statutory notice to all interested parties, and was heard at 532 State Services Building, Denver, Colorado, at 1:30 o'clock P. M., July 27, 1962, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the applicant appeared in support of his application for extension, stating that he has had trucking experience by virtue of Temporary Authority issued by this Commission on May 28, 1962; that he has ample and suitable equipment with which to operate, and testified as to his financial status.

No one appeared in opposition to the granting of the authority sought, and it did not appear that applicant's proposed extended operations will impair the efficiency of any motor vehicle common carrier service with which he will compete.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That John Burbank, Arvada, Colorado, be, and he is hereby, authorized to extend operations under Permit No. B-2648 to include the transportation of natural fertilizer and peat moss between points within a radius of 100 miles of Denver, Colorado.

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

and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Reynold C. Norton  
Wm. G. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea

IN THE MATTER OF THE APPLICATION OF )  
DELTA-MONTROSE RURAL POWER LINES )  
ASSOCIATION, OF DELTA, COLORADO, )  
FOR AN ORDER AUTHORIZING THE )  
ISSUANCE OF CERTAIN SECURITIES AND )  
THE APPLICATION OF THE PROCEEDS )  
THEREFROM FOR CERTAIN SPECIFIED )  
PURPOSES. )  
----- )

APPLICATION NO. 19273  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application of Delta-Montrose Rural Power Lines Association, a non-profit co-operative corporation, in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on August 21, 1962, at 11:00 o'clock A. M., 532 State Services Building, Denver, Colorado, respecting the matters involved and issues presented in the proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before August 15, 1962, and should set forth the grounds of the proposed intervention and the position and interest of the petitioners, in the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Johnson  
Wm. S. Paulings  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1962.

original

(Decision No. 59067)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) WILLIAM S. MOORE, 3941 KALAMATH ) STREET, DENVER, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. ) ----- )	APPLICATION NO. 19233-PP
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August 13, 1962  
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Appearances: William S. Moore, Denver,  
Colorado, pro se.

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 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points, transportation of road-surfacing materials restricted against the use of tank vehicles.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at 532 State Services Building, Denver, 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 proceedings, 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 there is a need for the proposed transportation services, and 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 William S. Moore, 3941 Kalamath Street, Denver, 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; transportation of road-surfacing materials 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

Joseph F. Nigro  
Joseph C. Holton  
Paul E. Auley  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES D. PALMER, 8041 STUART )  
STREET, WESTMINSTER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19234-PP

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August 13, 1962  
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Appearances: Winifred Palmer, Westminster,  
Colorado, for Applicant.

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 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at 532 State Services Building, Denver, 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 conclusions.

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 there is a need for the proposed transportation services, and 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 Charles D. Palmer, 8041 Stuart Street, Westminster, 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; transportation of road-surfacing materials 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

Joseph F. Nigro  
Robert C. Hahn  
Ray G. Leung  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea

original

(Decision No. 59069)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) TED REFFEL, 3601 IVANHOE STREET, ) DENVER, COLORADO, FOR AUTHORITY ) TO EXTEND OPERATIONS UNDER PERMIT ) NO. B-2348. ) ----- )	APPLICATION NO. 19235-PP-Extension
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August 13, 1962  
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STATEMENT AND FINDINGS OF FACT

By the Commission:

The applicant is the owner of Private Carrier Permit No. B-2348, which authorizes operation as a private carrier by motor vehicle for hire, as follows:

Transportation of sand, gravel and other road-surfacing materials from pits and supply points in the State of Colorado to jobs within a radius of 50 miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver, Colorado,

and by the instant application, applicant seeks to extend and enlarge such permit to authorize the transportation of sand, gravel and road-surfacing materials, as set forth in his application of June 6, 1962.

The application was set for hearing on July 25, 1962, at two o'clock P. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and caused notice thereof to be issued to all interested parties.

The application was called for hearing by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the hearing, applicant failed to appear in person or by representative, and no protestants appeared; whereupon, the files were made a part of the record and the matter was taken under advisement. Thereafter, said Examiner transmitted to the Commission the record and files 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 there is a need for the proposed transportation services, and the applicant will have sufficient equipment and experience to properly carry on the proposed extended services by virtue of Temporary Authority heretofore issued by the Commission covering the proposed extended service herein sought; that applicant has on file with the Commission a certificate of insurance covering his motor vehicle operations; and that he is qualified, financially and by experience, to conduct the proposed extended service herein sought.

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 Reffel, 3601 Ivanhoe Street, Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-2348 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 150 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 150 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 150 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 150 miles of said pits and supply points; transportation of road-surfacing materials restricted against the use of tank vehicles, and this Order is the authorization therefor.

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

and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert S. Hobart  
Alfred Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ea

original

(Decision No. 59070)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AILEEN F. WALTHER, 5899 MAGNOLIA )  
STREET, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE, )  
----- )

APPLICATION NO. 19145-PP

-----  
August 13, 1962  
-----

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of sand, gravel, road-surfacing materials and barnyard fertilizer, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on July 25, 1962, at two o'clock P. M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and the Commission caused notice thereof to be issued to all interested parties.

Prior to the time the instant matter was called for hearing, the applicant telephoned and requested that the instant application be dismissed.

It would appear that said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and it is hereby, dismissed, at request of applicant.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Robert C. Horton*  
*Harry G. Adams*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.  
ea

original

(Decision No. 59071)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CORTES L. SHUMAN, 11100 WEST EX- )  
POSITION, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19236-PP

-----  
August 14, 1962  
-----

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of sand, gravel, road-surfacing materials and insulrock, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, the Commission having designated and appointed an Examiner to conduct the hearing on said application, at the conclusion of which the Examiner transmitted to the Commission a written statement of findings of fact and conclusion.

Applicant failed to appear in person or by representative, and no protestant appeared; accordingly, the files were made a part of the record and the matter was taken under advisement.

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 there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the proposed operation.

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 Cortes L. Shuman, 11100 West Exposition, Denver, 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 50 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points; transportation of road-surfacing materials 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Alvin E. Puckey  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

original

(Decision No. 59072)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD J. WILSON, 6801 RUTH WAY, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 19237-PP

-----  
August 14, 1962  
-----

Appearances: Gloria Wilson, Denver,  
Colorado, for Applicant.

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 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at 532 State Services Building, Denver, 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 there is a need for the proposed transportation services, and 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 Donald J. Wilson, 6801 Ruth Way, Denver, 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 100 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 100 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 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; transportation of road-surfacing materials 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins  
Joseph C. [unclear]  
[unclear]  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

original

(Decision No. 59073)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED GONZALES, 2432 $\frac{1}{2}$  WEST 29TH )  
AVENUE, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 19231-PP

-----  
August 14, 1962  
-----

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, the applicant seeks authority to engage in the transportation of sand, gravel, road-surfacing materials and insulrock, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on July 25, 1962, at two o'clock P. M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, the Commission having designated and appointed an Examiner to conduct the hearing on said application, at the conclusion of which the Examiner transmitted to the Commission a written statement of his findings of fact and conclusion.

Applicant failed to appear in person or by representative, and no protestants appeared; accordingly, the files were made a part of the record and the matter was taken under advisement.

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 there is a need for the proposed transportation services and the applicant will have sufficient equipment and experience to properly carry on the proposed operations.

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 Fred Gonzales, 2432½ West 29th Avenue, Denver, 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 50 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points; transportation of road-surfacing materials 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

Dated at Denver, Colorado,  
this 14th day of August, 1962.

*Joseph F. Negro*  
*Joseph C. Hoban*  
*Glenn E. Spillings*  
Commissioners.

original

(Decision No. 59074)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM A. JACKSON AND HARRY J. )  
VAN TEYLINGEN, DOING BUSINESS AS )  
"MOUNTAIN EXPRESS TRUCK LINES," P.O. )  
BOX 207, WEST END STATION, COLORADO ) APPLICATION NO. 19052-Extension  
SPRINGS, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 32. )  
----- )

-----  
August 14, 1962  
-----

Appearances: William A. Jackson, Colorado  
Springs, Colorado, for  
Applicants;  
Edward Lyons, Esq., Denver,  
Colorado, for Fairplay  
Motor Co.;  
J. C. Remhard, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Co.

STATEMENT AND FINDINGS OF FACT

By the Commission:

On February 14, 1962, the applicants herein filed their application for authority to extend and enlarge their certificate of public convenience and necessity No. 32.

The application was set for hearing on April 24, 1962, at ten o'clock A. M., at the County Office Building, Auditorium, Third Floor, 27 East Vermijo, Colorado Springs, Colorado. The application was to have been heard by an Examiner duly designated, and to whom the hearing was assigned by the Commission; however, when the matter was called for hearing, one of the applicants appearing at the hearing, moved to dismiss the application. There being no objection said motion was allowed. The Examiner transmitted to the Commission a written statement of his findings of fact and conclusion.

The Commission having considered the matter and the written report of the Examiner, states and finds:

That the instant application should be dismissed, at the request of Applicants.

O R D E R

THE COMMISSION ORDERS:

That the instant application of William A. Jackson and Harry J. Van Teylingen, doing business as "Mountain Express Truck Line," Colorado Springs, Colorado, be, and the same hereby is, dismissed, at the request of Applicants.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Nelson  
Paul E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MELVIN H. MEEKINS, ROUTE 1 BOX )  
285, FORT MORGAN, COLORADO. )  
----- )

PERMIT NO. B-4958

-----  
August 16, 1962  
-----

S T A T E M E N T

By the Commission:

On February 13, 1962, the Commission authorized Melvin H. Meekins to suspend operations under his Permit No. B-4958, until August 13, 1962.

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-4958, should be, and the same hereby is, reinstated as of August 9, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Joseph C. Norton*  
*Henry C. Ziegler*  
Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 1962.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AL T. GRIFFIN AND JENNIE MAE GRIFFIN, )  
DOING BUSINESS AS, "AL T. GRIFFIN UP- )  
HOLSTERY AND DRAPERIES AND CITY MAT- )  
TRESS COMPANY", 728 WEST 9TH STREET, )  
PUEBLO, COLORADO.-----)

PERMIT NO. M-4164

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Al T. Griffin & Jennie Mae Griffin, dba "Al T. Griffin Upholstery & Draperies & City Mattress Co.", Pueblo, Colorado requesting that Permit No. M-4161 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4161, heretofore issued to Al T. Griffin & Jennie Mae Griffin, dba "Al T. Griffin Upholstery & Draperies & City Mattress Co.", Pueblo, Colo. be, and the same is hereby, declared cancelled effective August 3, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THE MAJESTIC CORPORATION, P. O. BOX )  
780, LA JUNTA, COLORADO. )

PERMIT NO. M-14551

August 16, 1962

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from The Majestic Corporation,  
La Junta, Colorado

requesting that Permit No. ~~M-14551~~ be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-14551, heretofore issued to The Majestic Corporation,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective July 9, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL A. BURTIS, DOING BUSINESS AS, )  
"BURTIS BROTHERS", MAIN AND GRAND, )  
MONTROSE, COLORADO. )  
----- )

PERMIT NO. M-3353

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl A. Burtis, doing  
business as, "Burtis Brothers", Montrose, Colorado  
requesting that Permit No. M-3353 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3353, heretofore issued to Carl A. Burtis, doing  
business as, "Burtis Brothers", Montrose, Colorado be,  
and the same is hereby, declared cancelled effective June 2, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Hooton  
Wm. E. Zink  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LAWRENCE ROUSSELLE, DOING BUSINESS AS )  
"LINCOLN TRAILER SALES", 189 BIG )  
THOMPSON ROAD, LOVELAND, COLORADO. )  
----- )

PERMIT NO. M-7553

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lawrence Rousselle,  
doing business as, "Lincoln Trailer Sales", Loveland, Colorado  
requesting that Permit No. M-7553 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7553, heretofore issued to Lawrence Rousselle,  
doing business as, "Lincoln Trailer Sales", Loveland, Colorado be,  
and the same is hereby, declared cancelled effective July 28, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NATIONAL WIRE SPECIALTIES CORPORATION )  
845 SOUTH JASON STREET, DENVER 23, )  
COLORADO. )  
----- )

PERMIT NO. M-2637

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from National Wire Specialties Corporation, Denver 23, Colorado

requesting that Permit No. M-2637 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2637, heretofore issued to National Wire Specialties Corporation, Denver 23, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
NATIONAL WIRE SPECIALTIES CORP- )  
ORATION, 845 SOUTH JASON STREET, )  
DENVER 23, COLORADO. )

PUC NO. 2689-I

August 16, 1962

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from National Wire  
Specialties Corporation, Denver 23, Colorado

requesting that Certificate of Public Convenience and Necessity No. 2689-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. 2689-I \* heretofore issued to National Wire  
Specialties Corporation, Denver 23, Colorado

be, and the same is hereby, declared cancelled effective December 31, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Johnson*  
*Henry L. Zandberg*  
Commissioners

Dated at Denver, Colorado  
this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
IVAN MC DANIEL, PITKIN, COLORADO.)

PERMIT NO. B-5676

-----  
August 16, 1962  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5676 be further suspended for one year from August 9, 1962.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Ivan Mc Daniel, Pitkin, Colorado

be, and is hereby, authorized to further suspend his operations under Permit No. B-5676 until August 9, 1963.

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*  
*Joseph C. Hooton*  
*Wm. E. Zupliger*  
Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 1962.

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JUNE WARMAN AND CLINTON WARMAN, DOING )  
BUSINESS AS, "JET DRILLING MUD SERVICE", )  
P. O. BOX 394, SPRINGFIELD, COLORADO. )  
----- )

PERMIT NO. M-11986

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from June Warman and  
Clinton Warman, doing business as, "Jet Drilling Mud Service", Springfield, Colorado  
requesting that Permit No. M-11986 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11986, heretofore issued to June Warman and Clinton  
Warman, doing business as, "Jet Drilling Mud Service", Springfield, Colorado be,  
and the same is hereby, declared cancelled effective August 1, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 16th day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. E. DOBBS, DOING BUSINESS AS, )  
"VALVERDE FEED AND SUPPLY", 1197 WEST )  
ALAMEDA, DENVER 23, COLORADO. )  
----- )

PERMIT NO. M-3158

-----  
August 16, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. E. Dobbs, doing  
business as, "Valverde Feed and Supply", Denver 23, Colorado  
requesting that Permit No. M-3158 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3158, heretofore issued to H. E. Dobbs, doing business  
as, "Valverde Feed and Supply, Denver 23, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1961.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Sam C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 16th day of August, 19 62.

original

(Decision No. 59085)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. G. MORRIS RIG CO., INC., 2456<sup>1</sup>/<sub>2</sub> )  
HIGHWAY 50, GRAND JUNCTION, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OP- )  
ERATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 19079-Amended

-----  
August 10, 1962  
-----

Appearances: Cecil S. Haynie, Esq.,  
Grand Junction, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, as amended, Applicant herein sought a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of: (1) machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) machinery, materials, equipment and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, from, to, and between all points in the State of Colorado.

Said application was regularly set for hearing before the Commission, at the County Court House Annex, Grand Junction, Colorado, August 16, 1962, at 9:00 o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission has now been advised by 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 hearing of the above-styled application, set for August 16, 1962, at Grand Junction, Colorado, be, and the same hereby is, vacated.

That Application No. 19079-Amended 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. Ngio  
Ralph C. Holman  
Commissioners.

COMMISSIONER HENRY E. ZARLENCO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of August, 1962.

ea

original

(Decision No. 59086)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
C. B. JOHNSON, INC., P. O. BOX )	
DRAWER "S", CORTEZ, COLORADO, FOR )	
A CLASS "B" PERMIT TO OPERATE AS A )	<u>APPLICATION NO. 19264-PP-Extension</u>
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
August 10, 1962  
-----

Appearances: Grant, Shafroth, Toll & McHendrie,  
Esqs., Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, C. B. Johnson, Inc., Cortez, Colorado, sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of limonite ore and iron ore oxide, over irregular routes, from mines within a five-mile radius of Ophir, Colorado, to Ridgeway, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, August 15, 1962, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Attorneys for Applicant herein, stating applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R


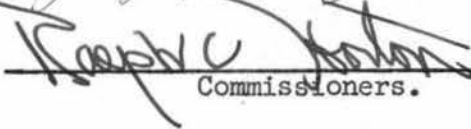
THE COMMISSION ORDERS:

That hearing of the above-styled application, set for August 15, 1962, at Montrose, Colorado, be, and the same hereby is, vacated.

That Application No. 19264-PP-Extension be, and the same hereby is, dismissed, upon request of Attorneys for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of August, 1962.

original

(Decision No. 59087)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
D. M. LOMBARDI, 525 EAST MAIN, )  
FLORENCE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 19221-PP

-----  
August 14, 1962  
-----

Appearances: Peter J. Crouse, Esq.,  
Denver, Colorado,  
for Applicant.

STATEMENT AND FINDINGS OF FACT

By the Commission:

By the instant application, applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle in the transportation of less-than-carload rail shipments in pick up and delivery service, for The Atchison, Topeka and Santa Fe Railway Company within the limits for free pick up and delivery service at the Railway Company's station at Florence, Colorado, as described in the rail tariffs.

The application was set for hearing on July 26, 1962, at the County Office Building, Colorado Springs, Colorado, at ten o'clock A. M. 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 training, experience and financial responsibility of applicant are sufficient to justify the issuance of a permit to applicant.

That the applicant will render the same type of service of free pick up and delivery in the designated Florence area for The Atchison, Topeka and Santa Fe Railway Company as provided for in previous orders of the Commission authorizing similar permits for the same type of service.

That as a result of the special status of this type of permit-holder, the transportation service being in effect a part of the rail movement from consignor to consignee, certain exemptions have been made in the application of the Commission's rules and regulations to this type of service. It is appropriate and proper to continue these exemptions, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That D. M. Lombardi, Florence, Colorado, be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of less-than-carload rail shipments moving on rail billing in pick up and delivery service from or to The Atchison, Topeka and Santa Fe Railway Company station at Florence, Colorado, on the one hand, and, on the other, points within the corporate limits of Florence, Colorado, to also include the Pabco Products, Inc., a plant located approximately three miles east of Florence, Colorado, and all points which are designated from time to time in rail tariffs of The Atchison, Topeka and Santa Fe Railway Company, on file with the Commission, as being within the limits for free pick up and delivery service at that company's railway station at Florence, Colorado.

This Order is subject to compliance by the applicant with all present and future laws and regulations of the Commission, provided, however, that the applicant need not comply, and is hereby expressly relieved from complying, with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle" as adopted by the Commission in Decision No. 54133, Case No. 5177:

1. Rule 3 (g), requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b), insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Florence, Colorado.

3. Rule 6 (d), pertaining to the establishment of the financial standing and qualifications of a proposed transferee of the permit.

4. Rule 15 (3), pertaining to cargo insurance.

5. Rule 18, pertaining to contracts and customer lists.

6. Rule 19, pertaining to rates and charges.

7. Rule 20, pertaining to the filing of tariffs.

8. Rule 21, pertaining to compilation of tariffs and classifications.

9. Rule 22, pertaining to bills of lading.

10. Rule 23, pertaining to load sheets or manifests.

11. Rule 25, pertaining to C. O. D. shipments.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and regulations of the Commission, except as specifically exempted, supra.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regio*  
*Robert C. Hutton*  
*Wm. G. Salinger*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

original

(Decision No. 59088)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
DAN FOSTER, P. O. BOX 2632, COLO- }  
RADO SPRINGS, COLORADO, FOR A CLASS }  
"B" PERMIT TO OPERATE AS A PRIVATE }  
CARRIER BY MOTOR VEHICLE FOR HIRE. }  
- - - - - }

APPLICATION NO. 19223-PF

- - - - -  
August 14, 1962  
- - - - -

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, including insulrock, as a Class "B" private carrier by motor vehicle for hire.

The application was set for hearing on July 26, 1962, at ten o'clock A. M., in the County Office Building, Colorado Springs, Colorado. The application was to have been heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. When the Examiner called the application for hearing, the applicant failed to appear, either in person or by representative, nor did anyone appear in opposition. The Examiner transmitted to the Commission the files, 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 applicant is qualified, financially and by experience, to conduct the proposed operations; that he is operating under Temporary Authority heretofore issued by the Commission; that he has on file with the Commission a certificate of insurance covering his motor vehicle operations; that applicant appears to be a fit and proper person,

and has sufficient equipment and experience to render the proposed service herein sought; that no good purpose would be served by denying or dismissing the instant application as there is a need for the services that applicant seeks; that the granting of the authority would not impair the efficient public service of any authorized motor vehicle common carrier.

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 Dan Foster, Colorado Springs, 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 50 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 50 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 50 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 miles of said pits and supply points; transportation of road-surfacing materials 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

Joseph F. Negro  
Frank C. Horton  
Alvin E. Zalusky  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

original

(Decision No. 59089)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
C. H. NACHTRIEB, 825 CLOVER AVENUE, )	
CANON CITY, COLORADO, FOR AUTHORITY )	APPLICATION NO. 19226-PP-Extension
TO EXTEND OPERATIONS UNDER PERMIT )	(AMENDED)
NO. B-5861. )	
----- )	

-----  
August 14, 1962  
-----

Appearances: Robert W. Nevens, Esq.,  
Salida, Colorado,  
for Applicant;  
Roger M. Breyfogle, Esq.,  
Canon City, Colorado,  
for Southwestern Trans-  
portation Co., Hanssen  
Truck Line, and Denver-  
Loveland Transportation  
Co.

STATEMENT AND FINDINGS OF FACT

By the Commission:

On April 10, 1962, the applicant filed his application herein, seeking authority to extend operations under Permit No. B-5661. His present authority is as follows:

Transportation of uranium ore, from points within a radius of twelve miles of Sargents, Colorado, to Canon City, Colorado, via Highway No. 50.

Transportation of sand, gravel, rock, quarry stone, crushed rock, building stone, and all types of road-surfacing materials, from pits and supply points in the State of Colorado, to road and other construction jobs, mixer and processing plants within a radius of one hundred miles of said pits and supply points; transportation of above-named commodities, from pits and supply points in the State of Colorado, to railroad loading points, and to home and construction jobs within a radius of one hundred miles of said pits and supply points; transportation of above-named commodities, and refuse, from and to building and other construction jobs, to and from points within a radius of one hundred miles of said jobs; transportation of insul-rock, 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.

The application was set for hearing on July 26, 1962, at ten o'clock A. M., in the County Office Building, Colorado Springs, 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 at the commencement of the hearing, attorney for applicant moved to amend the instant application as filed by applicant, to seek the following authority, to-wit:

Transportation of fire clay and miscellaneous clays, from mines, pits and supply points in the State of Colorado, to construction jobs, processing plants, and railroad loading points within a radius of 250 miles of said mines, pits and supply points.

That all parties appearing at the hearing agreed to said amendment, and the same was allowed; whereupon protestants withdrew their protests to the granting of the application as amended.

Attorney for applicant appeared and testified in support of the application as amended; he testified that applicant was unable to be present at the hearing; that he is personally acquainted with the applicant; that applicant has ample and suitable equipment, sufficient net worth and operating experience to render the proposed extended service herein sought.

It appears to the Commission that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the proposed extended service; that the granting of the authority as hereinafter set out would not impair the efficient public service of any authorized motor vehicle common carrier; that the extension of authority should be granted, as amended.

O R D E R

THE COMMISSION ORDERS:

That C. H. Nachtrieb, Canon City, Colorado, be, and hereby is, authorized to extend operations under Permit No.

B-5861, to include:

Transportation of fire clay and miscellaneous clays, from mines, pits and supply points in the State of Colorado, to construction jobs, processing plants, and railroad loading points, within a radius of 250 miles of said mines, pits and supply points,

and this Order is the authority therefor.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nizio  
Frank C. Hahn  
Harry J. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1962.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ADDITION OF VARIOUS FOODSTUFFS )  
AND RELATED ARTICLES TO ITEM NO. )  
1807, COLORADO MOTOR CARRIERS' )  
ASSOCIATION, AGENT, TARIFF NO. )  
12-A, COLORADO P.U.C. NO. 11. )  
-----

CASE NO. 1585

-----  
August 13, 1962  
-----

S T A T E M E N T

BY THE COMMISSION:

On July 12, 1962, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed Application No. 202 requesting permission to add various foodstuffs and related articles to Item No. 1807, Tariff No. 12-A, Colorado P.U.C. No. 11, as set forth in the Appendix hereto.

It is stated in the application that:

"General Foods Corporation, by letter dated June 7, 1962, requested your petitioner to amend Item No. 1807 by adding certain named commodities because 'We have added some new products to the ones we have been shipping from our Denver Distribution Center.'

"This matter was considered by the Rate Committee during its meeting on July 3 and, after amending the docket by eliminating Pot Scourers, NOI, Scouring Cloths or Scouring Pads, the proposal was approved for publication."

F I N D I N G S

THE COMMISSION FINDS:

That Application No. 202, as set forth in the Appendix hereto, should be authorized and that said rates appear to be just, reasonable, and sufficient and that an order should be entered prescribing said rates.

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 attached appendix, shall on August 27, 1962, 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 prescribed herein upon five days' notice to this Commission and the general public.

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 August 27, 1962, 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.

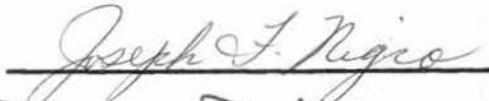
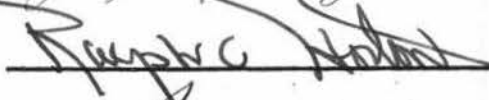

7. On and after August 27, 1962, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

8. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

APPENDIX

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
Local and Joint Freight Tariff 12-A  
Colorado PUC.No. 11

SECTION NO. 2

Commodity Rates

(For Application, See Page No. 190 of Tariff)

Rates are in cents per 100 pounds

Item No.	Commodities in the same item may be shipped in straight or mixed truck loads.	BETWEEN	AND	Rates	Route No.
1807	Foodstuffs and Related articles, viz.:		Canon City,	① 57 ② 46	87
	Baking powder		Colo.		
	Beverage preparations, NOI, dry		Colo. Spgs.,	51 42	47
	Bluing, laundry		Colo.	107 88	87
	Cereal food preparations:	Denver, Colorado	Durango, Colo.		
	Cooked:		Ft. Carson,		
	Bran (Note A)		Colo.	52 43	47
	Confection Coated (Note A)		Grand Junction		
	Flaked or Shredded (Note A)		Colo.	98 82	87
	Puffed, NOI (Note A)		Greeley, Colo.	46 38	7
	Rice, Rolled (Note A)		Pueblo, Colo.	66 54	47
	Cooked:		Trinidad,		
	Granulated		Colo.	82 67	47
	Chocolate Candy				
	Chocolate, not confectionery				
	Cocoa				
	Cocoa Compounds				
	Cocanut, prepared				
	Coffee Extract				
	(Instant)				
Coffee, roasted					
Coffee Substitutes					
Confectionery, NOI					
Dessert Preparations					
Feed, animal, Carnivorous (canned)					
Feed, animal, prepared					
Feed, animal (dog biscuits)					
Flour, edible					
Flour, grain					

① Minimum weight 20,000 pounds.

② Minimum weight 35,000 pounds.

(Not subject to Item 770.)

NOTE A: Rates apply on articles referring to this note only when such articles are in mixed shipments with other articles named in this item not referring hereto. Total weight of the articles referring to this note shall not exceed 25% of the weight upon which charges are assessed. Any excess over and above 25% shall be charged for at the otherwise applicable truckload rate.

/ denotes - addition.

Route No. 7 - Bethke Truck Lines - direct.

Route No. 47 - Red Ball Motor Freight, Inc. - direct.

Route No. 87 - Rio Grande Motor Way, Inc. - direct.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ITEM NO. 85, TRUCK DEMURRAGE, )  
WESTERN TANK TRUCK CARRIERS' )  
CONFERENCE, INC., AGENT, TARIFF )  
NO. C-3, COLORADO P.U.C. NO. 3. )  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 492

-----  
August 13, 1962  
-----

S T A T E M E N T

BY THE COMMISSION:

On April 27, 1962, D. S. Eno, General Manager, Western Tank Truck Truck Carriers' Conference, Inc., Agent, filed with the Commission 1st Revised Page No. 10 to its Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3, scheduled to become effective June 1, 1962, providing a reduction in the free unloading time allowed.

Said matter was suspended on the Commission's own motion under Decision No. 58675 dated May 31, 1962. The Commission is now in receipt of a request from D. S. Eno dated July 9, 1962, stating "after due consideration of this suspension proceeding the Conference Rate Committee decided to withdraw the suspended Item No. 85." Further request was made to discontinue said proceedings.

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 Investigation and Suspension Docket No. 492 be, and the same is hereby, closed upon the docket of this Commission and that respondents shall republish Item No. 85 as appearing on Original Page No. 10, Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3, effective not later than September 20, 1962, upon notice to this Commission and the general public

by not less than thirty days' filing and posting in the manner prescribed  
by law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1962.

ph

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BERNARD J. BUSSING, 3450 SOUTH )  
UNIVERSITY BOULEVARD, ENGLEWOOD, )  
COLORADO. )  
----- )

PERMIT NO. M-10026

-----  
August 23, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bernard J. Bussing,  
Englewood, Colorado

requesting that Permit No. M-10026 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10026, heretofore issued to Bernard J. Bussing,  
Englewood, Colorado be,

and the same is hereby, declared cancelled effective August 4, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 23rd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARSENIO SISNEROS, DOING BUSINESS AS, )  
"A. SISNEROS", ESPANOLA, NEW MEXICO. )  
----- )

PERMIT NO. M-10913

-----  
August 23, 1962  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arsenio Sisneros,  
doing business as, "A. Sisneros", Espanola, New Mexico  
requesting that Permit No. M-10913 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10913, heretofore issued to Arsenio Sisneros, doing  
business as, "A. Sisneros", Espanola, New Mexico be,  
and the same is hereby, declared cancelled effective August 5, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
King E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 23rd day of August, 19 62.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD M. NIX, 831 NORTH WALNUT,  
COLORADO SPRINGS, COLORADO.

PERMIT NO. M-15987

August 23, 1962

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold M. Nix,  
Colorado Springs, Colorado  
requesting that Permit No. M-15987 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15987, heretofore issued to Harold M. Nix,  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective August 4, 1962.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Thomas C. Johnston  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of August, 19 62.