

(Decision No. 68420)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER LEY, 916 14TH AVENUE, GREELEY,)
COLORADO, FOR AN INTERPRETATION OR)
CLARIFICATION OF PERMIT NO. B-1163,)
OR IN THE ALTERNATIVE, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT NO.)
B-1163.)

APPLICATION NO. 22172-PP-Extension

October 26, 1966

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for the Applicant;
Lloyd Espinosa, Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Applicant is the owner of Permit No. B-1163 which provides for the transportation of coal from mines in Northern Colorado coal fields to Greeley, Colorado; farm products from farms within a radius of 20 miles of Greeley, Colorado, to Greeley, Colorado, and other loading points in said area; brick from Denver and Longmont, Colorado, to Greeley, Colorado; beet samples for the Great Western Sugar Company from beet dumps within a radius of 19 miles of Greeley, Colorado, to sugar factories in said area, and brick and farm products not including livestock, or dry or natural milk, between points within a 60-mile radius of 420 26th Street, Greeley, Colorado, and from and to points in Weld County, Colorado, to and from points within the State of Colorado.

By the instant application, the applicant seeks a permit authorizing extension of operations under Permit No. B-1163 to include the transportation of brick and farm products not including livestock or dry or natural milk between points within a 60-mile radius of 420 26th Street,

Greeley, Colorado, and from and to all points within said 60-mile radius of 420 26th Street, Greeley, Colorado, to and from all points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest was heard on October 19, 1966, at Denver, Colorado, by Commissioner Horton. At the conclusion of the evidence the matter was taken under advisement.

The applicant presented evidence showing financial responsibility and adequate equipment to provide the service, and the Commission finds that applicant is financially able to perform the service.

Evidence was presented by Safeway Stores as to the need for the transportation of the products requested between points within a 60-mile radius of 420 26th Street, Greeley, Colorado, and from and to all points within said 60-mile radius of 420 26th Street, Greeley, Colorado, to and from all points in the State of Colorado.

No protestants appeared to protest the granting of such authority.

The Commission states and finds that said application should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Elmer Ley, Greeley, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-1163 to include the transportation of brick, and farm products, not including livestock or dry or natural milk, between points within a 60-mile radius of 420 26th Street, Greeley, Colorado, and from and to all points within said 60-mile radius of 420 26th Street, Greeley, Colorado, to and from all points in the State of Colorado.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Garling

Howard B. Bell

Ralph C. Tilton
Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1966.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KIRBY CAMPBELL, DOING BUSINESS AS)
"KIRBY M. CAMPBELL TRUCKING," BOX)
544, DEL NORTE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22110-PP

October 25, 1966

Appearances: Elizabeth A. Conour, Esq.,
Del Norte, 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.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of the application, stating that if authority herein sought is granted, special carriage contracts will be entered into to provide needed and specialized service with certain shippers who have requested the herein proposed service; that he has ample and suitable equipment, sufficient net worth and operating experience with which to conduct said proposed operation.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That Kirby Campbell, doing business as "Kirby M. Campbell Trucking," 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 and poles, from forests to sawmills, places of storage and loading points within a radius of 75 miles of such forests in any place within the State of Colorado, and this ORDER shall be deemed to be, and be, 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.


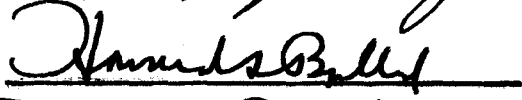
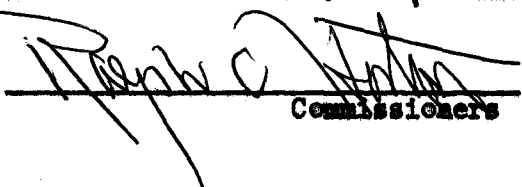
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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

Dated at Denver, Colorado,
this 25th day of October, 1966.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION) OF CECIL R. HAWKINS, 705 EAST) CHESTER, LAFAYETTE, COLORADO, FOR) A CLASS "B" PERMIT TO OPERATE AS) A PRIVATE CARRIER BY MOTOR VEHICLE) FOR HIRE.)	APPLICATION NO. 21951-PP <u>SUPPLEMENTAL ORDER</u>
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October 26, 1966

Appearances: Thomas W. Inman, Esq.,
Denver, Colorado, for
Applicant;
Don G. Bretzman, Esq.,
Boulder, Colorado, for
Pherson Trucking Company.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 15, 1966, the Commission entered Decision No. 67786, granting applicant a Class "B" permit to operate as a private carrier by motor vehicle for hire.

On October 4, 1966, the Commission received a written request from the applicant, Cecil R. Hawkins, requesting to be relieved from complying with Rule 15 3(b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle.

Upon full consideration of the matter the Commission states and finds that to grant the request will be in the public interest and should be granted as set forth in the Order following.

O R D E R

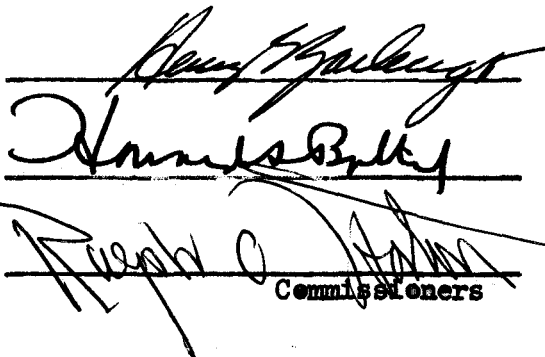
THE COMMISSION ORDERS:

That Cecil R. Hawkins, be, and hereby is, granted a written waiver of the provisions of Rule 15 3(b) of Rules and Regulations

Governing Private Carriers by Motor Vehicle, and shall not be required to file with this Commission Certificate of Insurance for Cargo coverage, in the conduct of operation granted by Decision No. 67786, dated July 15, 1966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1966.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BILL REYNOLDS, DOING BUSINESS AS) PUC NO. 3867
"A-ONE HOUSE MOVERS," 1050 SOUTH)
HAVANA STREET, AURORA, COLORADO.)

October 26, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Bill Reynolds, doing business as "A-One House Movers," owner and operator of PUC No. 3867, herein seeks authority to encumber said operating rights to Effie Deterts to secure payment of the sum of Three Thousand Dollars (\$3,000.00), in accordance with the terms and conditions set forth in instrument of encumbrance dated October 24, 1966, said instrument of encumbrance being made a part hereof.

The Commission states and finds that the authority herein sought is compatible with the public interest and should be granted as set forth in the Order following.


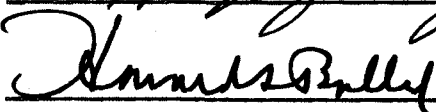
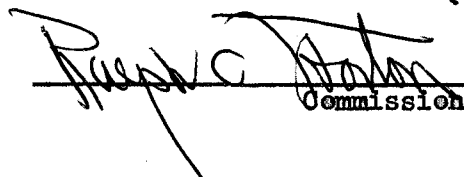
O R D E R

THE COMMISSION ORDERS:

That Bill Reynolds, doing business as "A-One House Movers," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 3867 to Effie Deterts to secure payment of the sum of \$3,000.00, as set forth in the Statement preceding which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



 Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1966.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEONARD D. SNIFF AND VIRGINIA L.)	
SNIFF, DOING BUSINESS AS "SNIFF)	APPLICATION NO. 21995-PP-Extension
TRUCK LINE," 610 SOUTH 13TH STREET,)	
LAMAR, COLORADO, FOR AUTHORITY)	
TO EXTEND OPERATIONS UNDER PERMIT)	
NO. B-2971 AND PERMIT No. B-2971-I.)	

October 26, 1966

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants;
A. J. Meiklejohn, Jr., Esq., Denver,
Colorado, for T. L. Tucker,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Applicants are the owners of Permit No. B-2971 and Permit No. B-2971-I which is presently restricted to the use of one power unit only in the conduct of operations under said permit.

By the instant application, authority is sought to remove the said restriction as to the use of one piece of equipment in the operation of said authority.

The application was set for hearing on July 20, 1966, at Lamar, 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 the matter was taken under advisement, and thereafter the said Examiner transmitted to the Commission the record and exhibits of said proceeding together with a written report consisting of the appearances made and entered, of the proceedings had, of the motions made by the parties, of his rulings made, of said Examiner's record of proceedings and testimony given at the hearing, and of his findings of fact and conclusion.

Following is the record of said proceedings and testimony:

"As a preliminary matter, Mr. A. J. Meiklejohn, on behalf of the above named protestant, moved to dismiss the within application on the grounds that the applicants in fact had no existing authority to conduct operations under Permit No. B-2971 and B-2971-I inasmuch as these authorities had been revoked by the Commission on November 15, 1962, in Case No. 10338-Insurance; and that when the Commission by Decision No. 65680 of August 26, 1965, ordered the reinstatement of these permits, it, in fact, acted improperly since the reinstatement was, in fact, a granting of authority and as such should have been submitted for hearing with notice to competing common carriers; that Decision No. 65680 of August 26, 1965, was issued on a basis of petition of the applicants only and not after hearing and notice as required by the law and the rules, regulations and laws of the Commission.

"The motion to dismiss was taken under advisement by your Examiner."

The Commission, bearing in mind its order hereinafter set out deciding the matter on the merits, finds that the said motion should be denied.

"Leonard D. Sniff testified that he and his wife own Permit No. B-2971 and B-2971-I; that they conduct business under the trade name "Sniff Truck Line," 610 South 13th Street, Lamar, Colorado; that Exhibit A is a statement of the authority under which they operate; that Exhibit B is a financial statement of the applicants; that Exhibit C is an equipment list; and that Exhibit D is the current customer list of customers being served by the applicants. Mr. Sniff stated that the purpose of the within application is to request removal of the one power unit restriction added to this authority by Decision No. 65680 of August 26, 1965; that at the time Permit No. B-2971 and B-2971-I was revoked by Case No. 10338-Insurance, dated September 10, 1962, no such restriction was contained in this authority; that the one vehicle restriction is an unreasonable limitation inasmuch as he is unable to adequately and fully take care of the needs of certain customers whose shipments of livestock consist of more than one truck load. This witness also stated that if the restriction is removed, he and the other applicant would acquire as many vehicles as would be needed to adequately serve customers. On cross examination, Mr. Sniff testified he would haul for anybody who requested his services and that if the restriction were removed, he would be in a position to serve additional customers, many of whom he stated have used common carriers. He also expressed the hope that if the restriction were removed, he would be able to serve customers who are presently being served by common carriers.

"George Anderson, Holly, Colorado, testified that he normally transports five to six hundred head of cattle

per year and that in no instance would it be practical for him to use a hauler who is restricted to the use of one vehicle. This witness also stated that there is a need for additional equipment in the area to provide for the needs of ranchers, particularly during the two peak shipping seasons of the year. On cross examination, this witness stated that he would probably use Sniff if the application was granted; that heretofore he has used the transportation service of T. L. Tucker extensively.

"Tom Jones, Eads, Colorado, testified that he owns two ranches and ships about four hundred head of cattle per year; that his average shipments usually require the use of three vehicles; that he has used T. L. Tucker; and that the services of this common carrier were satisfactory; but that it would be more convenient for him and other ranchers in the area to have another carrier such as Sniff Truck Lines available with equipment, particularly in the spring and in October of each year, which are the peak periods for cattle hauling. On cross examination, this witness related that T. L. Tucker, approximately six months ago, hauled cattle for this witness and the services were satisfactory. He also stated that on a recent occasion he used the services of the Sniff Truck Line to move from one of his ranches to the other.

"Eddy Dunlap, Eads, Colorado, testified that he owns and operates ranches in the area; that he transports approximately 1400 head of cattle per year; that in most cases, his cattle must be transported in loads greater than one truck load; that he has used T. L. Tucker in the past, whose services are sometimes satisfactory and at other times not entirely satisfactory. This witness also expressed the opinion that more equipment was needed in the area to accommodate the needs of ranchers, particularly during the peak periods. On cross examination, this witness stated that he has not used the services of the applicants since approximately 1962; that he has probably used every truck line available in the area; that he was aware of the fact that T. L. Tucker had equipment stationed at sales barns at LaJunta and Lamar for the convenience of cattle shippers; and that he would be unwilling to give a contract to anyone to ship his cattle as he desires to be free to call upon any carrier who might have equipment available at the time he desired to ship cattle. This witness also stated that there are other common carriers who serve the area who give prompt and immediate service; that T. L. Tucker is the only common carrier based at Lamar as far as he knows; and that it would be a convenience to have another carrier such as the applicants available at Lamar, Colorado.

"Barrett McCanless, the manager and owner of the McCanless Auction at Lamar, testified that on many occasions customers request the auction to arrange for transportation; that he has called upon the applicants to make certain hauls but is unable to use the applicants on many occasions because of the one truck limitation. He testified that a substantial number of cattle transported to and from the McCanless Auction at Lamar are handled by T. L. Tucker; that T. L. Tucker has competent drivers but, in his opinion, they are not good cattle handlers; that on occasions he has used the applicants

to handle his personal cattle shipments because the applicants are capable cattle handlers. This witness also expressed the opinion that more trucks were needed in the area, particularly at the peak of the cattle hauling seasons; that T. L. Tucker on many occasions is late in picking up cattle and delivering them; and that if the one truck restriction were removed, he would have occasion to use the applicants for cattle transportation on many more occasions. On cross examination, this witness stated that in no event would he enter into a contract with any carrier to haul cattle; and that he did not know of any distinction between private and common carriers.

"Harold V. Smith, Wiley, Colorado, is the Cashier of the bank at Wiley and also engages in the cattle and sheep business; that most of his requirements are for hauls between pastures in the area, from pasture to feed lot and from feed lot to market at Greeley; that on most occasions he hauls on an average of four truck loads at one time; that because of the one truck limitation, he is unable to use Sniff Truck Lines; that during most of the year there is sufficient equipment on hand to provide for his transportation needs, the only exception being during the peak hauling periods of April and October of each year when additional equipment is needed. On cross examination, this witness stated that last April he used T. L. Tucker and his services were satisfactory; and that he has no objection to using T. L. Tucker so long as he does a good job.

"Jack Sniff, Lamar, Colorado, testified he operates cattle ranches from eight to fifteen miles out of Lamar; that when the applicants had an authority that didn't restrict them to one vehicle, he used them on most occasions but at the present time he is unable to use the applicant to any extent because of the one truck limitation since most of his hauls require the use of more than one vehicle. This witness also testified that on the last occasion when he used T. L. Tucker, this carrier was four hours late in picking up the cattle and the cattle arrived one hour late at the auction; and that he would generally call upon the services of the applicants if the applicants were able to use more equipment.

"On cross examination, this witness stated that he last used the applicants in approximately 1962; that since that time, he has used T. L. Tucker for the majority of his cattle shipments up until last November when he used Las Animas Transfer. This witness also stated that in no case would he enter into a contract with a carrier but would use any carrier who had equipment available at any given time.

"It was stipulated and agreed between counsel that the following named witnesses would testify as to substantially the same facts as the previous witnesses except Jack Sniff and Barrett McCanless:

Bennie Gices
Lamar, Colorado

Lloyd Philipey
Lamar, Colorado

"Exhibits A, B, C, and D were received in evidence. The applicant rested.

"On behalf of the protestant, T. L. Tucker, Mr. Meiklejohn moved to dismiss the application on the grounds that the evidence in support of the application revealed that the applicant intended to, in fact, act as a common carrier; that the witnesses who indicated they would use the applicants if the within application is granted testified they would not enter into a contract for cattle hauling; and that the protestant again moved that the application be dismissed on the grounds stated at the commencement of the hearing. This motion to dismiss was also taken under advisement by your Examiner.

"T. L. Tucker, Lamar, Colorado, testified that he is engaged as a common carrier under PUC No. 1407. At the request of the attorney for the protestant, official notice was taken of PUC No. 1407.

"This witness testified that he has approximately 50 power units with trailers; that the bulk of his transportation business is livestock hauling; that he has equipment stationed and available at all sales barns in the area he is authorized to serve; that he operates a 24-hour-a-day telephone service for the convenience of customers; and that generally he is able to fully accommodate the demands of cattle haulers except perhaps in the months of April and October of each year; and that during these periods, he provides equipment as soon as possible. Mr. Tucker explained that for any carrier or group of carriers to have on hand enough equipment to provide immediate service during the two peak periods would involve an investment which would not be economically feasible; that during the peak periods he and other common carriers serving the area provide reasonably well for all demands made upon them.

"Mr. Tucker stated that he was aware of the fact that in 1962 the applicants' Permit No. B-2971 and B-2971-I were revoked; that at no time did he receive any notice that the applicants were requesting reinstatement of this permit in 1965. Mr. Tucker also testified that if the within application were granted and the applicants were permitted to use an unlimited number of vehicles, it would have the effect of decreasing his business and probably impairing his service. The protestant rested."

The Commission, having considered the said records, evidence, files and the written report of the Examiner herein, and in particular the testimony as recorded by him, states and finds:

That the evidence pertinent and relevant to the issues is conflicting;

That there is not a need for removal of the restriction against the use of one vehicle in applicants' transportation services;

That the available common carrier service to meet satisfactorily the requirements of the public is adequate;

That the removal of the restriction against the use of one vehicle in applicants' transportation services will impair the efficient public service of authorized motor vehicle common carrier, or carriers, adequately serving the same territory over the same general highway route, or routes;

That the granting of the application will not be in the public interest;

That the application should be denied.

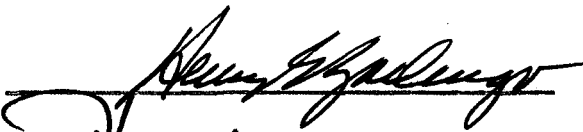
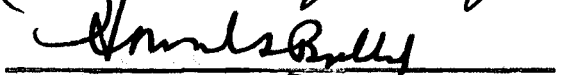
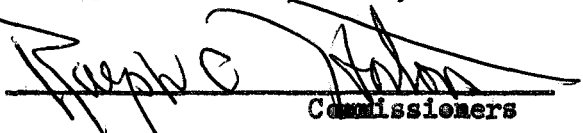
O R D E R

THE COMMISSION ORDERS:

That the motion of the protestant hereinabove referred to be, and the same hereby is, denied.

That Application No. 21995-PP-Extension be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1966.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF THE INTERMOUNTAIN RURAL ELECTRIC
ASSOCIATION, INC., LITTLETON, COLO-
RADO, FOR AN ORDER AUTHORIZING THE
ISSUANCE OF SECURITIES, AND THE
APPLICATION OF THE PROCEEDS THEREFROM
TO CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 22261
SECURITIES

October 26, 1966

S T A T E M E N T

BY THE COMMISSION:

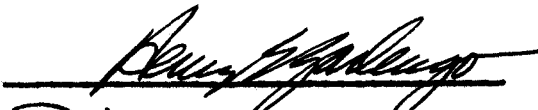
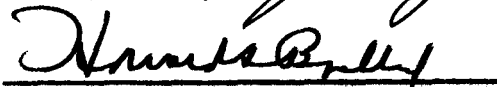
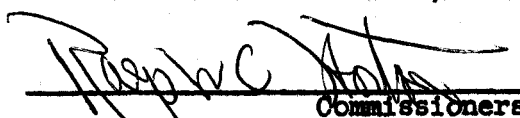
Upon consideration of the application filed October 25, 1966 by
The Intermountain Rural Electric Association, Inc., in the above atyped matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on November 7, 1966 at
2:00 o'clock P. M., 532 State Services Building, Denver, Colorado, respecting
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 proceeding. Intervention
petitions should be filed with the Commission on or before November 1, 1966,
and should set forth the grounds of the proposed intervention and the
position and interest of the petitioners, in the proceeding and must be sub-
scribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1966.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ITEMS No. 600 (ADDITIONAL CHARGE);
680 (APPLICATION OF RATES TO REMACO);
940 (MORE THAN ONE PICK-UP OR DELIVERY
AT ORIGIN OR DESTINATION); 1070 (SPECIAL
TRIPS); 2385 (PAPER AND PAPER ARTICLES,
ETC.); and 2690 (SUGAR, IN BAGS OR BOXES);
COLORADO MOTOR CARRIERS' ASSOCIATION,
AGENT, TARIFF 12-A

CASE No. 1585

October 27, 1966

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 26, 1966, The Colorado Motor Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, filed various revised pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) and as set forth in part in Appendix "A" attached hereto, naming increased and reduced rates and charges for the transportation of commodities between points in Colorado, scheduled to become effective October 31, 1966.

In support of the proposed changes, justification has been submitted to the Commission by the publishing agent based on letters submitted to him by carriers instituting the changes.

Item No. 600 (additional charge) amended to include Garrett Freightlines, Inc., and Ringsby Truck Lines, Inc., as participants therein. In a letter dated September 16, 1966 by Carl B. Hewett, Assistant Traffic Manager for the Ringsby System, justification for the amendment, which may apply for both Garrett and Ringsby, is the following:

"Under the provisions of Item 600, as amended effective September 19, 1966, a shipment weighing less than 2000 pounds, moving from Denver to Rangely, Colorado via Route No. 107, will be subject to a joint rate, via Larson and Ringsby, increased by 10¢ cwt., but under the provisions of Paragraph (b) we will not be allowed any of the 10¢ increase.

"To partially compensate for recent increases in labor costs, we request that we be allowed to participate in this additional charge via our inter and intrastate routings as named in Section 6 of this tariff."

Justification for the cancellation of Item 680 for the account of Larson Transportation Company and/or Rio Grande Motor Way, Inc., is as stated in Mr. Fletchinger's letter of September 16, 1966, reading:

"Remaco is a throwback to World War II days when the Remington Arms Plant was situated at this locality and it is now an obsolete term. This is now the site of the Denver Federal Center and it is my understanding that in reissue of Tariff 12-A which is presently underway the point of Remaco as listed in the Denver class rates in Section I will be changed to the Denver Federal Center. Therefore, Item 680 has no application for rate purposes and mileage rates are provided to or from this location."

In Mr. Fletchinger's letter of the 16th concerning the amendment to Item 940, he states: --

"By broadening this item to include all shipments upon which charges are based upon a weight of 5,000 pounds or more, this allows a carrier to furnish split pick-up or split delivery service on class rated shipments of 5,000 or 10,000 pounds, and on volume commodity rates of 5,000 pounds or over, for the additional charge of \$10.30. Our biggest problem seems to be with volume commodity rates whereby the tariff does not now provide a carrier with a provision for split pickup or split delivery. Under certain commodity rates, a shipper can stop a shipment in transit for partial loading or partial unloading yet he is not allowed to stop at the same origin point or same destination point for extra loading or unloading at a different location. From a carriers' viewpoint, there is no distinction between stopping at an intermediate point and stopping in the same city or town for unloading purposes."

Mr. Edward A. Kraft of Boulder-Denver Truck Line, in a letter dated August 17, 1966, proposing a minimum of four hours for use of equipment in Item 1070, states: --

"It is not compensatory to furnish a driver and equipment on special trips for shorter periods of time."

By Item 2385, adjustments are being made to allow for reductions in charges on shipments of higher minimum weights. The present item provides a single commodity rate for any quantity of the articles named therein. The highest rated article is Class 200, - other items are rated classes 65 and 85. This adjustment will place the rates for the

various weights at a slightly lower base or class than provided under the classes set forth above. The weight of the article classed 200 that may be shipped at a given time is being liberalized from a weight which is not more than 20% of the total weight of the shipment, to 50% of the total weight of the shipment.

Item No. 2690, (sugar in bags or boxes) proposed increased rates and the addition of a rate subject to a 30,000 pound minimum weight. The following reflects the present rates and the proposed rates:

		Pounds		
		10,000	20,000	30,000
Brighton to Denver	(present: (proposed:	19 32	13 19	 17
Brighton to Englewood	(present: (proposed:	19 32	13 19	 17
Longmont to Denver and points within 4 miles of Denver City Limits	(present: (proposed:	22 37	19 24	 22
Loveland to Denver and points with- in 4 miles of Denver City Limits	(present: (proposed:	 27	22 27	 25

In a letter dated October 12, 1966, signed by Frederic A. Bethke, Paul D. Amen and Jack E. Edison, it is stated that sugar rates established on August 18, 1952, from Brighton to Denver, were 18¢ on 10,000 and 13¢ on 20,000 pounds. On that date the first class LTL rate was 61¢ and today it is \$1.23; the sugar rates from Longmont to Denver, established on April 18, 1957, were 21¢ on 10,000 and 18¢ on 20,000 pounds. The first class LTL rate on this date was 99¢ and today it is \$1.35; the sugar rate from Loveland to Denver, established on April 10, 1953, was 21¢ on 20,000 pounds. On that date the LTL Class 100 rate was 98¢ and today it is \$1.52.

It is stated the proposed increases were discussed with representatives of Great Western Sugar Company and are advised they have no objections thereto.

Since the proposed changes as set forth in Appendix "A" attached hereto, appear to represent just, fair and reasonable rates and charges and governing provisions, an order should be entered prescribing the same, under the provisions of Rule 18, Paragraph C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS, that, --

1. The Statement and Findings and Appendix "A" herein be, and they are hereby, made a part hereof.
2. The rates and charges as set forth in the Statement of this Order, subject to the rules and regulations as provided in the aforesaid tariff shall be the prescribed rates, rules, regulations and provisions of the Commission.
3. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published tariffs reflecting the changes prescribed herein.
4. All private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish, or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after October 31, 1966, 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.
6. On and after October 31, 1966, 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.

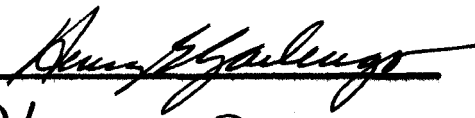
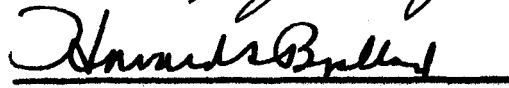

7. This Order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

9. This order shall become effective forthwith,

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
27th day of October, 1966 av

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Local and Joint Freight Tariff No. 12-A
Colorado PUC No. 11*

(*The Motor Truck Common Carriers' Association, Agent, Series)

Changes effective October 31, 1966:

RULES AND REGULATIONS

Item

No.

APPLICATION

9th Revised Page No. 77

ADDITIONAL CHARGE: (Subject to Item No. 624)

- (A) Except as otherwise provided in Paragraph (C) and in Note 1 hereof, all shipments weighing less than 2,000 pounds will be charged for at the rate applicable plus 10¢ per 100 pounds, subject to a minimum increase of 10¢ per shipment.
- (B) The additional charge provided for above will be applied to all Local and Joint traffic transported by the carriers named in Paragraph (D) below. In instances where a joint line movement involves a carrier not named in paragraph (D), the entire proceeds of the additional charge will accrue to the carrier or carriers named in paragraph (D) participating in such joint line movement.
- (C) The additional charge provided for above will not apply in instances where the minimum charge is assessed.
- (D) The provisions of this item apply only via or in connection with the following carriers:
- | | |
|----------------------------------|-------------------------------------|
| Frederic A. Bethke, d/b/a | Anna Gasperetti, d/b/a |
| Bethke Truck Lines | Gardner-Red Wing Freight Line |
| Overland Motor Express, Inc., | / (A) Garrett Freightlines, Inc. |
| d/b/a Boulder-Denver Truck Line | Mauverdene Robinson, d/b/a |
| Burlington Truck Lines, Inc. | K & K Transfer Company |
| Colorado Cartage Company, Inc. | Larson Transportation Company |
| Denver Climax Truck Line, Inc. | Miller Bros., Inc. |
| Denver-Laramie-Walden Truck | Milliken-Johnstown Truck Line, Inc. |
| Line, Inc. | North Eastern Motor Freight, Inc. |
| Denver-Limon-Burlington Transfer | Overland Motor Express, Inc. |
| Company | / (A) Ringsby Truck Lines, Inc. |
| Denver-Loveland Transportation, | Rio Grande Motor Way, Inc. |
| Edson Express, Inc. Inc. | Richard H. Eshe and Lois Mae |
| C. R. Bryant, d/b/a | Eshe, d/b/a |
| Evergreen Freight Line | South Park Motor Lines |
| Ermon L. Tyler, d/b/a | Donald R. Wills, d/b/a |
| Fowler Truck Line | Tweedy Transfer |
| | Westway Motor Freight, Inc. |
| | Yuma County Transportation Co. |

NOTE 1: The provisions of this item will NOT apply on traffic transported locally by Red Ball Motor Freight, Inc., but will apply on traffic transported jointly between the carriers named above, on the one hand, and, on the other Red Ball Motor Freight, Inc.

(Decision No. 68426)

RULES AND REGULATIONS	
Item	
No.	Application

5th Revised Page No. 81

680 APPLICATION OF RATES FROM OR TO REMACO, COLORADO:

(E)(A)*

* Rates provided in this tariff for application from or to Denver, Colorado, will also apply from or to Remaco, Colorado, on traffic which has had a prior movement via The Larson Transportation Company or The Rio Grande Motor Way, Inc., or which will have a subsequent movement via The Larson Transportation Company or The Rio Grande Motor Way, Inc.

7th Revised Page No. 93-B

MORE THAN ONE DELIVERY AT DESTINATION OR MORE THAN ONE PICK-UP AT ORIGIN:
Any shipment from one shipper at one point of origin, on one bill of lading, received by the carrier in one day, (R)weighing 5,000 pounds or more, or on which a rate subject to a minimum weight of 5,000 pounds or more is applied, will be allowed one extra pick-up at point of origin and/or one extra delivery at point of destination subject to the following conditions:

- 940
- A. A charge of \$10.30 for the extra pick-up or delivery shall be assessed in addition to all other lawful charges;
 - B. Shipper must specify on the shipping order the name of the consignee and delivery address to which the extra delivery is to be made and a description of the quantity to be unloaded at the additional delivery stop;
Shipper must specify on the shipping order the address where the extra pick-up is to be made and a description of the quantity to be loaded at the extra pick-up point;
 - C. The additional pick-up or delivery stop must be within the corporate limits of the origin or destination points;
 - D. All charges must be prepaid or all collected from one consignee at point of destination which must be plainly specified on shipping order.

(This item applies only via Frederic A. Bethke, d/b/a Bethke Truck Lines; Overland Motor Express, Inc., d/b/a Boulder-Denver Truck Line; Larson Transportation Company; Red Ball Motor Freight, Inc.; Ringsby Truck Lines, Inc., and Rio Grande Motor Way, Inc.)

3rd Revised Page No. 98-A

SPECIAL TRIPS:

(Will not apply via Larson Transportation Company; North Eastern Motor Freight, Inc.; Ringsby Truck Lines, Inc., or Rio Grande Motor Way, Inc.)
In the event consignor or consignee requests that carrier transport shipments on other than regularly scheduled trips, or requests exclusive use of the vehicle, such service will be performed and will be charged for at the applicable rate per 100 pounds or the following hourly charges, whichever results in the greater total charge:

	Use of Equipment and one Man	HOURLY CHARGES	
		Straight Time	Overtime
1070	Truck with rated capacity of 1/2 ton	\$ 6.18	\$ 8.18
	Truck with rated capacity exceeding 1/2 ton	7.73	9.73
	Tractor with single or tandem axle semi-trailer	15.45	17.45

/ (A) Except as otherwise provided in connection with charges applicable on Saturdays, Sundays or Legal Holidays, Rates are subject to a minimum charge of four hours at the rate applicable to the type of equipment furnished. (The provisions of this paragraph will not apply via Denver-Loveland Transportation, Inc.)

RULES AND REGULATIONS

Item No.	Application
1070 (con- clu- ded)	Overtime shall be charged for all time worked on order of the customer in excess of 8 hours per day, for all time worked before 8:00 a.m., and/or after 5:00 p.m., on week days and for all time worked on Saturdays, Sundays or Legal Holidays, subject to a minimum of 8 hours on Saturdays, Sundays or Legal Holidays.
	Time charges shall include driving time to and from the carrier's dock. Special trips between Denver and Rocky Flats, Colorado, on Saturdays, Sundays or Holidays, will be charged for at the weight times the applicable rate or rates, but not less than \$25.00 per trip.

SECTION NO. 2

Commodity Rates

(For application, see Page No. 190 of Tariff)

Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity	From	To	Rates	Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)			

7th Revised Page No. 228

2385	Pads, sanitary, external type; paper, viz.: toilet paper or paper towels; paper articles, viz.: Facial Cleansing Tissues; Napkins or Neck Strips.	Denver, Colorado	Boulder, Colorado	① 122 ② 112 49 ③ 102 ④ 92	
① ②	In mixed shipments, the weight of which includes ① not more than 50% sanitary pads.				
①	Less-than-truckload			③	Minimum weight 2,000 pounds
②	Minimum weight 1,000 pounds (Subject to Item 770) (Not subject to Item 600)			④	Minimum weight 5,000 pounds

12th Revised Page No. 239

	Sugar, in Bags or boxes				
①	Min. Wt. 10,000 pounds			①	32 7;
②	Min. Wt. 20,000 pounds		(See Note)	②	19 61
③	Min. Wt. 30,000 pounds (Subject to Item 770)	Brighton, Colorado	Denver, Colorado	③	17
NOTE:	Rate to Denver, Colorado, will apply to points located within five miles of The Denver City Limits when movement is via Frederic A. Bethke, d/b/a Bethke Truck Lines.		Englewood, Colorado	①	32
			Denver, "	②	19 7
		Longmont, Colorado	and points within 4 miles of the Denver City Limits	③	17
		Loveland, Colorado		①	37
				②	24 28
				③	22
				②	27
				③	25 12

Vehicles transporting shipments moving under the provisions of this item may be respotted at destination to unload partially, subject to the provisions of paragraphs "A" through "G", herein.

- 2690 A. A minimum capacity of 5,000 pounds must be delivered at each point of delivery.
- ① B. Freight moving under the provisions of this item must be from one shipper, on one bill of lading and move on one day.
- C. Shipper must specify on the shipping bill the name of the consignee and the final destination of the shipment; also, shipper must specify the address at which the vehicle is to be respotted for partial unloading, a description of the quantities to be unloaded and the names of the parties to whom such partial deliveries are to be made.
- D. Respotting for partial unloading will not be permitted on shipments consigned "C.O.D.", "To Order," "Order Notify," or "Order Care of."
- E. In addition to the applicable rate, a charge of \$7.73 will be made for each delivery (not including final delivery)
- F. All charges on shipments moving under the provisions of this item must be prepaid.
- G. Shipments picked up at or delivered to locations other than the ground floor door or dock of consignor or consignee will be subject to the additional charge provided for in Note 2 of Item No. 970.

① denotes increase	Route 7 - Bethke Truck Lines - direct
② denotes reduction	" 12 - Denver-Loveland Transportation, Inc. (direct)
③ denotes elimination	" 28 - Edson Express, Inc., - direct
✓ denotes addition	" 49 - Boulder-Denver Truck Line - direct
	" 161 - Colorado Cartage Co., Inc., - direct

(Decision No. 68426)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

DOUGLAS MODELS CORP.-DENVER
122 Est 2nd
Salt Lake City, Utah 84107

AUTHORITY NO. M-13740

CASE NO. 541-M-Ins.

October 27, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

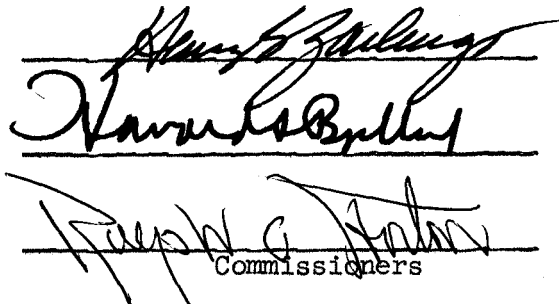
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
R.F. DENNIS, JR. & B.D. COX
DBA COX-DENNIS FOOD SPECIALTY CO.
Box 10771
Dallas, Texas 75207

AUTHORITY NO. M-8682
CASE NO. 604-M-Ins.

-- October 27, 1966 --

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

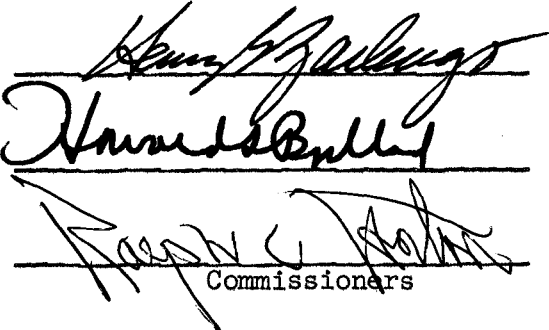
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

BARKER'S INC.
1401 West 38th Ave.
Denver, Colorado 80211

AUTHORITY NO. M-6556

CASE NO. 459-M-Ins.

October 27, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

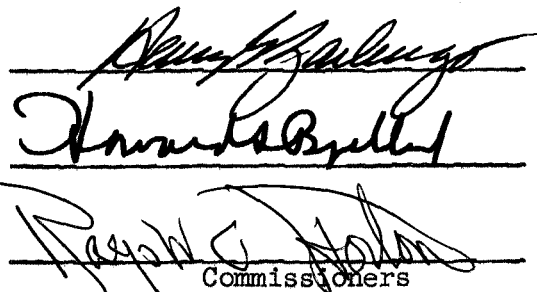
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NORTH GLENN SUBURBAN COMPANY, A COLORADO CORPORATION, 1805 BROADWAY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	} APPLICATION NO. 21690 } <u>SECOND SUPPLEMENTAL ORDER</u>
--	---

October 28, 1966

Appearances: David Butler, Esq., Denver,
Colorado, for Applicant;
Raymond B. Danks, Esq., Denver,
Colorado, for Denver Tramway
Corporation.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 18, 1966, the Commission entered Decision No. 66630, in the above-entitled matter, granting Applicant, North Glenn Suburban Company, a certificate of public convenience and necessity to transport passengers and their baggage between, on the one hand, Denver, Colorado, and on the other, North Glenn, Colorado, serving all intermediate points, subject to the restriction that no passenger picked up within the present limits of the City and County of Denver shall be discharged within said limits; and would not remain in a bus stop utilized by Denver Tramway longer than necessary to receive or discharge passengers. Said Decision provided, among other things, that the Applicant be permitted to operate on a temporary basis for a period ending six months after the effective date of said Decision No. 66630 (August 8, 1966), unless otherwise ordered by the Commission.

On July 21, 1966, the Commission entered Decision No. 67826, extending the temporary period of operation under certificate of

public convenience and necessity issued to North Glenn Suburban Company, by Decision No. 66630, dated January 18, 1966, for the period of time from August 8, 1966 to November 8, 1966.

On October 24, 1966, I. B. James, President of North Glenn Suburban Company, filed a written request for an additional ninety (90) day extension of the temporary period of operation under certificate of public convenience and necessity issued to Applicant in Decision No. 66630.

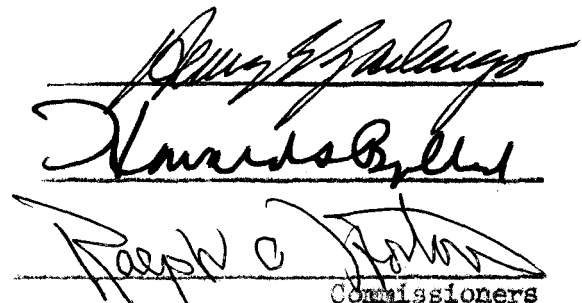
The Commission states and finds that Applicant's request for an additional ninety (90) day extension of the temporary period of operation under its certificate of public convenience and necessity as granted by Decision No. 66630 is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the temporary period of operation under certificate of public convenience and necessity issued to North Glenn Suburban Company by Decision No. 66630, dated January 18, 1966, be, and the same hereby is, extended for the period of time from November 8, 1966 to February 8, 1967; that said certificate of public convenience and necessity shall be automatically cancelled by the Commission without further notice to the Applicant unless said Applicant notifies the Commission in writing, on or before February 8, 1967, of its intention to have the herein involved Certificate made permanent; and, that upon receiving such written notification, the Commission shall enter its Order making said Certificate permanent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1966.

(Decision No. 68431)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF FLATIRON SERVICE COMPANY,) PERMIT NO. B-6850
P. O. BOX 229, BOULDER, COLORADO.)

October 28, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a written request from the above-styled permit-holder, requesting authority to change its corporate name from Concrete Equipment & Supply Co. to Flatiron Service Company in the conduct of operations under Permit No. B-6850, and in addition to change names of the following companies as listed in their authority under said Permit No. B-6850, to-wit: Milne Ready Mixed Concrete to Flatiron Pre-Mix Concrete Co., Boulder Gravel Products, Inc. to Flatiron Sand and Gravel Co.

The Commission states and finds that said requests are compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

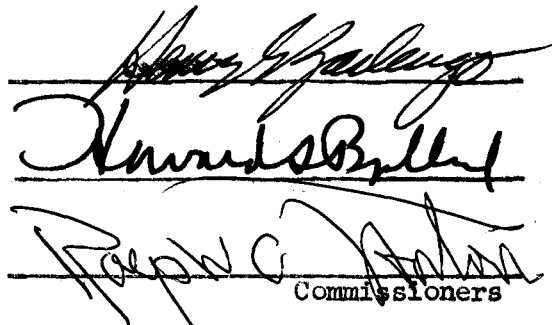
That Concrete Equipment & Supply Co. be, and hereby is, authorized to change its corporate name to Flatiron Service Company in the conduct of operations under Permit No. B-6850, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

That the authority under said Permit No. B-6850 be, and the same hereby is, corrected and amended to read as follows, to-wit:

"Transportation of bulk cement, sand, gravel and other aggregate materials and earth fill; asphalt and other road-surfacing materials; cast concrete; and construction equipment, to, from and between all points and places within the State of Colorado, on behalf of and under contract with the following named commonly owned affiliated companies of the Applicant, to-wit: (1) Flatiron Pre-Mix Concrete Co., (2) Flatiron Paving Co. of Boulder, (3) Flatiron Paving Co. of Greeley, (4) Flatiron Sand and Gravel Co., (5) Soundcrete, Inc., (6) Turnpike Gravel Company, (7) Plains Aggregate Company, and (8) Flatiron Materials Company."

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 28th day of October, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATING RIGHTS)
OF ATWOOD TRUCK LINE, INC., A) PUC NO. 755, PUC NO. 755-I
COLORADO CORPORATION, ROUTE 1,) PUC NO. 2435, PERMIT NO. B-5652
FORT MORGAN, COLORADO.)

October 28, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Atwood Truck Line, Inc., a Colorado corporation, (Debtor), owner and operator of PUC No. 755, PUC No. 755-I, PUC No. 2435, and Permit No. B-5652, herein seeks authority to encumber said Certificates and Permit to William R. Brumfield and Olivet Brumfield (Secured Parties), to secure payment of the indebtedness in the sum of \$100,000 in accordance with the certain terms and conditions as set forth in copies of the Financing Statement and Security Agreement and Note, dated November 1, 1966, and properly filed with the Commission, as executed by and between said Atwood Truck Line, Inc. and William R. Brumfield and Olivet Brumfield in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.

ORDER

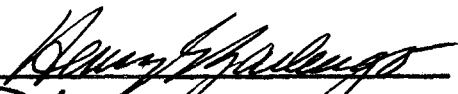
THE COMMISSION ORDERS:

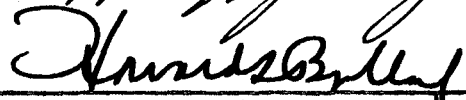
That Debtor, Atwood Truck Line, Inc., be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 755, PUC No. 755-I, PUC No. 2435 and Permit No. B-5652 to

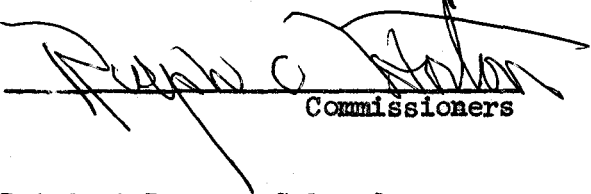
Secured Parties, to secure payment of the indebtedness in the sum of \$100,000, as set forth in the Statement preceding, which is made a part of this Order by reference.

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 28th day of October, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

BURL BEEN DBA
BEEN'S RUBBISH REMOVAL
4175 W. Walsh Place
Denver, Colorado 80219

AUTHORITY NO. M-6116

CASE NO. 327-M-Ins.

October 28, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

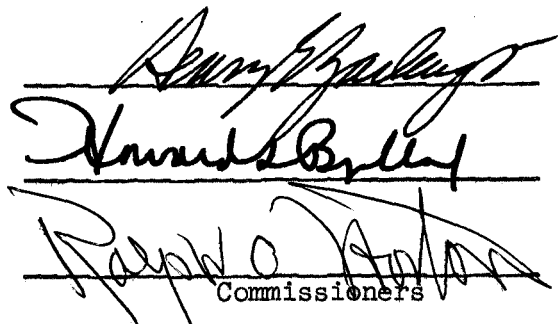
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1966

kh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

D W MORRIS & CHARLOTTE M MORRIS
DBA MORRIS FURNITURE
11 North Cascade
Montrose, Colorado 81401

AUTHORITY NO.

M-4533

CASE NO.

514-M-Ins.

October 28, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

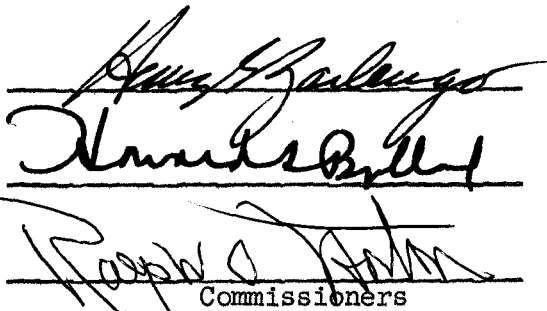
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

HUNTINGBURG FURNITURE CO.
DIVISION OF DOLLY MADISON FOODS, INC.
Huntingburg, Indiana 47542

AUTHORITY NO. M-7021

CASE NO. 225-M-Ins.

October 28, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

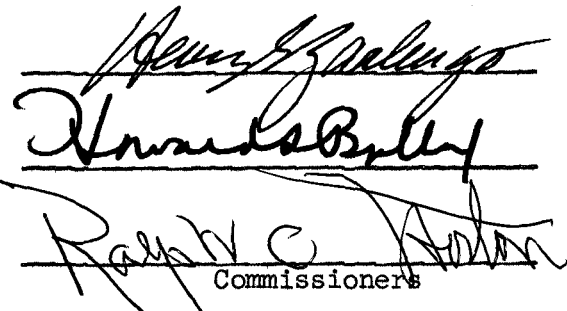
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM V. MURPHY, DOING BUSINESS AS)
"MERCURY TRANSPORT," STAPLETON INTER-)
NATIONAL AIRPORT, DENVER, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE, FOR THE TRANSPORTATION OF FREIGHT)
(GENERAL COMMODITIES) BETWEEN POINTS)
AND PLACES IN DENVER, COLORADO, ON THE)
ONE HAND AND GOLDEN, COLORADO AND)
WATERTON, COLORADO, ON THE OTHER HAND.)

APPLICATION NO. 22093-PP

October 28, 1966

Appearances: Robert P. Grueter, Esq., Denver,
Colorado, for William V. Murphy,
doing business as "Mercury
Transport," the Applicant;
Edward T. Lyons, Jr., Esq., Denver,
Colorado, for Westway Motor Freight,
Inc., and Windecker Truck Line;
Joseph F. Nigro, Esq., Denver,
Colorado, for United States Transfer
& Storage Co., Hoffman Transfer,
Murph's Express, Weicker Transfer
& Storage Co., and Acme Delivery
Service, Inc.

PROCEDURE AND RECORD

On July 22, 1966, William V. Murphy, doing business as "Mercury Transport", hereinafter referred to either by name or as Applicant, filed an application with this Commission for a Class "A" Permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of freight (general commodities) between points and places in Denver, Colorado on the one hand and Golden, Colorado and Waterton, Colorado on the other hand. On August 31, 1966 the Commission received a telegram from Mullis Transfer protesting the granting of part of the authority sought in the application. On September 1, 1966 Westway Motor Freight, Inc. filed a protest. On September 1, 1966 United States Transfer & Storage Co., Hoffman Transfer, Murph's Express, Weicker Transfer & Storage Co., and Acme Delivery Service, Inc. filed a protest. On September

2, 1966 Windecker Truck Line filed a protest. On October 11, 1966 Acme Delivery Service, Inc. filed a second protest. After due and proper notice to all parties, the matter was heard by Commissioner Howard S. Bjelland on October 26, 1966 at 10:00 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

William V. Murphy, the owner and operator of "Mercury Transport", John Kraft, Manager of traffic and transportation for the Martin Company, and Jack Scanlon, Assistant Traffic Manager for Adolph Coors Company and Coors Porcelain Company testified as witnesses called in support of the application. Applicant's Exhibits No. 1 and No. 2 were admitted in evidence. Jerry McMorris, President of Westway Motor Freight, Inc., Walter E. Rumpf, Vice President of Acme Delivery Service, Inc., and John Windecker, the owner of Windecker Truck Line, testified as witnesses in protest to the application. Protestants' Exhibits A, B, C, and D, were admitted in evidence. Upon conclusion of the hearing the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the record, the Commission finds as fact from such record that:

1. William V. Murphy is presently operating an interstate motor carrier transportation service from a principal office located at Stapleton International Airport, Denver, Colorado. This interstate transportation service is performed under one of the exemptions set forth in the Interstate Commerce Act. The Colorado Public Utilities Commission has acknowledged the rendition of such interstate service by the issuance of PUC No. 5269-I to William V. Murphy. Such recognition of interstate operating authority by the Colorado Commission does not confer upon the holder thereof any intrastate rights in the State of Colorado. (See Decision No. 66777 as to the effect of "I" authorities). The service now rendered by said William V. Murphy consists primarily of pickup or delivery service in

the Denver Commercial Zone on interstate air shipments to or from Stapleton International Airport. Mercury Transport has a total net worth of \$13,528.32 and William V. Murphy has additional personal assets not listed on the balance sheet of Mercury Transport.

2. Mercury Transport owns four radio controlled vehicles with the base radio control unit located at the office of Mercury Transport at Stapleton International Airport. William V. Murphy desires to enter into contracts with the Martin Company, Adolph Coors Company, Coors Porcelain Company, and any other companies which might desire transportation services under the authority he seeks herein. The type of service primarily which applicant intends to render is an expedited pickup and delivery service on shipments between Denver on the one hand and Golden and Waterton on the other hand, normally averaging somewhat less than 100 pounds per article shipped.

3. If the authority sought herein should be granted, applicant plans to enter into contracts with the above-named companies as well as any other companies desiring to utilize his services for the rendition of transportation services under the authority sought herein.

4. The Martin Company, Adolph Coors Company and Coors Porcelain Company desire to utilize motor carrier transportation service which applicant proposes to render. Such companies indicated a need for such service.

5. Westway Motor Freight, Inc. is an authorized intrastate motor common carrier operating under the authority of PUC No. 701. This company operates, inter alia, between the cities of Golden and Denver. The company owns 30 tractors, 40 trailers and 4 pickup trucks and operates 40 schedules a day each way between Denver and Golden. The company is presently providing transportation services to Adolph Coors Company and to Coors Porcelain Company making pickups and deliveries of large or small shipments the same day upon request of such companies. Two-thirds of the total revenue of this company comes from shipments between Denver

and Golden. Total revenues of the company approximate \$1,000,000 a year. Adolph Coors Company and Coors Porcelain Company jointly constitute the largest single shipper served by this company. This company is presently furnishing to the Coors companies the precise type of service for which the applicant seeks authority. The loss of substantial amounts of business from the Coors companies could result in a net operating loss insofar as Westway Motor Freight, Inc. is concerned.

6. Acme Delivery Service, Inc. is an authorized intrastate motor common carrier operating under the authority of PUC No. 2479 and I. Under such authorities, Acme is authorized to render an interstate and intrastate expedited delivery service between Denver and Waterton. Acme grosses approximately \$1,000,000 a year. About one per cent of total revenues were for transportation services rendered between Denver and Waterton. The primary customer served at Waterton is the Martin Company. Acme now has an operating ratio of approximately 94%. Any loss of revenue would increase the operating ratio of such company and to a degree impair the ability of the company to render service.

7. John Windecker is the owner and operator of Windecker Truck Line. Windecker Truck Line is an authorized intrastate motor vehicle common carrier operating under PUC No. 996. This authority, inter alia, authorizes the rendition of general transportation services between Denver and Waterton. Windecker Truck Line maintains a dock in Denver and has 4 trucks available to render service. Windecker Truck Line handles truckload and less-than-truckload shipments between Denver and Waterton. Windecker Truck Line handles a substantial number of shipments to and from the Martin Company at Waterton. Windecker Truck Line had gross revenues of \$16,898.33 for the calendar year of 1965. Approximately 25% of his entire business consists of shipments to or from the Martin plant at Waterton. A loss of a substantial portion of the business of the Martin Company would probably result in a cessation of service by Windecker.

8. The service presently rendered by authorized motor vehicle common carriers between Denver and Golden and between Denver and Waterton is adequate. The Commission is of the opinion that the proposed operation of the applicant herein will impair the efficient public service of these authorized motor vehicle common carriers.

9. The application should be denied.

DISCUSSION

The application before the Commission in the instant proceeding seeks a wide grant of authority. The evidence indicates that the actual authority which the applicant may desire may be far less than the authority sought in the application. The applicant, however, did not indicate any desire to limit the authority to specific customers nor to limit the authority to a specific expedited type of service. If the Commission were to grant the application herein, the effect thereof would be to place a contract carrier in direct competition with existing common carriers for the transportation of all commodities between Denver and Golden and between Denver and Waterton. Under such circumstances the application herein should be denied.


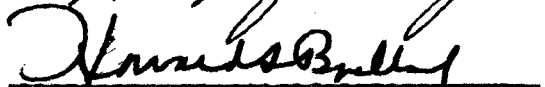

ORDER

THE COMMISSION ORDERS:

That Application No. 22093-PP be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1966.

et

* * *

BURL BEEN DBA
BEEN'S RUBBISH REMOVAL
4175 West Walsh Place
Denver, Colorado 80219

CASE NO. 114-H-Ins.

October 31, 1966

BY THE COMMISSION:

The records of the Commission now disclose that proper insurance filing has been made.

O R D E R

That the herein 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

Wm. J. Hall
Wm. J. Hall
Wm. J. Hall
Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MRS. HARVEY BELL, MRS. A. W. GILMAN
AND MRS. NOREEN ZINK, ON BEHALF OF
THEMSELVES AND OTHERS SIMILARLY SITU-
ATED FOR AN ORDER AUTHORIZING PUBLIC
SERVICE COMPANY OF COLORADO TO RENDER
STREET LIGHTING SERVICE IN AN UNIN-
CORPORATED AREA IN ADAMS COUNTY.

APPLICATION NO. 22207

October 31, 1966

Appearances: D. D. Cawelti, Esq., Denver, Colo-
rado, for Public Service Company of
Colorado;
P. M. Brown, Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. Harvey Bell and others, repre-
senting themselves and all other customers similarly situated, for an
order authorizing Public Service Company of Colorado (Public Service)
to install, operate and maintain street lighting service in an unincorpo-
rated area in Adams County, as shown on the map identified as Exhibit A
attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested
parties, on October 25, 1966, at 10:00 o'clock A.M., in the Hearing Room
of the Commission, 532 State Services Building, Denver, Colorado, and was
heard on a consolidated hearing with Applications No. 22059, 22203, 22204,
22205 and 22206.

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 was circulated among the residents of an area in which 463 cus-
tomers now receive electric service. Of the 463 customers, signatures

were obtained of 433, or a percentage of 93.5% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-12 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 30 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. A. W. Gilman. Mrs. Gilman testified no street lighting now exists in the area contemplated in this application. She stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. She also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were eight other persons who are residents of the area.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$8867 which will be provided from internal funds of Public Service.

FINDINGS

THE COMMISSION FINDS:

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

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 requires the installation of a street lighting system in the area described in the Order to follow.

ORDER

THE COMMISSION ORDERS:

That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4-Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B, now existing or as it may be changed under the rules of this Commission, or according to law.

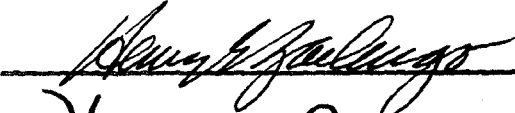
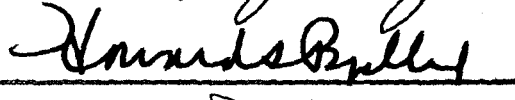
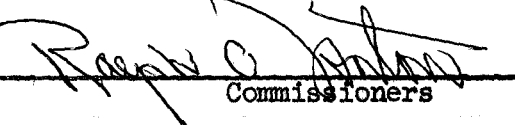
That street lights, approximately 53 in number, shall be installed as required in the area described as follows:

Commencing at the intersection at the center line of Oneida Street with the south lot line extended of the lot numbered as 7740 Oneida Street; thence north along said center line to the intersection with the south lot line extended of the lot numbered as 7745 Oneida Street; thence west along the south lines of said lot and the lots numbered as 7750 and 7751 Newport Street and 7750 and 7751 Niagara Street, to the SW corner of said last-named lot; thence north along the west lot lines of the lots west of Niagara Street to the NW corner of the lot numbered as 7841 Niagara Street; thence west along the south lot lines of the lots south of E. 78th Way extended to the center line of Monaco Street; thence north along said center line to the intersection with the north lot lines extended of the lots north of E. 79th Place; thence east along said north lot lines to the SW corner of the lot numbered as 6696 E, 80th Avenue; thence north along the west lot line of said last-named lot extended to the center line of E. 80th Avenue; thence east along said center line to the intersection with

the east lot lines extended of the lots east of Roslyn Street; thence south along said east lot lines to the SE corner of the lot numbered as 7930 Roslyn Street; thence west along the south lot line of said lot and continuing along the south right-of-way line of E. 79th Avenue and the south lot line of the lot numbered as 7931 Quince Street to the SW corner of said last-named lot; thence south along the east lot lines of the lots east of Quebec Street, across E. 78th Place and continuing south along the east lot line of the lot numbered as 7300 E. 78th Place to the southeasterly corner of said lot; thence southwesterly along the southeasterly lot lines of the lots southeasterly of E. 78th Place, continuing along the southeasterly lot lines of the lots numbered as 7760 and 7750 Poplar Street to the southerly corner of said last-named lot; thence west along the south lot lines of the lots south of the east-west extension of Poplar Street, across Pontiac Street, continuing west along the south lot lines of the lot (presently vacant) south of the lot numbered as 7741 Pontiac Street, the lots numbered as 7730 and 7731 Olive Street and continuing along the south lot line of the lot numbered as 7740 Oneida Street to the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. JOHN E. CHADD, MRS. C. C. GAUNT)
AND MRS. AMELIA FOWLER, ON BEHALF OF)
THEMSELVES AND OTHERS SIMILARLY SITU-)
ATED FOR AN ORDER AUTHORIZING PUBLIC)
SERVICE COMPANY OF COLORADO TO RENDER)
STREET LIGHTING SERVICE IN AN UNINCOR-)
PORATED AREA IN ADAMS COUNTY.)

APPLICATION NO. 22206

October 31, 1966

Appearances: D. D. Cawelti, Esq., Denver, Colo-
rado, for Public Service Company
of Colorado;
P. M. Brown, Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. John E. Chadd and others, represent-
ing themselves and all other customers similarly situated, for an order auth-
orizing Public Service Company of Colorado (Public Service) to install,
operate and maintain street lighting service in an unincorporated area in
Adams County, as shown on the map identified as Exhibit A attached to the
application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested
parties, on October 25, 1966, at 10:00 o'clock A.M., in the Hearing Room
of the Commission, 532 State Services Building, Denver, Colorado, and was
heard on a consolidated hearing with Applications No. 22059, 22203, 22204,
22205 and 22207.

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
was circulated among the residents of an area in which 81 customers now re-

ceive electric service. Of the 81 customers, signatures were obtained of 71, or a percentage of 87.7% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-4 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 10 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. John E. Chadd. Mrs. Chadd testified no street lighting now exists in the area contemplated in this application. She stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. She also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were four other persons who are residents of the area.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$1282 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That 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 requires 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 Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4-Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B, now existing or as it may be changed under the rules of this Commission, or according to law.

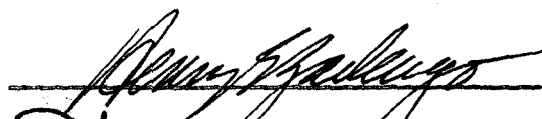

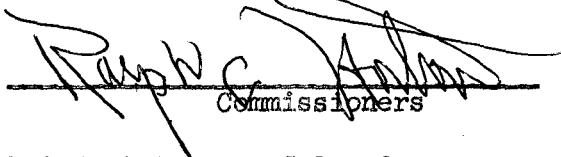
That street lights, approximately 10 in number, shall be installed as required in the area described as follows:

Commencing at the SW corner of the lot numbered as 7251 Krameria Street; thence north along the west lot lines of said lot and the other lots west of Krameria Street to the NW corner of the lot numbered as 7581 Krameria Street; thence east along the north line of said last-named lot, across Krameria Street and continuing east along the north lot line of the lot numbered as 7580 Krameria Street to the NE corner thereof; thence south along the east lot lines of the lots east of Krameria Street, across E. 74th Place and continuing south along the east lot lines of the lots numbered as 7446 and 7420 Krameria Street to the NW corner of the lot numbered as 7421 Leyden Street; thence east along the north lot line of said last-named lot, across Leyden Street, and along the north lot line of the lot numbered as 7410 Leyden Street to the NE corner thereof; thence south along the east lot lines of the lots east of Leyden Street across Krameria Drive and extended along the east lot line of the tract southeasterly of Krameria Drive to the intersection with the southeasterly line of said tract; thence southwesterly along

the southeasterly line of said tract (which line is approximately 115 feet southeasterly of and parallel to the southeasterly right-of-way line of Krameria Drive), to the intersection with the south line of said tract; thence west along the south line of said tract, across Krameria Street and continuing along the south lot line of the lot numbered as 7251 Krameria Street to the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MR. GARLAND SIMS, MRS. GRACE FORD AND
MRS. GEORGE MILROY, ON BEHALF OF THEM-
SELVES AND OTHERS SIMILARLY SITUATED
FOR AN ORDER AUTHORIZING PUBLIC SERV-
ICE COMPANY OF COLORADO TO RENDER
STREET LIGHTING SERVICE IN AN UNINCOR-
PORATED AREA IN ADAMS COUNTY.

APPLICATION NO. 22205

October 31, 1966

Appearances: D. D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
P. M. Brown, Denver, Colorado, of
for Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mr. Garland Sims and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Adams County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on October 25, 1966, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was heard on a consolidated hearing with Applications Nos. 22059, 22203, 22204, 22206 and 22207.

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 was circulated among the residents of an area in which 191

customers now receive electric service. Of the 191 customers, signatures were obtained of 175, or a percentage of 91.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-5 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 16 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Garland Sims. Mr. Sims 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 thefts and vandalism which might have been prevented by adequate lighting. He also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were twelve other persons who are residents of the area.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4,

Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$4,281 which will be provided from internal funds of public service.

F I N D I N G S

THE COMMISSION FINDS:

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

That 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 requires 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 Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado P.U.C. No. 4-Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 33 in number, shall be installed as required in the area described as follows:

"Commencing at the intersection of the center line of West 52nd Avenue with the west lot line extended of the lot numbered as 2691 West 52nd Avenue; thence north along said west lot line and the west lot lines of the lots to the north thereof extended to the intersection with the extended southwesterly lot line of the lot numbered as 5321 Columbine Road; thence northwesterly along said last-named lot line and continuing along the southwesterly lot line of the lot numbered as 5322 Columbine Road extended to the intersection with the center line of Columbine Road; thence southwesterly and westerly along the curving center line of said Columbine Road to the intersection with

the center line of Federal Boulevard; thence north along said last-named center line to the intersection with the center line of West 55th Avenue; thence east along said last-named center line to the intersection with the extended west lot line of the lot numbered as 2961 West 55th Avenue; thence north along said west lot line to the NW corner of said last-named lot; thence east along the north lot line of said lot and the other lots north of West 55th Avenue to the intersection of the west lot line of the lot numbered as 2897 West 55th Avenue; thence north along said last-named lot line to the NW corner of said lot; thence east along the north lot lines of said lot and the other lots north of West 55th Avenue to the intersection with the west lot line of the lot numbered as 5535 Clay Street; thence north along said last-named lot line and continuing north to the NW corner of the lot numbered as 5563 Clay Street; thence east along the north line of said last-named lot to the SW corner of the lot numbered as 5569 Clay Street; thence north along the west lot line of said last-named lot extended to the intersection with the center line of West 56th Avenue; thence east long said center line to the intersection with the west lot line extended of the lot numbered as 5600 West 56th Avenue; thence north along said last-named lot line to the NW corner of the said lot; thence east along the north lot lines of the lots north of West 56th Avenue to the NE corner of the lot (presently vacant) across West 56th Avenue from the lot numbered as 2456 West 56th Avenue; thence south along the east lot line of said vacant lot, across West 56th Avenue, and continuing south along the east lot line of the said lot numbered as 2456 West 56th Avenue to the SE corner thereof; thence west along the south line of said last-named lot to the NE corner of the lot numbered as 5560 Alcott Street; thence south along the east line of said last-named lot and other lots east of Alcott Street to the NW corner of the lot numbered as 2451 West 55th Avenue; thence east along the north line of said last-named lot to the NE corner thereof; thence south along the east line of said last-named lot, across West 55th Avenue, and continuing south along the east line of the lot (presently vacant) opposite said last-named lot to the SE corner of said vacant lot; thence west along the south line of said vacant lot, across Alcott Street, and continuing west along the south line of the lot numbered as 2500 West 55th Avenue to the SW corner thereof; thence south along the east lot lines of the lots east of Beach Court, across West 54th Avenue and continuing south along the east lot line of the lot (presently vacant) southeasterly of the intersection of Beach Court with West 54th Avenue, to the SE corner of said last-named vacant lot; thence west along the south line of said vacant lot to the NE corner of the lot numbered as 5380 Rosemary Lane; thence south along the east lot lines of said last-named lot and the other lots easterly of Rosemary Lane and continuing south along the east lot line of the lot numbered as 2701 Columbine Road and the east lot line of the vacant land southeasterly of Columbine Road, extended to the center line of West 52nd Avenue; thence west along said center line to the point of beginning."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dennis J. Ziegler
Donald B. Miller
Ralph C. Johnson
Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. R. C. STEELE, MRS. J. B. OSBORN)
AND MRS. C. L. WALKER, ON BEHALF OF)
THEMSELVES AND OTHERS SIMILARLY SITU-)
ATED FOR AN ORDER AUTHORIZING PUBLIC)
SERVICE COMPANY OF COLORADO TO RENDER)
STREET LIGHTING SERVICE IN AN UNIN-)
CORPORATED AREA IN JEFFERSON COUNTY.)

APPLICATION NO. 22204

October 31, 1966

Appearances: D. D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
P. M. Brown, Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. R. C. Steele and others,
representing themselves and all other customers similarly situated,
for an order authorizing Public Service Company of Colorado (Public
Service) to install, operate and maintain street lighting service
in an unincorporated area in Jefferson County, as shown on the map
identified as Exhibit A attached to the application, and as hereinafter
more fully described.

The matter was set for hearing, after due notice to inter-
ested parties, on October 25, 1966, at 10:00 o'clock A.M., in the
Hearing Room of the Commission, 532 State Services Building, Denver,
Colorado, and was heard on a consolidated hearing with Applications
No. 22059, 22203, 22205, 22206 and 22207.

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 was circulated among the residents of an area in which 98

customers now receive electric service. Of the 98 customers, signatures were obtained of 78, or a percentage of 79.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-4 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 20 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. J. B. Osborn. Mrs. Osborn testified no street lighting now exists in the area contemplated in this application. She stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. She also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were four other persons who are residents of the area.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff

sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$3,241 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That 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 requires 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 Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado P.U.C. No. 4-Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 20 in number, shall be installed as required in the area described as follows:

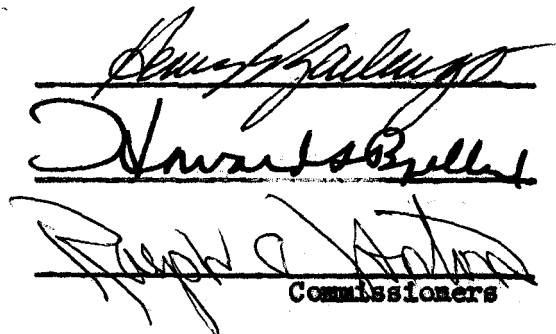
"Commencing at the intersection at the center line of W. 20th Avenue with the southwesterly lot line extended of the lot (presently vacant) at the NW corner of the intersection of W. 20th Avenue and Urban Drive; thence northwesterly along said southwesterly lot line to the northwesterly corner of said lot; thence in a general northerly direction along the curving westerly lot lines of the lots westerly of Urban Drive to the westernmost corner of the lot numbered as 2195 Urban Drive; thence northwesterly along the southwesterly lot line of the tract (presently vacant) northeasterly of the Rocky

Mountain Ditch and westerly of the lots numbered as 2195 Urban Drive and 12070 W. 23rd Avenue to the NW corner of said tract; thence east along the north line of said tract to the cul-de-sac of W. 23rd Avenue and continuing along the approximate center line of said W. 23rd Avenue to the intersection with the west property line extended of the lot numbered as 12111 W. 23rd Avenue; thence north along said west property line to the NW corner of said last-named lot; thence east along the north line of said last-named lot extended to the intersection with the center line of Urban Drive; thence south along said center line to the intersection with the north lot lines extended of the lots north of W. 22nd Place; thence east along said north lot lines to the NE corner of the lot numbered as 11615 W. 22nd Place; thence south along the east line of said lot extended and along the approximate center line of Simms Place and continuing south along the east lot lines of the lots numbered as 2170 Tabor Place and the lot (presently vacant) immediately to the south thereof to the southeasterly corner of said vacant lot; thence in a general southwesterly direction along the curving southeasterly lot lines of the lots bordering upon the Agricultural Ditch, extended to the center line of W. 20th Avenue; thence west along said center line to the point of beginning."

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

hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MRS. HELEN BOSMA, MRS. ELSIE JOHNSON
AND MR. WILLIAM D. PERCIVAL ON BEHALF
OF THEMSELVES AND OTHERS SIMILARLY
SITUATED FOR AN ORDER AUTHORIZING PUB-
LIC SERVICE COMPANY OF COLORADO TO
RENDER STREET LIGHTING SERVICE IN AN
UNINCORPORATED AREA IN JEFFERSON COUNTY.)

APPLICATION NO. 22203

- - - - -
October 31, 1966
- - - - -

Appearances: D. D. Cavelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
P. M. Brown, Denver, Colorado, of the
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. Helen Bosma and others,
representing themselves and all other customers similarly situated,
for an order authorizing Public Service Company of Colorado (Public
Service) to install, operate and maintain street lighting service in
an unincorporated area in Jefferson County, as shown on the map iden-
tified as Exhibit A attached to the application, and as hereinafter
more fully described.

The matter was set for hearing, after due notice to inter-
ested parties, on October 25, 1966, at 10:00 o'clock A.M., in the
Hearing Room of the Commission, 532 State Services Building, Denver,
Colorado, and was heard on a consolidated hearing with Applications
No. 22059, 22204, 22205, 22206 and 22207.

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 was circulated among the residents of an area in which 72

customers now receive electric service. Of the 72 customers, signatures were obtained of 53, or a percentage of 73.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-3 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 19 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. William D. Percival. Mr. Percival 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 thefts and vandalism which might have been prevented by adequate lighting. He also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were seven other persons who are residents of the area.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff

sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$1,208 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That 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 requires 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 Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado P.U.C. No. 4-Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B now existing or as it may be changed under the rules of this Commission, or according to law.


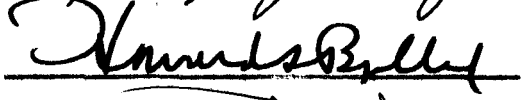
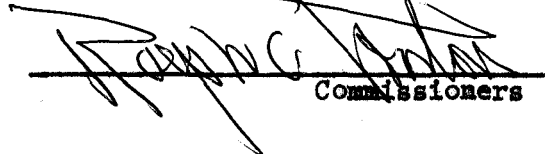
That street lights, approximately 7 in number, shall be installed as required in the area described as follows:

"Beginning at the intersection of the center line of West 13th Avenue with the rear lot lines extended of the lots West of Saulsbury Street; thence north along said rear lot lines, across West 14th Avenue and continuing along the west lot line of the tract at the northwest corner of West 14th Avenue and Saulsbury Street (which tract is numbered as 1401 Saulsbury Street) to the northwest corner of said tract; thence east along the north line of said tract extended to the center line of Saulsbury Street; thence south along said center line to the intersection with the north lot line

extended of the lot numbered as 1410 Saulsbury Street; thence east along the north lot line of said lot to the northeast corner thereof; thence north along the rear lot lines of the lots numbered as 1435 and 1455 Reed Street to the northwest corner of said last-named lot; thence east along the north line of said last-named lot, across Reed Street, and continuing along the north lot line of the lot numbered as 1450 Reed Street to the northeast corner thereof; thence south along the rear lot lines of the lots east of Reed Street extended to the intersection with the center line of West 13th Avenue; thence west to the point of beginning."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON PERSCHBACHER, RICHARD JORGENSEN)
AND MACK M. HAIFLEY ON BEHALF OF THEM-)
SELVES AND OTHERS SIMILARLY SITUATED)
FOR AN ORDER AUTHORIZING PUBLIC SERVICE)
COMPANY OF COLORADO TO RENDER STREET)
LIGHTING SERVICE IN AN UNINCORPORATED)
AREA IN ADAMS COUNTY.)

APPLICATION NO. 22059

October 31, 1966

Appearances: D. D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
P. M. Brown, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mr. Don Perschbacher and others,
representing themselves and all other customers similarly situated, for
an order authorizing Public Service Company of Colorado (Public Service)
to install, operate and maintain street lighting service in an unincorpor-
ated area in Adams County, as shown on the map identified as Exhibit A
attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested
parties, on October 25, 1966, at 10:00 o'clock A. M., in the Hearing
Room of the Commission, 532 State Services Building, Denver, Colorado,
and was heard on a consolidated hearing with Applications No. 22203,
22204, 22205, 22206 and 22207.

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 was circulated among the residents of an area in which 174
customers now receive electric service. Of the 174 customers, signatures

were obtained of 149, or a percentage of 85.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. 1 through 6 respectively. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service 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 25 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Don Perschbacher. Mr. Perschbacher 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 thefts and vandalism which might have been prevented by adequate lighting. He also testified that adequate street lighting was essential from the standpoint of traffic safety.

Mr. J. H. Ranniger, Rate Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. 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 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$4727 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That 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 requires 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 Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4 - Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B, now existing or as it may be changed under the rules of this Commission, or according to law.

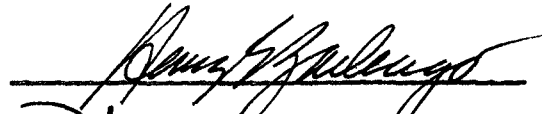
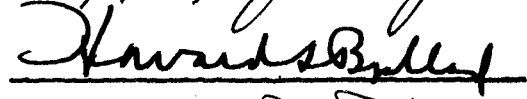

That street lights, approximately 26 in number, shall be installed as required in the area described as follows:

Commencing at the southerly corner of the lot numbered as 8301 Oakwood Street; thence northwesterly to the westerly corner of the lot numbered as 8311 Oakwood Street; thence northeasterly along the northwesterly lines of the lots northwesterly of Oakwood Street extended to the center line of Wagner Drive; thence westerly and southwesterly along the curving center line of Wagner Drive to the intersection with the easterly lot line extended of the lot (presently vacant) south of and across the street from the easternmost portion of the lot numbered as 8360 Quigley Street; thence southerly along said extended lot line to the southeasterly corner of said last-named lot; thence southwesterly to the southerly corner of said lot; thence northwesterly along the southwesterly lot line of the lots southwesterly of Wagner Drive to the westerly corner of the lot numbered as 4490 Wagner Drive; thence northeasterly along the northwesterly lot line of said last-named lot, across Wagner Drive and continuing northeasterly along the northwesterly lot lines of the lots northwesterly of Rutgers Street to the northerly corner of the lot numbered as 8503 Rutgers Street; thence southeasterly along the northeasterly lot lines (and including intervening streets) to the easternmost corners of the two lots easterly of the curving intersection of Mason Street and Dixon Drive;

thence southwesterly along the east lot lines of the lots east of Mason Street to the southeasterly corner of the lot numbered as 8430 Mason Street; thence southeasterly to the southeast corner of the lot numbered as 8420 Mason Street; thence southwesterly across Wagner Drive and continuing southwesterly along the rear lot lines of the lots southeasterly of Mason Circle to the southernmost corner of the lot numbered as 8320 Mason Circle; thence northwesterly to the easterly corner of the lot numbered as 8300 Oakwood Street; thence southwesterly along the southeasterly line of said last-named lot across Oakwood Street to the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
EARL BRAGG & JESSE B. BRAGG, JR.
642 East Willamette
Colorado Springs, Colorado 80900

AUTHORITY NO. M-14200
CASE NO. 605-M-Ins.

October 31, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

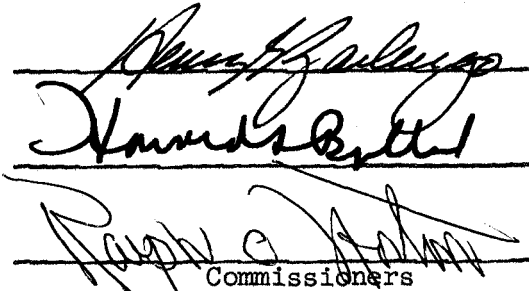
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

AMERICAN EXCELSIOR CORP. OF COLORADO
Western Aspen Div.
4799 South Pecos
Englewood, Colorado 80110

AUTHORITY NO. M-11343

CASE NO. 486-M-Ins.

October 31, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

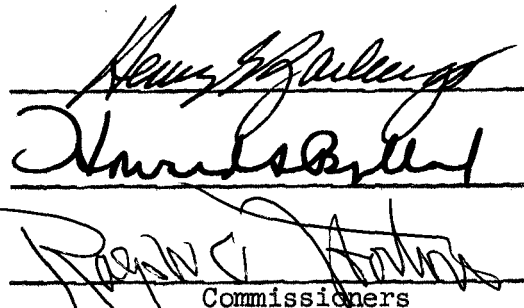
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966

kh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

KING TANK TRUCK SERVICE, INC.
709 North Butler
Farmington, New Mexico 87401

AUTHORITY NO. M-9283

CASE NO. 493-M-Ins.

October 31, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

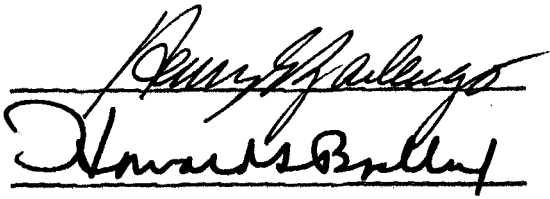
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966

(Decision No. 68447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MONARCH AVIATION, INC., A COLORADO)
CORPORATION, WALKER FIELD, GRAND)
JUNCTION, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO EXTEND OPERATIONS BY)
AIRPLANE TO INCLUDE THE ESTABLISH-)
MENT OF AN OFFICE OR BRANCH AT)
ASPEN, COLORADO.)

APPLICATION NO. 21747-Extension

October 31, 1966

Appearances: William H. Nelson, Esq., Grand
Junction, Colorado, and
John H. Lewis, Esq., Denver,
Colorado, for Applicant;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Chatfield
Flying Service and Aspen Airways,
Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The applicant requests that its present certificate of public convenience and necessity be amended in part and extended to read as follows:

"For the transportation of persons and property not on schedule, but on call and demand, from, to and between all points in the State of Colorado; provided, however, applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than: (a) Grand Junction and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, Colorado, and (b) Aspen, and nearby Sardy Field (Pitkin County Airport) and other airports, if any, in Pitkin County, Colorado."

During the hearing, applicant made a motion, to which there was no objection, that the application be amended so as to include, if the application were granted, a restrictive proviso and limitation that "either the point of departure or the point of destination of all flights shall be within a radius of 100 miles of Grand Junction, Colorado." The motion should be granted.

The applicant presently holds in good standing certificate of public convenience and necessity issued by this Commission in Decision No. 27752, issued by this Commission under Application No. 10823, presently numbered and known as PUC No. AC-7, of which official notice is taken, authorizing the transportation of persons and property not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with the proviso and limitation that either the point of departure or the point of destination of all flights shall be within a radius of 100 miles of Grand Junction, Colorado; and that applicant shall not establish an office or branch for the purpose of developing business, at any other town, place or city other than Grand Junction, and nearby Walker Field (Municipal Airport), and other airports, if any, in Mesa County, Colorado.

Applicant's present certificate of authority requires that its rates "for transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least 50% per passenger greater than the effective rates of fixed route carriers by airplane so operating on schedule between said points."

The fare of Aspen Airways scheduled service between Aspen and Denver is \$19.95 (including tax) or \$20, in round figures, per passenger. According to the rate restriction in its authority Monarch's mandatory minimum fare between Aspen and Denver should be \$29.92 (150% of \$19.95, including tax) or \$30, in round figures, per passenger. (Herein the round figures will be used.)

Monarch's authority is "on call and demand service." Whether Monarch charges passengers on an individual basis or charges on the basis of a charter, the charge per passenger to comply with the restriction must be \$30.00.

Clyde Davis, Walker Field, Grand Junction, Vice President and General Manager of the applicant testified in support of the application in substance that the applicant has a complete facility of a fixed base operation at Grand Junction from which it conducts such things as student

instruction, aircraft rental, aircraft charter, gasoline and oil, sales, maintenance, tie-down space, pilot service, pre-heating of aircraft, de-icing of aircraft; that applicant has an operating certificate from the Federal Aviation Agency; that applicant entered into a lease with Pitkin County concerning the operation and maintenance facilities at Aspen; that the services performed include acting as General Manager of the airport, supplying and furnishing gasoline and oil, making tie-downs, renting aircraft, giving student instruction, chartering aircraft, de-icing and pre-heating aircraft, providing Unicom service to the airport and field advice, and making weather observations; that it provides charter service at such airport in interstate commerce; that applicant has approximately 17 aircraft in use; that charter flights into and out of Aspen have been conducted for approximately 15 months; that the Aspen personnel, when inquiry is made for intrastate charter service, first clear before taking the flights with his office at Grand Junction, or in his absence, with his assistant manager; that in making such flights sometimes planes are dispatched from Grand Junction and sometimes a plane at Aspen is used; that the average charge to the passenger is \$33.85; that both single-and multi-engine aircraft are used in its charter service; that applicant's charge is based on a rate per mile which is on file with the Public Utilities Commission and is 20¢ per mile for the single-engine aircraft and 40¢ per mile for the multi-engine aircraft; that the operations of the applicant would not change a great deal if the application were granted but it would expedite, give the customers faster service, and would eliminate necessary phone calls to Grand Junction to clear such flights; that applicant plans to add a specialized ambulance airplane to its equipment; that the distance between the airport at Grand Junction and the airport at Aspen is 90 air miles; that his experience has been that requests for charter service into and out of Aspen to various points in the State of Colorado have definitely been increasing continually; that the applicant plans to construct a building for the purpose of hangaring aircraft and also maintenance facilities; that applicant at Aspen provides

service for private planes in supplying gasoline and oil, tie-down, pre-heating in cold weather, de-icing, parking and minor maintenance, if needed; that applicant's books and records, the billing for charter service, and the dispatching is handled at the Grand Junction office.

On cross examination this witness testified that he is the chief operating officer of the applicant; that he is familiar with the restriction that applicant's fares and tariffs be 50% in excess of the passenger fares charged by scheduled carriers, adding "which I am sure we are"; that the ad in the telephone directory for Aspen, Basalt, Carbondale, Glenwood Springs, Grand Valley, Newcastle, Rifle and Silt, dated December 1965 on page 5 of the classified section under aircraft reads "Monarch Aviation, chartered service, air ambulance, air freight, mountain flight specialists, flight training, Cessna sales and service, Aspen Airport, West of Aspen, Telephone No. 925-3112;" that the telephone number is at Sardy Field; that the ad does not indicate interstate or intrastate charters; that a call to Monarch at Sardy Field for a charter from Aspen to Denver would be arranged there and the service provided but only after a call to Grand Junction to clear the flight and if no airplane was there such would be sent from Grand Junction; that two airplanes are permanently based at Sardy Field; that the personnel at that field have been instructed not to solicit intrastate charters; that with the flights originating at Aspen approximately 80% in the first instance contact Monarch at Sardy Field; that the increase in business through 1965 was largely due to the increase in people and having a qualified pilot to take care of the business; that applicant charters aircraft at the rate of 20¢ per mile which would be the charge if used by one person or more; that if three people used the charter and the total fare divided, the fare could result in being \$16.50 for each person; that the per plane price for the twin-engine aircraft between Aspen and Denver is \$125, which plane has a capacity of five passengers; that if loaded with five passengers each would be paying \$5 less than the required minimum under its authority; that the applicant has a waiting room at Sardy Field and

personnel there who could make arrangements for a charter from Aspen to Denver or from Aspen to Grand Junction; that some fares have been collected at that office; that either he or his manager must approve every charter flight.

Samuel W. Howell, a resident of Aspen for 18 years, and a County Commissioner of Pitkin County, testified in support of the application in a general way as to some difficulty in obtaining a scheduled flight from Aspen Airways, Inc.

Loren Herwick, Sheriff of Pitkin County, testified in a general way as to the tight budget he must operate on and the economy resulting in using single-engine aircraft for charter flights in his movement of prisoners and in carrying on his business of Sheriff.

Clyde Davis was recalled for re-direct examination and stated that the applicant is desirous that scheduled airline service exist between Aspen and Denver and that applicant's purpose is not to interfere with scheduled operations; that applicant does not have equipment which is competitive at all to Aspen Airways, Inc.

On re-cross examination, Mr. Davis stated that five people cannot get to Denver cheaper in a twin-engine aircraft under Monarch's charter than by Aspen's scheduled service; that on charter single-engine aircraft he didn't know that their charges are below Aspen Airways but thought they were about equal; that Monarch's rates were filed to be competitive with other charter operators not to be competitive with Aspen Airways as it did not desire to be competitive. Official Notice is taken by the Commission of the effective tariffs.

Stuart McLaughlin, Rangely, Colorado, a member of the Board of Trustees of the State Colleges and the president thereof, stated that he uses charter service in his personal business and as Trustee; that in the past he found the use of Aspen Airways charter service a great deal more expensive and would use it only in extreme emergencies, wouldn't rent twin-engine equipment, just couldn't do it; that on the morrow he was chartering

service from Monarch to take him to Denver where it would wait for him for a while and then take him back to Rangely; that he had contacted Aspen with regard to this same trip but was told it could take him to Denver but could not wait to take him on to Rangely; that he very definitely has need fairly frequently for charter service in his business which need is increasing; that most of the trips will originate at Aspen and be destined to the five colleges which he visits periodically being in Alamosa, Gunnison, Pueblo, Denver and Greeley; that Monarch's use of an office for the solicitation of business in Aspen would be helpful to him and he is supporting the application.

On cross examination he stated that he knew that Aspen has four scheduled flights daily from Aspen to Denver and wasn't sure about the four scheduled flights from Denver to Aspen but knew they had some, upon which counsel for Aspen stated that the evidence would show that it has four daily in each direction "this time of year;" that he has used charter service out of Grand Junction, Glenwood Springs and Aspen through the years; that he did not know that Chatfield operates charters to and from Aspen or that it had aircraft based at Glenwood Springs.

Warren Gardner of Grand Junction, Colorado, engaged in the management and construction liquidation business, stated that he attempted to use the facilities of Aspen in the past year, had called for reservations to Denver and was told that all flights were full and no space available, after which he called Monarch and arranged for a charter flight to Denver; that he is familiar with Monarch and has flown charter with it for probably the last ten years; that when he contacted Aspen at its ticket window and was told there was no space available no charter service was offered; that in the past holiday season he made a charter trip to Denver flying with just the pilot, which trip cost him \$50. On cross examination this witness stated that the girl who answered the phone said she would be happy to put him on the "wait list" but reminded him also that the "wait list" was quite long.

Earl R. Brown of Aspen, Colorado, both the Director of Operations and an officer of Aspen Airways was called for cross examination by applicant and testified that on occasion within the past few months Aspen oversold a schedule between Aspen and Denver but not intentionally.

Edward W. Morse, a real estate broker and resident of Aspen, testified that his family was unable to board an Aspen scheduled flight for the alleged reason that he was not there 20 minutes before departure but that he was not told of this ruling; that in 1964 when his son was ill he was not able to obtain ambulance service from either Monarch or Aspen.

Lawrence Berberick, a resident of Aspen and general manager of the Aspen Alps Condominium complex, testified that the development consists of 52 two and three-bedroom apartments, with a bed capacity of about 500 beds; that from October up until recently they were unable to get space on Aspen Airways on numerous occasions because there was no space available; that the guests come by private plane and charter plane or by car or any other way by which they may be able to get there when they are unable to get to Aspen by air; that he tried personally to get reservations for some guests but was informed that there was no space available but was never offered charter flight. This witness stated that he had guests trying to get into Aspen on the morrow but couldn't get into Aspen as Aspen Airways had no seats available, whereupon, counsel for Aspen stated that even the second sections of Aspen's aircraft were filled for the morrow.

D. R. C. Brown of Carbondale, Colorado, President of Aspen Skiing Corporation, testified that he has administrative and executive duties; that he uses Monarch four or five times a year for one reason or another going primarily to Denver, Colorado Springs and on one occasion to Durango.

Shane Fleming, a resident of Aspen and publicity and promotion director at the Aspen Alps Club, testified that a member of the board of directors within the past two weeks was unable to get out on Aspen Airways, whereupon Monarch was called and the service to Denver was rendered; that

she has called Aspen many, many times but was never offered charter service when scheduled service was not available; that she can afford single-engine aircraft but cannot afford multi-engine aircraft. On cross examination she reiterated that she was never told by Aspen of its charter service.

Counsel for applicant and for Aspen stipulated that Aspen does not provide any service with any equipment other than with multi-engine planes.

A number of other witnesses testified in support of the application, whose testimony was of the same general tenor and substance as that of the preceding witnesses.

It was stipulated by counsel for the parties that a number of other witnesses who were present would likewise testify. Their names, addresses and occupations are as follows:

James Gray, Aspen, The Smuggler Lodge;
Robert O. Norgaard, Aspen, Manager of the Hertz Rent-A-Car;
Kenneth G. Ward, Aspen, Agent for REA Express;
C. A. Vidal, Aspen, Engineer for Janss Corporation;
Francis B. Dashner, Aspen, Accountant;
Ralph P. Melville, Aspen, owner and manager of the Chalet;
Richard A. Parker, Aspen, owner of the Aspen Travel Service;
Betty Pfister, Aspen, Housewife;
James W. Vandever, Aspen and Dallas, an engineer.

Wallace Powell, manager of Monarch at Aspen, testified that if the application were granted that Monarch's operations would differ in that not only it would not be necessary to call Grand Junction but that Monarch could advertise freely by radio, television, newspapers and placards, etc. and could build the business to the point Monarch could further its equipment and pilot service and have one or two other pilots available; that ads could be run in the Aspen papers and on the local radio station; that he understood this could not be done from the Grand Junction office.

Counsel for Monarch stated that, because of the ambiguity present in the rates filed by Monarch and accepted by the Commission, he would immediately file a new tariff.

With this the applicant rested its case.

Lawrence Cohen, President of Aspen Airways, Inc., and a majority stockholder thereof, testified against granting the application describing generally the operations of Aspen, its authorities both interstate and intrastate, the value of its facilities, the amount of capital invested, all of which is very substantial, all of which, and it was so stipulated by counsel for Monarch and Aspen, showed that Aspen is a qualified air carrier. He further testified that during the ski season 4 scheduled flights are in operation daily between Denver and Aspen and that in the slow months of May, October and November, at least 1 flight a day each way is maintained.

He further testified generally as to the problems connected with scheduled service such as failure of passengers having reservations failing to show up, etc.

Earl R. Brown, Vice President and Director of Operations of Aspen Airways, Inc., who testified before, testified in protest to the granting of the application concerning his qualifications as a pilot. He stated that the Federal Aviation Agency precluded Aspen from operating single-engine aircraft between Denver, Aspen, Grand Junction and Rifle, Colorado; that single-engine aircraft could not be used in charter service or in scheduled service and explained that such preclusion was imposed because of operations over the mountains, that it is his understanding that the Federal Aviation Agency would impose the same restriction when the "frequency of operation of any air carrier gets up too a high level of periodicity of flight;" that the safety of passengers is the prime objective of Aspen Airways. When asked his opinion if Monarch is operating unsafely when it runs a single-engine aircraft between Aspen and Denver he answered: "It depends on the frequency of flight and the time of exposure. Single-engine aircraft as such are not unsafe, but as you increase the frequency of the trip the exposure becomes greater"; that insofar as he knows no restriction on the frequency of flights has been placed on Monarch. Counsel for Aspen volunteered that the Federal Aviation Agency has jurisdiction both intrastate and interstate insofar as safety is concerned.

Lloyd W. Hammer, a witness for protestant, a stock broker and resident of Denver, testified that he was quoted \$50 by Monarch for a charter flight from Aspen to Denver, and on cross examination when asked:

"Q. Did you attempt to get on the scheduled service of Aspen Airways?

A. No, I didn't.

Q. Any particular reason why?

A. Yes, I was asked by Aspen Airways to attempt this charter."

It developed that Aspen had hired three persons to request the flight from Monarch and that they charged \$50 for all three persons.

Richard Chatfield, the other protestant in the case testified that he conducts a flying service at Glenwood Springs, Colorado, based there; that his authority is derived by Decision No. 66516 of the Commission, which was marked as Exhibit A and received in evidence; that he operates as a Cessna single-engine aircraft with a capacity for five passengers; that he has charter flying service authority; that his business gradually dwindled down and since he was requested by the Public Utilities Commission to charge \$90 for three people he hasn't had a trip; that he provides service for ambulance purposes, forest patrols and livestock patrols; that he has very little utilization of his airplane; that he probably could handle all the charter flights that go out of Aspen, adding "of course there is a lot of people who won't fly single engine;" that frequency of his operation out of Aspen has dwindled "due to competition partly from Monarch, partly from Clinton and partly from everybody else, but it is mostly price I imagine;" that his charging 150% more than the scheduled fare between Denver and Aspen renders him non-competitive; that he observes the 150% of the scheduled fare requirement.

On cross examination Chatfield testified that he uses single-engine planes and is satisfied that they are suitable for the mountain area; that he purchased the plane from Monarch and knew when he bought his authority that Monarch was acting as Airport Manager at Aspen; that the planes operated by Monarch are comparable to the type of plane he operates.

The protestant, "Chatfield," is "authorized to operate as a common carrier by airplane, for the transportation of passengers and property, not on schedule, but on call and demand, between all points in the State of Colorado, with a base of operations at Glenwood Springs, Colorado, and airports within a radius of ten miles; . . ." and is restricted from establishing "an office, or branch, for the purpose of developing business at any other town than Glenwood Springs, Colorado, and airports located within ten miles of said town." In its Decision granting such authority to the protestant, the Commission, among other things, made the following findings:

"Aspen Airways is presently authorized by this Commission to operate as a common carrier by air for the transportation of passengers and property, not on schedule, but on call and demand, based at Aspen, Colorado. This is the same type of service that Applicant herein seeks authority to render from a Glenwood Springs base. Aspen is located approximately 40 miles southeast of Glenwood Springs. Driving time between Aspen and Glenwood Springs will vary from 50 minutes in the summer months under good road conditions to 90 minutes or more in the winter under icy snow-packed road conditions. A charter operation based at Aspen cannot render satisfactory service to the Glenwood Springs area. A municipality in Colorado located in close proximity to a local air field is normally entitled to a local charter air service based on that local air field. The protest of Aspen Airways based on its charter authority out of Aspen is without merit and will be given no further consideration in this proceeding."

The Commission found in granting the authority to Chatfield that "a charter operation based at Aspen cannot render satisfactory service to the Glenwood Springs area" and further that "A municipality in Colorado located in close proximity to a local air field is normally entitled to a local charter air service based on that local air field." In line with such holding, it appears to the Commission, and the Commission so finds, that a charter operation based at Glenwood Springs cannot render satisfactory service to the Aspen area.

With this the protestants rested their case.

Counsel for the applicant stated that he felt Monarch's authority was ambiguous but had the right to establish an office anyplace for any

purpose other than for developing business and that the office at Aspen was established to act as Airport Manager; that applicant had the right to develop business at Aspen for interstate charters which is clear under the authority from the Federal Government; that it is only natural that intrastate business would come to Aspen; that applicant could have personnel at Aspen rather than bringing people from Grand Junction to make solicitations.

Counsel for the protestant stated that the purpose of imposing office restrictions in operating rights is nothing new and went on to argue from the evidence that the office restriction was being violated. He further argued that the rate provisions of applicant's authority were also violated.

Counsel for the applicant stated that Monarch has had an established tariff with the Public Utilities Commission for a long time and that the tariff has been higher than Frontier and United Airlines rates out of Grand Junction; that within recent months the Public Utilities Commission raised Aspen's fares to protect Frontier and United; that as a result of this Monarch's previously approved rates were rendered lower than the 150% in certain instances with a full airplane; that it was because of Aspen's rate raise that the problem was caused; that the Commission has never called this (the raise) to applicant's attention; that applicant's rates have been approved; that applicant has done nothing wrong; that in over 15 months of operation on charter service the average passenger cost has actually been higher than 150% of Aspen's tariff; that an amended tariff will be filed which will remove the possibility of any misinterpretation.

Counsel were instructed to file simultaneous briefs and the matter was taken under advisement.

The Commission finds that Monarch has authority to provide charter service between Aspen and Denver and that it also has authority to provide service between Aspen and points outside of Colorado in interstate service; that it operates Sardy Field, nearby Aspen, as a fixed base operator pursuant to an Agreement with Aspen Airport Corporation whereby it, among other things, operates in the function of airport manager and provides

gasoline and oil, tie-downs, aircraft rental, student instruction, aircraft charter service, as well as services in de-icing and pre-heating aircraft, in providing Unicom service to the airport, and providing field advisory service and weather observations; that at said air field it also carries on its interstate business.

It is contended that Monarch by having an office at Aspen (Sardy Field), and in its use thereof, has violated the restriction in its authority to the effect that it shall not establish an office or branch, for the purpose of developing business. . . , etc. "To establish" is defined as "to set up, or place oneself, as in business" and "to develop" is defined as "to promote the growth of" (Webster).

The evidence indicates that numerous contacts were made by the public at the Aspen office for flights between Aspen and Denver and that such flights were made, but only after being cleared with the office at Grand Junction. The evidence also indicates that some advertising was used which was vague and could be interpreted to be solicitation for intrastate business by the Aspen office.

The restriction in the authority as to the establishment of an office for the purpose of developing business involves a question of intent. The evidence is somewhat conflicting, however, the Commission finds that the applicant did not "establish" or "set up" the Aspen office for the purpose of "developing" or "promoting the growth of" its intrastate business, but that said office was actually established, and is used, for the purpose of carrying on its Agreement and for the additional purpose of carrying on its interstate business. Furthermore, the applicant expressly denies that such was its intent and the Commission finds that the evidence is insufficient to determine otherwise.

It is contended that Monarch violated its authority by making undercharges. The Commission finds from the evidence that serious confusion exists as to the filing of rates, and the rates as filed, by Aspen and by Monarch; as to the applicability of the "150%" mandatory minimum charge to be made by Monarch; and, as to the knowledge of their existence and usage

by and between the parties. The Commission by no means hereby condones the violations indicated and emphatically cautions Monarch to avoid any further occurrences of such violations, however, the Commission finds that under the circumstances such violations are not of sufficient substance to deny the application.

The Commission finds that the public is in need of charter service between Aspen and Denver; that public convenience and necessity require such service in addition to the scheduled service being provided by protestant, Aspen; and, that public convenience and necessity require that the applicant have authority to establish an office at Aspen for the development of its intrastate charter business as is set out in the following order; that the existing available charter service between Aspen and Denver is inadequate; that public convenience and necessity require that the authority of the applicant be amended to provide for, and be restricted as is set out in the following order; and, that Monarch's authority should be amended and granted as hereinafter ordered.

O R D E R

THE COMMISSION ORDERS:

That the motion of the applicant to amend and restrict its application be, and hereby is, granted.

That henceforth and until further order of the Commission the authority of the applicant shall authorize non-scheduled operations by airplane in intrastate and interstate commerce for the transportation of persons and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado, provided that either the point of departure or the point of destination of any flight shall be within a radius of 100 miles of Grand Junction, Colorado, and, further provided that no office, or branch, shall be established for the purpose of developing business in any town, place or city other than at: (a) Grand Junction, Colorado, and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, Colorado, and (b) Aspen, Colorado, and nearby

Sardy Field (Pitkin County Airport) and other airports, if any, in Pitkin County, Colorado," and this ORDER shall be deemed to be, and be, the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

The exercise of the privileges granted by this certificate shall be subject to the rules, regulations, and requirements of this Commission, and such other terms, conditions and limitations as may, from time to time, be prescribed by it; that said applicant, at all times, shall comply with all the provisions of the laws of the State of Colorado relating to air operations or transportation, and all Federal Air Regulations of the Civil Aeronautics Board and of the Federal Aviation Agency, where applicable, which now are, or hereafter shall be in effect, relating to safety measures and liability insurance for common carriers of passengers or property by air.


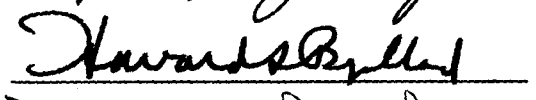
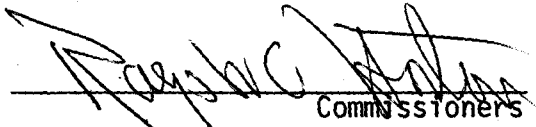
Applicant shall file tariffs, rate schedules and rules and regulations as required, to be approved by this Commission within thirty (30) days from the date hereof, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be at least fifty percent (50%) greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points.

The applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger liability insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

Jurisdiction is hereby retained of this application and operations under the certificate herein granted, to the end that such further order, or orders, as to the Commission may seem proper, may be entered herein, if the Commission deems advisable.

This Order shall become effective ten (10) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

KING TANK TRUCK SERVICE INC.
709 North Butler
Farmington, New Mexico 87401

AUTHORITY NO. PUC 3061-I

CASE NO. 148-H-Ins.

October 31, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

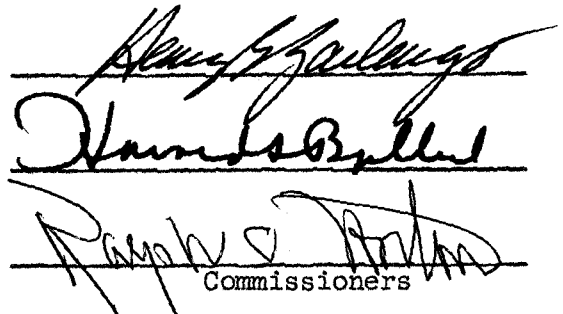
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
HERZIG MANUFACTURING COMPANY
1145 W. MILITARY
FREMONT, NEBRASKA 68025

PERMIT NO. M-659

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

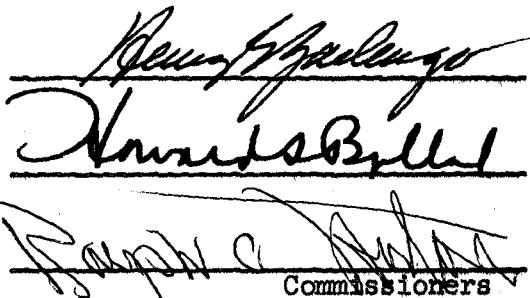
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 24, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ALBERT DE CAIGNEY
RED VALE, COLORADO

PERMIT NO. M-2433

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

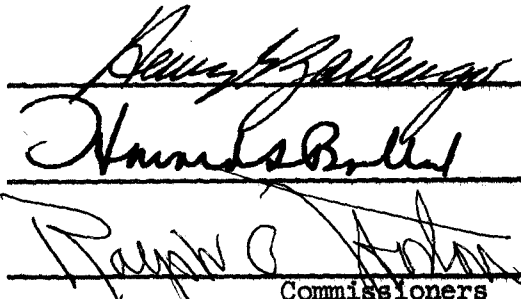
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 25, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
SANTOS RAMOS VASQUEZ
P O BOX 133
LONGMONT, COLORADO 80501

PERMIT NO. M-5762

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

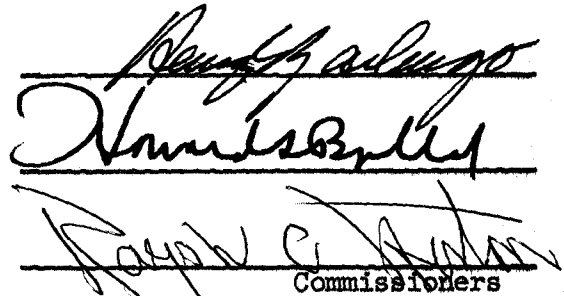
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 29, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
MOUNTAIN VIEW OIL COMPANY
BOX 1149
CORTEZ, COLORADO 81321

PERMIT NO. M-6946

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

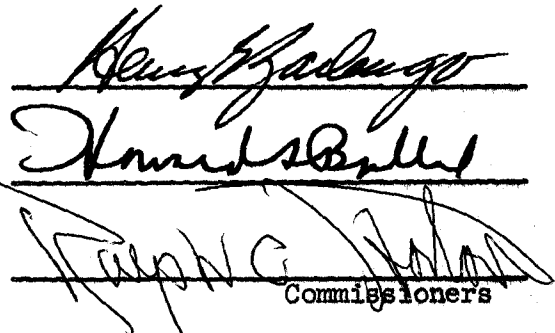
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 13, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

IDAMAE DECKER)
DBA G. P. DECKER)
Box 654)
Moab, Utah 84532)

AUTHORITY NO. PUC 3973-I

CASE NO. 149-H-Ins.

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

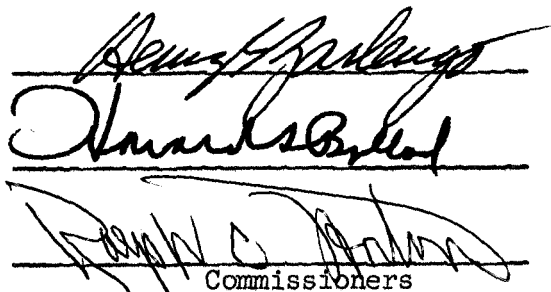
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

PERRY & STEVE DEIFIK DBA
GREELEY BY-PRODUCTS
Box 832
Greeley, Colorado 80630

AUTHORITY NO. M-8313

CASE NO. 332-M-Ins.

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

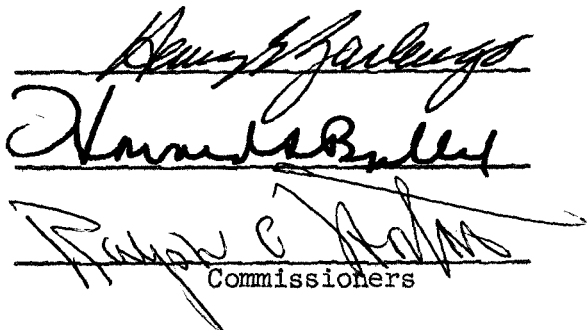
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

DAVIS MOTOR SALES, INC.
540 Main Street
Montrose, Colorado 81401

AUTHORITY NO. M-5879

CASE NO. 490-M-Ins.

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

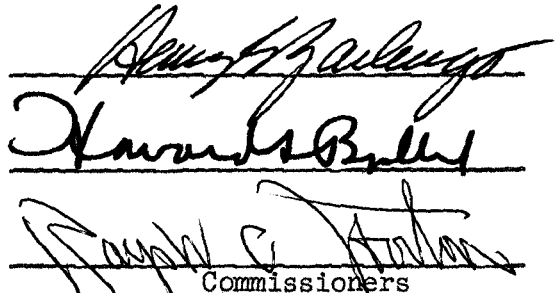
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

DONALD R. LEACH)
285 Ash Avenue)
Brighton, Colorado 80601)

AUTHORITY NO. B 6635

CASE NO. 155-H-Ins.

November 1, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

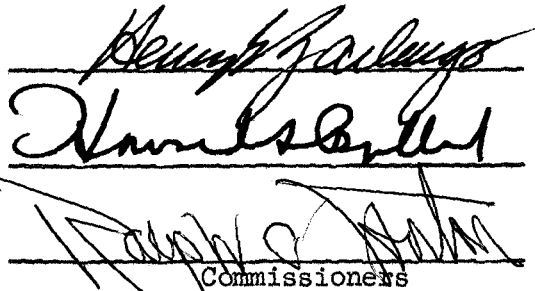
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE OF LCL RATES ON
SHIPMENTS WEIGHING LESS THAN
2000 POUNDS AS PUBLISHED IN
WTL TARIFF W-1000 BETWEEN
POINTS IN COLORADO

APPLICATION NO. 22266

October 31, 1966

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 21, 1966, Western Trunk Line Committee, Agent, by C. H. Klein, Assistant Tariff Publishing Officer, filed Colorado Application No. 407, file appln. 50-4226 (JRR) cc: Appln 50-9, under the provisions of Rule 18-A of the Commission's Rules of Practice and Procedure, petitioning the Commission for authority to amend WTL Tariff W-1000 by increasing LCL rates, except as noted, as follows:

1. Rates named in WTL Tariff on shipments weighing less than 2000 pounds shall be increased by 10% subject to notes A & E.
 - A. In computing rates or charges fractions of less than one-half cent will be dropped and fractions of one-half cent or greater will be increased to the next cent.
 - B. Where the total charges on a shipment of less than 2000 pounds would be lower if charges were based upon a weight of 2000 pounds, with the deficit in weight charged for at the same rate as the lowest rated article in the shipment, such lower charge shall apply.

Notes A & B do not appear in the application but are added here pursuant to the proposal made in Joint WTL Application C-50-4226, Colorado-Utah-Wyoming application No. 50-9, dated October 25, 1965.

Applicant submitted the following as justification for the proposed increase:

"Western Trunk Line carriers approve a public docket proposal to provide a 10 per cent increase in the less carload rates on shipments weighing less than 2000 pounds.

The additional revenue to be derived as a result of the proposed increase is necessary to offset the increase in operating costs and to enable carriers to continue adequate service in the LCL transportation field.

"Publication on Interstate traffic also Minnesota and North Dakota Intrastate traffic has been accomplished in Supplement 166 to Freight Tariff W-1000. Western Trunk Line Committee, Agent, effective October 10, 1966.

"In addition to ICC modification of ICC Docket 28300 being secured from the Interstate Commerce Commission and the Minnesota Railway and Warehouse Commission, by their Docket A-8166, approving publication, the Chairman of the Kansas lines has filed similar application with the State Corporation Commission of Kansas."

Upon consideration of said application and the justification given for its approval, we find that the applicant should be authorized to publish increased LCL rates, subject to notes A and C, as requested upon statutory notice. Approval of the request to publish said rates is given without a formal hearing being held. The rates, as approved for publication, when filed, are subject to complaint or suspension.

O R D E R

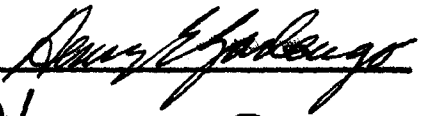
THE COMMISSION ORDERS, that:


1. The Statement and Findings herein be, and they are hereby, made a part hereof.
2. Rates named in Western Trunk Line Tariff No. W-1000 on shipments weighing less than 2000 pounds, moving in Colorado intrastate commerce, may be increased 10%, subject to Notes A and B, referred to in the findings herein, upon statutory notice.
3. The rates referred to in the immediately preceding paragraph will be subject to complaint or suspension upon their being filed with the Commission.
4. The title page of the tariff or supplement issued under the authority of this decision to show the following:

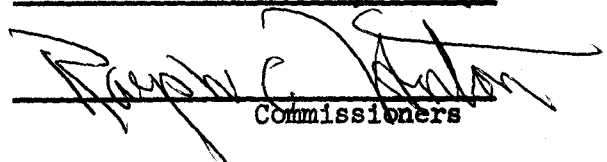
"Rates named herein applicable on shipments weighing less than 2000 pounds moving in Colorado intrastate commerce, published under and subject to the provisions of the Decision No. 68457 dated October 31, 1966, of the Public Utilities Commission of the State of Colorado."

5. This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
31st day of October, 1966. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE COMMODITY RATES ON PETROLEUM AND
PETROLEUM PRODUCTS, IN BULK, IN TANK
TRUCKS AND/OR TANK TRAILERS, BY MOTOR
VEHICLE

CASE No. 1585

RE UTILIZATION OF EQUIPMENT IN THE
TRANSPORTATION OF PETROLEUM PRODUCTS
AND LIQUEFIED PETROLEUM GAS

CASE No. 5232

November 4 1966

Appearances: Alvin J. Meiklejohn, Esq., Denver, Colorado,
for Ashton Trucking Co., Inc., Monte Vista,
Colorado; Consolidated Freightways Corp.,
of Delaware, Menlo Park, California;
Petroleum Transport Company, Denver, Colorado;
Ward Transport, Inc., Pueblo, Colorado,
Wright Motor Lines, Inc., Rocky Ford, Colorado;

H. D. Williamson, Midland, Texas, for Petroleum
Transport Co., 1700 Broadway, Denver, Colorado;

Ted W. Blue, 1700 Broadway, Denver, Colorado,
for Petroleum Transport Co., Denver, Colorado;

Henry L. Fabritz, Esq., P.O. Box 855, Des Moines,
Iowa, for Ruan Transport Corp., Des Moines, Iowa;

W. S. Pilling, Esq., 1417 Clay, P.O. Box 958,
Oakland, California, for Pacific Intermountain
Express Co., 1417 Clay, P.O. Box 958, Oakland,
California;

John R. Barry, Esq., Denver-U.S. National Center,
Denver, Colorado, for Groendyke Transport, Inc.,
Enid, Oklahoma;

Peter B. Kooi, 1600 Eliot Street, Denver, Colorado,
for North Park Transportation Co., Denver, Colorado;

Shirley Avery, Buena Vista, Colorado, for Eveready
Freight Service, Inc., Buena Vista, Colorado;

Orville Dunlap, R.R. 3, Montrose, Colorado, for
Orville Dunlap & Son, Montrose, Colorado;

W. R. Hall, 2518 U. S. 6-50, Grand Junction, Colorado,
for W. R. Hall Transportation and Storage Co.,
Grand Junction, Colorado;

David H. Bridge, Lamar, Colorado, for Bridge Bros.,
Lamar, Colorado

Raymond L. Pherson, 1528 Mapleton Avenue,
Boulder, Colorado, for Pherson Trucking
Co., 3200 Bluff Street, Boulder, Colorado;

Everett L. Bays, 906 Grand Avenue, Kansas City,
Missouri, for Sinclair Refining Co., Kansas
City, Missouri;

David E. Klein, 3600 East 46th Avenue, Denver,
Colorado, for Frank C. Klein & Co., Denver,
Colorado;

William F. Sharp, Jr., Denver, Colorado for
Jim Chelf, Inc., Denver, Colorado;

Royce D. Sickler, Esq., 1531 Stout Street,
P.O. Box 5482, Denver, Colorado for Denver &
Rio Grande Western Railroad Company, 1531 Stout
Street, Denver, Colorado;

George F. Case, 4040 E Louisiana, Denver, Colorado,
for the Frontier Refining Company, 4040 E. Louisiana,
Denver, Colorado;

J. L. Smith, 1755 Glenarm Street., Denver, Colorado,
for Continental Oil Company, 1755 Glenarm Street,
Denver, Colorado;

W. J. Haener, 1008 W. Sixth Street, Los Angeles,
California, for Shell Oil Company, 1008 W Sixth
Street, Los Angeles, California;

C. P. Sherlin, 1700 Broadway, Denver, Colorado,
for Chevron Oil Company, Western Division, 1700
Broadway, Denver, Colorado;

N. L. St. Dizier, Box 631, Amarillo, Texas, for
the Shamrock Oil & Gas Corporation, Box 631,
Amarillo, Texas;

Lowell J. Hedrick, Box 239, Salt Lake City, Utah,
for Phillips Petroleum Company, P.O. Box 239,
Salt Lake City, Utah;

Paul R. Gary, 910 S. Michigan Avenue, Chicago,
Illinois, for American Oil Company, 910 S.
Michigan Avenue, Chicago, Illinois;

Ralph E. Hanson, P.O. Box 2514, Billings, Montana,
for Humble Oil & Refining Company;

William H. Behr, Jr., 1755 Glenarm Place, Denver,
Colorado, for Continental Oil Co., 1755 Glenarm
Place, Denver, Colorado;

Raymond L. Wells, P.O. Box 436, Kansas City, Missouri,
for Skelly Oil Co., P.O. Box 436, Kansas City, Missouri;

A. J. Tait, Irven T. Burke, Lloyd C. Espinosa, for
the Staff of the Commission.

PROCEDURE AND RECORD

These proceedings bring in issue the lawfulness of all commodity rates, charges and governing rules and regulations pertaining to the transportation of petroleum and petroleum products (as defined in Appendix XIII, Ex Parte MC-45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 294-296) in bulk, in tank trucks and in tank trailers, by motor vehicle common carriers and private carriers by motor vehicle operating in Colorado intrastate commerce. Traffic studies submitted by certain respondents herein establish that the following petroleum and petroleum products are presently being transported in Colorado intrastate commerce:

TABLE I

- | | | |
|----------------|-------------|--------------------------------------|
| 1. Asphalt | 4. Fuel Oil | 7. Liquefied Petroleum Gas (Propane) |
| 2. Crude Oil | 5. Gasoline | 8. Residual Fuel Oil |
| 3. Diesel Fuel | 6. Jet Fuel | 9. Road Oil |

A commodity distance scale of rates, charges and governing rules and regulations applicable within plains territory to the transportation of specified petroleum products as follows, were first prescribed by Decision No. 22316, which became effective June 1, 1944:

TABLE II

- | | | |
|-------------------|--|--|
| 1. Absorption Oil | 4. Furnace Oil | 7. Gasoline, (except casinghead (natural fuel) gasoline) |
| 2. Diesel Fuel | 5. Gas Oil | 8. Naptha |
| 3. Distillate | 6. Gasoline, blended, covers motor fuels containing 50% or more gasoline | 9. Refined Oil, viz., illuminating or burning |

By Decision No. 44247, effective June 1, 1955, a commodity distance scale of rates, charges and governing rules and regulations applicable to, from and within mountain territory on the aforementioned petroleum products were prescribed. Decision No. 48528, dated August 14, 1957, ordered an increase in rates, prescribed and in effect, on the aforementioned petroleum products effective on and after September 1, 1957.

The prescribed rates, charges and rules and regulations applicable to the specified petroleum products transported within plains territory were, by Decision No. 22316, dated May 12, 1944, made inapplicable between points within the following described territory:

"Beginning at a point on the Denver City Limits at the intersection of Sheridan Boulevard and West Alameda Avenue; thence east to Federal Boulevard; thence south to West Dartmouth Avenue; thence east via air line to South Downing Street, thence north to the Denver Southern City Limits; thence following the Denver City limits via East Yale Avenue, South Colorado Boulevard, East Alameda Avenue, Yosemite Street, to a point where said city limits intersect North Colorado Boulevard (including Lowry and Buckley fields); thence along U. S. Highway No. 6 to the junction of State Highway No. 220; thence west on said highway and via an airline to the intersection of West 64th Avenue and Sheridan Boulevard (which is the dividing line between Adams and Jefferson Counties); thence south on Sheridan Boulevard to the point of beginning."

This excepted area will be hereinafter referred to as the Denver Metropolitan Excepted Area. Since May 12, 1944, this Commission has not prescribed rates, charges, rules and regulations for the transportation of any petroleum products in the Denver Metropolitan Excepted Area.

On December 23, 1959, jet fuel was added to the list of specified petroleum products, but rates, charges, rules and regulations applicable thereto were not prescribed.

It should be noted that rates, charges and rules and regulations applicable to the transportation of asphalt, crude oil, liquefied petroleum gas, residual fuel and road oil have never been prescribed by this Commission.

Within this framework of prescribed rates, charges and governing rules and regulations applicable to the transportation of the named petroleum products and under the provisions of Rule 18-C, 1 (a) of our Rules of Practice and Procedure, pertaining to procedure under Case No. 1585, Groendyke Transport, Inc., (Groendyke) on February 27, 1963, filed a schedule of reduced rates applicable to said petroleum products, including jet fuel, to become effective March 29, 1963. Petition for suspension of the reduced rates was filed by the Denver and Rio Grande Western Railroad Company and protests were filed against such rates by Eveready Freight Service, Inc., Orville Dunlap & Son and Pherson Trucking Co.

Case No. 1585 originally came before the Commission in the year of 1935, and involved the initial prescription of rates, charges, rules and regulations for specified transportation service. Since that time, all additions, amendments, alterations or changes pertaining to the prescription of rates, charges, rules and regulations have been treated as a continuation of the original case No. 1585. Literally thousands of orders have been entered by the Commission in Case No. 1585.

The proposed rates were not suspended and became effective on March 29, 1963. By Decision No. 60391, dated March 28, 1963, the petition and protests heretofore referred to were denied, and the prescribed rates, charges and governing rules and regulations were stricken from our order, as amended, in Case No. 1585, and declared of no further force and effect. This decision authorized other motor carriers of petroleum products to publish similar reduced rates to become effective not later than April 21, 1963, upon ten (10) days' notice. Petitions for rehearing in Case No. 1585, as here pertinent, were filed on April 15, 1963 by the Denver and Rio Grande Western Railroad Company, Pacific Intermountain Express Co., Inc., and Consolidated Freightways Corporation of Delaware, and were assigned for oral argument on April 23, 1963. On April 18, 1963, a petition for hearing and intervention herein was filed by Colorado Petroleum Marketers Association. The petition was granted by Decision No. 60537, dated April 23, 1963. The petitions of the Chicago, Burlington and Quincy Railroad Company and the Colorado and Southern Railway Company to intervene were granted at the time of the oral argument on April 23, 1963. The petitions for rehearing as well as the petition for hearing were denied by Decision No. 60568, dated April 25, 1963.

However, the Commission, although denying the petitions for rehearing and hearing, simultaneously issued a further order, Decision No. 60569, also dated April 25, 1963, instituting an investigation into and concerning the lawfulness of the reduced rates and charges. Hearing on this proceeding was set for May 27, 1963. This hearing was vacated on May 9, 1963 at the request of Counsel for the Western Tank Truck

Carriers' Conference, and reset for hearing beginning on August 5, 1963.

On May 15, 1963, Consolidated Freightways Corporation of Delaware appealed Decision No. 60391, dated March 28, 1963 to the District Court in and for the City and County of Denver. Such appeal was docketed by such District Court as Civil Action B-62606, Consolidated Freightways Corporation of Delaware, a Delaware Corporation, v. The Public Utilities Commission of the State of Colorado. The Denver and Rio Grande Western Railroad Company, The Colorado and Southern Railway Company, and Chicago, Burlington & Quincy Railroad Company, on May 29, 1963, filed a motion to intervene as petitioners in the District Court proceeding. The foregoing rail carriers, as well as the following motor vehicle carriers were permitted to intervene, viz.: B & M Transportation, Inc., Orville Dunlap and Harold Ross Dunlap, a co-partnership, doing business as Orville Dunlap & Son, Eveready Freight Service, Inc., a Colorado Corporation, and Frank C. Klein & Co., Inc., a Colorado Corporation. The Commission's Decision No. 60391 was affirmed by the Denver District Court on January 3, 1964.

The Colorado Petroleum Marketers Association (Petroleum Marketers), on May 31, 1963, filed a petition requesting the Commission to enter an investigation as to all charges by carriers transporting petroleum and petroleum products in the State of Colorado, and in the alternative a formal complaint was filed simultaneously, requesting that the Commission:

1. Set the matter for hearing on investigation and consolidate the same with Case No. 1585 and Case No. 5232; or in the alternative,
2. Issue an order setting the matter for formal hearing on the formal complaint herein and consolidating that hearing with Case No. 1585 and Case 5323 (5232) on August 5, 1963, or at some time convenient to the Commission.

The Western Tank Truck Carriers' Conference, Inc., and the motor common

and private carriers parties, to the tariffs of said conference, on June 10, 1963, petitioned the Commission to broaden the issues in this phase of Case 1585, to include the following:

"(a) All motor vehicle common carriers, and all private carriers by motor vehicle, operating under Certificates or Permits issued by your Commission, should be joined as Respondents in these proceedings so that your Commission may gain jurisdiction over them so that appropriate Orders can be entered as to such carriers' rate structure for the transportation of petroleum and petroleum products, in bulk, in tank trucks and/or tank trailers by motor vehicle.

"(b) Your Commission should put in issue in these proceedings the proper level of minimum rates, and the rules and regulations to be enforced in connection therewith, to be charged and enforced by private carriers for the transportation of petroleum and petroleum products, in bulk, in tank trucks or tank trailers, with the view that at the conclusion of the proceedings such minimum rates, rules and regulations will be prescribed by your Commission for such private carriers.

"(c) Your Commission should put in issue the prescription of the rates to be charged, and the rules and regulations to be enforced in connection therewith, by motor vehicle common carriers transporting petroleum and petroleum products, in bulk, in tank trucks or tank trailers, with a view that at the conclusion of the proceedings such rates, rules and regulations to be charged and enforced by common carriers by motor vehicle will be prescribed by your Commission."

By Decision No. 60993, dated July 10, 1963, the investigation in Case No. 1585, Petroleum and Petroleum Products, Decision No. 60569, dated April 25, 1963, was broadened so as to apply to all carriers of petroleum and petroleum products, in bulk, with the petitions of Petroleum Marketers and the Conference, et al, in all other respects, being denied.

Colorado Petroleum Marketers Association, on December 14, 1962, filed a petition for investigation and suspension of original pages 14-B and 14-C of Colorado PUC No. 3, Motor Freight Tariff No. C-3, filed by Western Tank Truck Carriers Conference, Inc., and scheduled to become effective December 26, 1962. The Western Tank Truck Carriers Conference filing provided for new rules and regulations and rates and charges for the transportation of specific petroleum products, and included liquefied petroleum gas, but only when handled under a written agreement with the carrier providing for the utilization of carrier equipment for not less than one week at a rate of \$876.00 for 2000 miles of operation in any one week, plus 17.5 cents per mile for each mile operated, loaded or

empty, over 2,000 miles. Similar rules and regulations and rates and charges for the commodities just referred to were filed by the Colorado Motor Carriers' Association on behalf of carriers participating in its tariff No. 7, Colorado PUC No. 8, and by Pacific Intermountain Express Co. The schedules referred to were not suspended. However, by Decision No. 59852, dated December 21, 1962, entitled "Re Utilization of Equipment in the transportation of Petroleum Products and Liquefied Gas," Case No. 5232, an investigation was instituted into and concerning the lawfulness of said schedules and the matter set for hearing January 28, 1963. On December 27, 1962 said hearing was vacated at the request of the Conference, to be set at a later date. Case 5232 was set for hearing beginning on August 5, 1963.

On August 2, 1963, Motion for Continuance Pending Court Proceedings was filed in Case No. 1585 on behalf of the Conference and carriers participating in tariffs published by the Conference. Oral argument was had before the Commission on said motion August 5, 1963. Various counsel also suggested that the ruling made on the motion of the Conference be applied in Case No. 5232. Decision No. 61183, dated August 5, 1963, granted the motion of the Conference in Case No. 1585 and provided that the matters involved in Case No. 1585 and Case No. 5232 be reset at some future date to be determined by the Commission after determination by the Denver District Court by Civil Action No. 62606.

Following the order of the Denver District Court issued on January 3, 1964, the Commission, on January 17, 1964, Decision No. 62109, issued a supplemental order and notice of prehearing conference in Cases numbered 1585 and 5232, setting the matters recited therein for prehearing conference before the Commission on February 7, 1964, and providing that notice of such hearing be given to all persons who might be affected thereby. By Decision No. 62309, dated February 13, 1964, the Commission ordered that as the first phase of these hearings, a hearing should be held on the sole question of whether the Commission should prescribe rates herein for private and/or common carriers; that such matter be set for hearing commencing on March 12, 1964; and that notice of such hearing be

given to all persons who might be affected thereby; and that all carriers authorized to transport petroleum and petroleum products, in bulk, in tank trucks, and in tank trailers by motor vehicle be designated as respondents.

In February of 1964, Consolidated Freightways Corporation of Delaware appealed the decision of the Denver District Court, to the Colorado Supreme Court which appeal was docketed as No. 21226 in the Colorado Supreme Court.

By Decision No. 63702, dated September 16, 1964, Cases numbered 1585 and 5232, the Commission, in determining the first phase of the consolidated investigation proceeding, found that:

- "1. As the second phase of these proceedings, the investigation instituted by Decisions numbered 60568 and 60569, dated April 25, 1963, should be set for hearing at the earliest practicable date.
- "2. An investigation should be instituted into and concerning the lawfulness of the rates and charges, and governing provisions for the transportation of petroleum and petroleum products other than those provided for in the immediately preceding paragraph, and as defined in Appendix XIII, Ex Parte MC 45, Description in Motor Carrier Certificates, 61 MCC 209, 294-296, in bulk, in tank trucks and/or tank trailers, by motor vehicle common carriers and private carriers by motor vehicle operating in Colorado intrastate commerce.
- "3. Following hearing herein, minimum rates and charges and governing provisions should be prescribed for the transportation of petroleum and petroleum products, as defined or alluded to herein, by private carriers by motor vehicle operating in Colorado intrastate commerce.
- "4. Following hearing herein, rates and charges and governing provisions may be prescribed for the transportation of petroleum and petroleum products, as defined or alluded to herein, by motor vehicle common carriers operating in Colorado intrastate commerce.
- "5. Respondents should be ordered to submit evidence and supporting data which shall include the actual cost and revenue data and operating ratios specifically related to the traffic involved in these proceedings, and detailed data to disclose carrier affiliate financial and operating relationships and transactions including income statements and balance sheets for the years 1962, 1963 and the first six months of 1964.
- "6. All motor vehicle common carriers and all private carriers by motor vehicle having authority to transport petroleum and petroleum products, as defined or alluded to herein, should be made respondents herein."

An order was issued implementing the findings and providing further that all documentary evidence to be submitted by respondents be furnished the Secretary of the Commission fourteen days prior to the date set for hearing and that a hearing date would be set at the earliest practicable date

convenient to the parties.

Decision No. 65036, dated May 18, 1965, ordered that the matters recited in Decision No. 63702, dated September 16, 1964, Cases numbered 1585 and 5232, be set for hearing commencing September 7, 1965, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado.

The carriers and the shippers of petroleum and petroleum products had conferred at various times in an attempt to arrive at a level of rates and charges for the transportation of these commodities that would be agreeable to all parties. As no agreement had been reached, our rate department suggested that all concerned meet under the auspices of the rate department at the Commission and again attempt to reach agreement as to a compensatory and just and reasonable level of rates for the transportation of petroleum and petroleum products. A meeting, as suggested, was held June 3 and 4, 1965, and a level of rates and charges agreed upon. See Decision No. 65847, dated September 14, 1965, pages 3 and 4.

The Commission's rate department wrote carriers named respondents in this proceeding, with a copy to the shippers' representatives on July 14, 1965, suggesting an informal conference be held between said carriers and the Staff of the Commission to insure that the data required by Finding No. 5 of Decision No. 63702, and referred to heretofore, be in point, helpful and determinative of the issues in these proceedings. It was also suggested in a letter dated July 19, 1965, to the same carriers' and shippers' representatives that Highway Form F-3-58, "Formula for Determining the Cost of Transporting Liquid Petroleum Products by Tank Truck Carriers," as devised by the Bureau of Accounts, Cost Finding and Valuation, Interstate Commerce Commission be considered as a basis for developing the cost data required by Decision No. 63702. The suggested Conference was held at the Commission on July 30, 1965. No uniform basis for computing costs was agreed upon. The Commission was apprized of the fact and thereupon issued its Decision No. 65537, dated August 10, 1965, vacating the hearing set for September 7, 1965, in Cases No. 1585 and No. 5232.

On August 20, 1965, the Colorado Motor Carriers' Association, as Agent, for and on behalf of Consolidated Freightways of Delaware, Pacific Intermountain Express Co., and Petroleum Transport Company, jointly with Groendyke Transport, Inc., and Ward Transport, Inc., filed an application requesting this Commission to prescribe rates and charges and governing provisions for application by all for-hire motor vehicle carriers engaged in transporting certain bulk petroleum products in Colorado intrastate commerce and to become effective on one day's notice.

The Commission found, in substance, in Decision No. 65662, dated August 23, 1965, that:

- "1. The aforementioned application should be assigned for hearing.
- "2. All motor vehicle carriers heretofore made respondents in the investigation instituted by Decision No. 63702, dated September 16, 1964, be made respondents herein.
- "3. A prehearing conference be held in connection with said investigation, Decision No. 63702, to determine the following:
 - a. The manner of presenting cost evidence and the period to be covered;
 - b. The extent of the use of Highway Form F, 3-58 prepared by the cost finding section of the Bureau of Accounts, Cost Finding and Valuation, Interstate Commerce Commission, and the test period therefor;
 - c. Cost data to be prepared by interested shippers of shipper-owned equipment used in transporting the commodities involved in this proceeding;
 - d. A plan for the exchange of all exhibits between all parties requesting said exhibits;
 - e. The date and time to commence the hearing as it pertains to Decision No. 63702;
 - f. Any other matters by which the processing of these proceedings can be expedited or simplified, or the Commission's handling thereof aided."

The Commission in Decision No. 65662 ordered a hearing on the carriers' application for September 7, 1965, and the prehearing conference for September 8, 1965, and further ordered that all motor carriers referred to in Decision No. 63702 be made respondents. By Decision No. 65734, dated September 3, 1965, the mountain scale of commodity rates applicable on petroleum and petroleum products was extended to apply to and including

distances of 500 miles as requested by certain respondents in their amendment filed on August 26, 1965.

By Decision No. 65801, dated September 14, 1954, the Commission ordered, that:

"2. Respondents Consolidated Freightways Corporation of Delaware, Groendyke Transport, Inc., Pacific Intermountain Express Co., Petroleum Transport Company, Ruan Transport Corporation, Ward Transport, Inc., and Wright Motor Lines, Inc., be, and they hereby are, required to prepare cost studies showing the cost of transporting petroleum and petroleum products, in bulk, in tank vehicles, in their respective systems or divisions, within the State of Colorado, using in the development of such cost study the "Formula for determining the Cost of Transporting Liquid Petroleum Products by Tank Truck Carriers," prepared by the Cost Finding Section of the Interstate Commerce Commission, designated as Highway Form F, 3-58, as such formula is reissued in September of 1964.

"3. The expenses of Respondents which shall be used in the preparation of cost studies, whether or not in connection with the Highway Form F, as set forth above, shall be those incurred in connection with the transportation of bulk petroleum and petroleum products for the 18-month period commencing January 1, 1964, and continuing through June 30, 1965. Respondents shall file with the Commission at the time they file their cost studies, as hereinafter required, copies of the second quarter report made by Respondents to the Interstate Commerce Commission for the second quarter of 1965. Respondents who are not required to file such quarterly reports with the Interstate Commerce Commission shall prepare the information and data required by our Annual Report, whether Class II or Class III, as the case may be, for the period January 1, 1965 through June 30, 1965, and such material shall be filed with this Commission at the same time that such Respondent files its cost study, as hereinafter required.

"4. All Respondents will make operational studies of their systems or divisions through the completion of either the attached "Bulk Commodity Trip Report," which is hereto attached and incorporated herein as Exhibit "A", or by the use of the "Form 7" accompanying the Highway Form F above referenced. These operational studies shall be made on the days of September 25, 1965, October 1, 7, 13, 19 and 25, 1965. The data required by these forms will be completed for each trip made in Respondent's system or division on these days by the completion of one form for each trip.

"5. All respondents shall prepare a study showing the traffic handled by them in the transportation of bulk petroleum and petroleum products, showing date, freight bill pro number, commodity, its weight per gallon, number of gallons, origin, destination, short distance (map or rate making miles), revenue actually earned, revenue which would have been earned on rates in effect after September 24, 1965, and the cost as developed from the cost study, for the following days in 1964 and 1965. In 1964, Monday, January 6; Tuesday, February 4; Wednesday, March 4; Thursday, April 12; Friday, May 1; Saturday, June 6; Monday, July 13; Tuesday, August 11; Wednesday, September 9; Thursday, October 8; Friday, November 13; and Saturday, December 12. In 1965, Monday, January 18; Tuesday, February 16; Wednesday, March 17; Thursday, April 15; Friday, May 21; Saturday, June 19.

"6. Any person desiring a copy of the cost study, cost conclusions and traffic study prepared by a Respondent shall notify the Respondent at the address shown in Exhibit "B" hereto of such desire, and request a copy of such cost study, cost conclusions and traffic study, on or before November 15, 1965. A copy of such request shall be simultaneously sent to the Commission at its offices, 506 State Services Building, 1525 Sherman Street, Denver, Colorado 80203. This request shall set forth clearly the name of the person requesting such cost study, cost conclusions and traffic study, together with the name of the individual to whom it should be sent and his complete address.

"Three copies of the cost study, cost conclusions and traffic study, as prepared by each Respondent, shall be filed with the Public Utilities Commission at its address above, and one copy shall be served by the Respondents upon each person so requesting the same, on or before Monday, December 13, 1965, and a statement certifying to such service shall be filed with the Commission showing the names and addresses of the person so served, on or before Monday, December 13, 1965.

"Any person desiring to inspect the underlying data or the work tables supporting the cost study, cost conclusions and traffic study made by any Respondent shall notify the Respondent of whom such inspection is desired of this desire on or before December 27, 1965, at such Respondent's address as shown in the appended Exhibit "B". A copy of such notification shall be simultaneously sent to the Commission at its offices above. The person desiring such inspection and the Respondent shall agree upon a suitable date when such inspection may be made, but not later than January 20, 1966. If the Respondent is domiciled within Colorado, such inspection shall be made at the offices of such Respondent during normal business hours. If the Respondent is domiciled without the State of Colorado, then such underlying data and work tables shall be brought to some place within the City of Denver, Colorado, where such underlying data and work tables will be made available. In either case the name of the individual who will have such underlying data and work tables in his possession shall be furnished to the person desiring to make the inspection.

"Any person who desires to introduce cost studies, cost conclusions and traffic studies, either in support of the position of Respondents or in opposition to the position of Respondents, shall notify Respondents as named on Exhibit "B" and shippers and other interested parties named on Exhibit "C" on or before November 1, 1965. Any person desiring a copy of said cost studies, cost conclusions and traffic studies, shall notify the shipper or interested party of such desire and request a copy of the cost study, on or before November 15, 1965. Service shall be accomplished on or before December 13, 1965 by forwarding a copy of the cost study, cost conclusions and traffic study to any of the parties requesting same and named in Exhibits "B" and/or "C", and to the Commission at its address above. Any person desiring to see the work tables and underlying data in connection with such cost studies, cost conclusions and traffic studies shall notify the person who filed such cost studies, cost conclusions and traffic studies of such fact. Such notification shall be made to the individual who files such cost studies, cost conclusions and traffic studies on or before December 27, 1965. If the person preparing such cost studies, cost conclusions and traffic studies is domiciled within the State of Colorado, such inspection shall be made at the general offices of such person at its domiciliary address within this State. If the person preparing such cost studies, cost conclusions and traffic studies is domiciled without the State of Colorado, then such underlying data and work tables shall be made available at some place within the City of Denver, Colorado for the

inspection herein contemplated. The person desiring to inspect such underlying data and the person preparing such cost studies, cost conclusions and traffic studies shall mutually agree as to a convenient date upon which the inspection may be made, but not later than January 20, 1966. The Commission and the person desiring to inspect the underlying data and work tables shall be advised of the address of such place within the City of Denver, Colorado where such underlying data and work tables will be available, together with the name of the individual who will have such underlying data and work tables in his possession. Such inspection shall be made during normal office hours.

"Any person objecting to the cost study or the cost conclusions or the traffic studies of any of the participants in these proceedings shall notify said participant and the Commission of such objection, setting forth clearly, completely and specifically the objections of such person. Such objections shall be served on the respective participants at their proper addresses, with a copy thereof to the Commission, on or before Thursday, January 20, 1966.

"Any person desiring to cross-examine any of the participants' cost expert witnesses shall similarly notify the respective participants and the Commission of such desire, setting forth clearly, completely and specifically the areas within which such person intends to cross-examine, by mailing such notice to the respective participants at their proper addresses, with a copy of such notice to the Commission, on or before Thursday, January 20, 1966.

"7. Hearing in this matter shall commence at 10:00 o'clock a.m., Tuesday (Monday), February 7, 1966, at the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203."

The Commission in its Decision No. 65847, also dated September 14, 1965, prescribed temporary interim rates, charges and rules and regulations for the transportation of absorption oil, blended gasoline, gasoline, jet fuel, naptha, illuminating or burning oil, gas oil, diesel fuel or distillate, in bulk in tank vehicles, within the State of Colorado, except within the Denver Metropolitan Area, effective September 24, 1965, on one day's filing and posting as required by law and the Rules and Regulations of the Commission. The said prescribed rates to apply as the maximum and minimum rates for all motor vehicle common carriers and minimum rates for all private carriers by motor vehicle. Decision No. 66154, dated October 26, 1965, prescribed reduced rates to Colorado Springs and Pueblo on the petroleum products, with some exceptions, heretofore designated in Decision No. 65847, effective November 2, 1965. The Commission prescribed rates on gasoline transported from Denver to Boulder, Colorado, of 1.5 cents per gallon, minimum 1500 gallons, by Decision No. 66207, dated November 3, 1965.

effective November 9, 1965.

The Supreme Court of Colorado in Consolidated Freightways Corporation of Delaware v. The Public Utilities Commission of Colorado, Docket No. 21226, ___ Colo. ___, dated October 4, 1965, held --

"The judgment of the trial court is reversed and remanded with directions to enter a judgment setting aside and holding for naught Decision No. 60391 of the Public Utilities Commission in Case No. 1585. The Commission should be further ordered to suspend the rates filed by Groendyke and Tank Western/Truck Carriers' Conference, Inc., and enter an order reinstating the prescribed rates for common carriers and minimum rates for private carriers of petroleum and petroleum products in bulk and in tank trucks and/or trailers in Colorado; that the trial court further order the Commission to proceed to conduct hearings to determine the just and fair rates and appropriate orders prescribing the rates so found as those to be charged by common carriers and as minimum rates for private carriers." The order, judgment and decree of the District Court, City and County of Denver, Colorado, Civil Action B-62606, dated November 15, 1965 required the Commission to comply forthwith with the decision of the Colorado Supreme Court.

In conformity with the referenced court orders, the Commission by Decision No. 66322, dated November 22, 1965, ordered, in part, that:

"2. Decision No. 60391, dated March 28, 1963, be vacated, set aside and nullified.

"3. The rates, rules and regulations applicable to the transportation of petroleum and petroleum products, in tank trucks, and/or tank trailers, in Colorado intrastate commerce, as heretofore prescribed and in effect March 28, 1963, shall be the prescribed rules and regulations of the Commission.

"4. All motor vehicle common carriers shall publish or cause to be published rates, etc., as set forth in paragraph 3 above, effective on January 1, 1966, on not less than five days' notice to the Commission and the general public as provided by law and the Rules and Regulations of the Commission.

"5. All private carriers shall publish or cause to be published rates, etc., which shall not be less than those prescribed in paragraph 3, effective January 1, 1966, on not less than five days' notice to the Commission and the general public as provided by law and the Rules and Regulations of the Commission.

"9. The general investigation instituted into and concerning the lawfulness of the rates, rules and regulations applicable to the transportation of petroleum and petroleum products, decision numbered 65801, dated September 14, 1965, and earlier decisions, be continued; and that, except as to the extent herein ordered, nothing herein shall be interpreted as affecting the hearings, investigations and proceedings now going forward in connection with said rates, rules and regulations."

An order supplementing Decision No. 65801, dated September 14, 1965, was issued in Decision No. 66407, dated December 6, 1965, adding three motor vehicle common carriers as respondents in these proceedings.

While certain of respondents were in the process of preparing rates in compliance with Decision No. 66322, an application was filed by them on December 8, 1965, requesting the Commission to prescribe the rates, charges and rules and regulations, in the interim, the same as those prescribed by Decision No. 65847, dated September 14, 1965, and effective September 24, 1965. The application was assigned for hearing by Decision No. 66459, dated December 16, 1965, on December 27, 1965 at Denver, Colorado, and all motor vehicle carriers' Respondents in the investigation instituted by decisions numbered 63702, dated September 16, 1964, 65801, dated September 14, 1965, and 66407, dated December 6, 1965, were made Respondents.

Decision No. 66515, dated December 28, 1965, ordered in part:

"6. The rates, charges, rules and regulations prescribed herein shall become effective January 1, 1966, on notice to this Commission and the general public by not less than one days' filing and posting in the manner prescribed by law and the Rules and Regulations of the Commission as follows:

(a) Tariffs, supplements, or pages to tariffs, shall be so posted and filed, indefinitely postponing the effective date of the rates, charges, rules and regulations heretofore ordered by Decision No. 66322. Such publication shall also postpone the cancellation date of the rates and charges, rules and regulations heretofore ordered in our Decision No. 65847, and such publication shall provide that the mountain scale of rates and charges, as thus continued in effect, shall be increased by twenty percent over those ordered by

our Decision No. 65847. Until February 1, 1966, the twenty percent increase in the mountain rates and charges, as thus ordered, may be collected, demanded, and enforced by the carriers by the application of a uniform twenty percent increase factor.

(b) Proper tariffs, or pages to tariffs, naming our specific point-to-point rates and distance scales, for both plains territory and mountain territory, incorporating the twenty percent increase in mountain territory over those set forth in Application No. 311, shall be posted and filed with this Commission to become effective February 1, 1966."

Various respondents herein, on February 3, 1966, filed a motion seeking, in essence, the removal of the twenty percent increase in mountain rates ordered in its Decision No. 66515, which became effective January 1, 1966. Decision No. 66849, dated February 16, 1966, ordered, effective February 28, 1966, in part:

"3. All motor vehicle common carriers transporting petroleum products (absorption oil, blended gasoline, gasoline (except casinghead(natural fuel) gasoline), jet fuel, naptha, illuminating or burning oil, gas oil, diesel fuel or distillate), in bulk, in tank vehicles, within the State of Colorado in Colorado intrastate commerce (except within the Denver Metropolitan Area, as described in Decision No. 65847), be, and they hereby are, authorized, directed and required to bring their tariffs into compliance with the order herein and publish the rates, charges, rules and regulations for both Plains and Mountain Territory heretofore prescribed in Decision No. 65847.

"4. All private carriers by motor vehicle transporting petroleum products (absorption oil, blended gasoline, gasoline (except casinghead (natural) gasoline), jet fuel, naptha, illuminating or burning oil, gas oil, diesel fuel or distillate) in bulk, in tank vehicles, between points within the State of Colorado in Colorado intrastate commerce, shall not charge less than the rates and charges of motor vehicle common carriers as prescribed herein, and all motor vehicle private carriers shall observe the rules and regulations herein prescribed as minimum rules and regulations."

The hearing in these cases began on February 7, 1966 and concluded on February 11, 1966, five days in all. The record consists of 608 pages. Nineteen carrier witnesses, five shipper witnesses and two witnesses for the Staff of the Commission offered testimony with fifty-eight exhibits containing a total of 711 pages being offered and admitted in evidence. Literally thousands of back-up documents upon which exhibits were based were made available by the respondents to the parties under Commission order, and were spot checked by the Staff of the Commission.

In order for us to determine and fix just, reasonable, and sufficient rates, the prudent costs of performing a given service or services must be shown. With this fundamental principle in mind, we ordered all Respondents in these proceedings to prepare and submit cost and traffic studies pertaining to the transportation of petroleum and petroleum products, in bulk, for the period January 1, 1964 through June 30, 1965 (Decision No. 65801). To insure, insofar as possible, that the costs submitted by Class I carriers would embrace like cost factors, it was our order that the seven such carrier Respondents herein prepare costs based on the "Formula for determining the cost of transporting freight in motor carrier tank vehicles, Highway Form F,3-58", as issued September 1964 by the Interstate Commerce Commission Bureau of Accounts. Other respondents were allowed to select whatever cost formula they desired, but were required to observe all other provisions of our orders. Fourteen of the thirty-five common carrier Respondents and seven of the twenty-eight private carrier Respondents submitted cost studies as required by our orders. Traffic studies, as required by our orders, were submitted by nine common carriers and by six private carriers. Two common and seven private carriers gave as their reasons for not filing the requisite cost studies, (1) the absence of petroleum traffic on the test dates, (2) capacity of tank trucks being limited to 1500 gallons by order of the Commission. No reasons or explanations are of record to account for the non-compliance with our orders, requiring the furnishing of this most important and necessary cost data, by the remaining common carrier and private carrier Respondents. Under the formula devised and set forth in Highway Form F and Form 7 (bulk commodity trip report, Decision No. 65801), out-of-pocket and fully allocated costs for the transportation of petroleum and petroleum products can be determined. The formula provides for the determination of line haul, terminal, billing and collecting, unrelated and general overhead expenses. Terminal billing and collecting, general overhead, line haul mileage and hourly costs are extracted from the various expenses and applied to actual shipments handled, with the weights, distance and time shown on the bulk commodity trip report being

used to cost out such shipments. In Tables XIV and XIV-A of this order, specific examples of the cost of handling shipments of petroleum and petroleum products are given, based on the costs of certain respondents.

The Commission has deemed it necessary to set forth for the record in considerable detail the procedural aspects of the instant proceeding. Having so done, we now deem it equally necessary to summarize and generalize this lengthy procedural statement in order to facilitate a complete understanding of the proceeding.

The Commission for many years prior to the instant proceeding prescribed commodity distance scales of rates, charges, and governing rules and regulations applicable to the transportation of absorption oil, diesel fuel, distillate, furnace oil, gas oil, gasoline blended, gasoline, naptha, and refined oil, throughout the State of Colorado (both Mountain and Plains territory), with the exception of the Denver Metropolitan Excepted Area. The Commission did not prescribe such rates, rules, charges and regulations for the transportation of asphalt, crude oil, liquefied petroleum gas, residual fuel, or road oil. The prescribed rates hereinabove referred to were in effect in February of 1963. Such rates established a system of fixed exact uniform charges to be made by all Common Carriers to all users of the petroleum transportation service, and prescribed such fixed exact uniform charges as the minimum charges that could be made by a private carrier for the same service. The prescription of such rates for private carriers was made under the specific authority of 1963 CRS 115-11-5. The Colorado Public Utilities Law contains no specific references to prescribed rates for Common Carriers. The Commission historically had prescribed rates for Common Carriers (Case No. 1585), however, and Rule 18-C-1 of the Rules of Practice and Procedure of the Commission provides a method for changing prescribed rates.

In late 1962, the Western Tank Truck Carriers' Conference, Inc., filed a proposed tariff providing generally for a reduced rate for the transportation of specific petroleum products, including liquefied petroleum gas, based on a specified weekly minimum use of equipment. In other words, if a customer would agree to use carrier equipment for petroleum transportation to the extent of at least 2,000 miles of operation per week,

the customer would receive a special reduced rate. The Colorado Petroleum Marketers Association protested the proposed new rate. The Commission did not prescribe this new rate under Rule 18-C-1. The Commission, however, allowed the new rate to become effective under the provisions of 1963 CRS 115-6-11 as to the carriers who were parties to the proposed new tariff, and instituted an investigation into the lawfulness of said rates in Decision No. 59852. This investigation was docketed as Case No. 5232, and is one of the two matters before the Commission in the instant proceeding.

In February of 1963, Groendyke filed a proposed schedule of reduced rates applicable to the transportation of the petroleum products above designated as having prescribed rates (but including jet fuel). Petitions for suspension and protests were filed. The Commission denied the petitions and protests (Decision No. 60391), and allowed the proposed new rates to become effective under 1963 CRS 115-6-11. In such decision, the Commission also struck from Case No. 1585, its previous orders prescribing rates for the transportation of petroleum products by Common and Private Carriers. The effect of this Commission decision to allow the Groendyke tariff to become effective, in conjunction with Decision No. 60391, was to allow the Common Carriers of petroleum products to file such new tariffs as they might desire, subject to the power of the Commission to suspend such tariffs and go to hearing.

In April of 1963, the Commission instituted an investigation into and concerning the lawfulness of the reduced rates and charges for the transportation of petroleum products (Decision No. 60569). This investigation, as broadened by later orders, constitutes the second of the two matters before the Commission in the instant proceeding. The investigation in Case No. 5232 (Decision No. 59852) and the general rate investigation (Decision No. 60569) were consolidated into one general investigation. This general investigation has been active and pending before the Commission in various stages of development since April of 1963, and now after extensive hearings is finally before the Commission for determination.

As interim matters, the Commission determined in Decision No. 63702, dated September 16, 1964, that it should, after hearing, prescribe rates for the transportation of petroleum products by Private Carriers, and might so do as to Common Carriers. After hearing, the Commission on September 14, 1965, Decision No. 65847, prescribed rates for both Private and Common Carriers to become effective September 24, 1965. The rates as prescribed at that time are presently in effect.

During this same period of time that the investigation was pending before the Commission, an appellate proceeding brought by Consolidated Freightways Corporation of Delaware et al, against the Commission to determine the lawfulness of the action taken by the Commission in Decision No. 60391 was pending before the Courts of the State of Colorado. The Denver District Court in Docket No. B-62606 sustained the Commission. However, on October 4, 1965, the Colorado Supreme Court in Docket No. 21226, 406P. 2d 83, reversed the Denver District Court, and held that the Commission was in error in not prescribing rates for the Carriers, and directed the Commission to reinstate the rates as they had been prescribed in February of 1963. The Commission entered an order (Decision No. 66322) on November 22, 1965, reinstating the February 1963 rates as of January 1, 1966. However, prior to such effective date, the Commission upon the petition of certain of the Respondent carriers and after hearing, generally re-prescribed the September 1965 rates, and such rates remain generally in effect as of today.

The Commission has now completed its general investigation and the matter is before us for decision. We now proceed to determine the facts in this proceeding. To a limited degree, it has been necessary in such factual findings to include a minor quantity of narrative recital.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact that:

1. Prescribed distance commodity rates, in cents per hundred-weight, applicable to the transportation of petroleum products, in bulk, viz., absorption oil; blended gasoline (50% or more gasoline); gasoline (except casinghead (natural gasoline); naptha; refined oil, either illuminating or burning; gas oil; diesel fuel and furnace oil, first became effective in Plains Territory on June 1, 1944. Eleven years later prescribed distance and point to point commodity rates, in cents per gallon, applicable to the transportation of the above-named petroleum products, in bulk, became effective in Mountain Territory. The rates so prescribed have been increased from time to time, by various Commission decisions, the last general increase being effective September 1, 1957. The distance rates, for selected distances, originally prescribed and those in effect on September 1, 1957 and January 1, 1966, are as follow:

TABLE III

PLAINS TERRITORY

In Effect	<u>June 1, 1944</u>		<u>Sept. 1, 1957</u>		<u>Jan. 1, 1966</u>		
<u>Distance-Miles</u>	<u>Rates in Cents per gallon</u>						
	(1)	(1a)	(1)	(2)	(3)	(4)	(5)
5		.297	.462	.250	.247	.280	.277
25		.380	.561	.360	.340	.404	.381
50		.462	.660	.560	.510	.628	.572
75		.611	.792	.790	.706	.886	.792
100		.792	.924	.950	.842	1.065	.944
125		.957	1.073	1.180	1.037	1.323	1.163
150		1.122	1.188	1.330	1.165	1.491	1.306
200		1.485	1.551	1.680	1.496	1.884	1.677
250		1.782	1.980	2.150	1.896	2.411	2.126
300		2.079	2.277	2.460	2.159	2.758	2.421
350		2.376	2.541	2.830	2.499	3.173	2.802

TABLE IV

MOUNTAIN TERRITORY

In Effect	<u>June 1, 1955</u>	<u>Sept. 1, 1957</u>	<u>Jan. 1, 1966 @</u>			
Distance-Miles	Rates in Cents per gallon					
	(1)	(1)	(2)	(3)	(4)	(5)
5	.723	.726	.372	.317	.418	.355
25	.987	1.056	.516	.439	.578	.492
50	1.284	1.320	.780	.664	.875	.744
75	1.584	1.650	1.044	.888	1.170	.996
100	1.749	1.815	1.308	1.112	1.466	1.247
125	1.914	1.980	1.560	1.326	1.750	1.487
150	2.046	2.178	1.824	1.550	2.045	1.739
200	2.376	2.508	2.340	1.990	2.623	2.231
250	2.732	2.838	2.856	2.428	3.202	2.722
300	3.102	3.168	3.384	2.876	3.794	3.226
350	3.828	4.026	3.900	3.316	4.373	3.718
400	4.092	4.290	4.416	3.754	4.951	4.208

(1) Minimum shipment, shell capacity of equipment used

(1a) Rates per gallon were determined by dividing the rate per cwt. by 15.15 (100 ÷ 6.6 = 15.15 gallons per cwt.)

(2) Minimum shipment, 5500 or 8000 gallons*) Petroleum products weighing

(3) " " 8500 or 9000 gallons*) 6.6# per gallon or less

(4) Minimum shipment, 5500 or 7000 gallons*) Petroleum products weighing

(5) " " 8000 gallons) over 6.6# per gallon

* Higher minimum shipment. Effective 12:00 midnight June 30, 1966.

@ Rates reduced to level prescribed by Decision No. 65847 on September 14, 1965, effective February 28, 1966, Decision No. 66849, dated February 16, 1966. Rates in effect January 1, 1966 were 120% of those prescribed by Decision No. 65847.

Petroleum products weighing 6.6 pounds per gallon or less and subject to minimum shipments of (2) 5,500 or 8,000 gallons and (3) 8,500 or 9,000 gallons, as the case may be, will hereinafter sometimes be referred to as Group A and A-1 Commodities, (2) and (3) respectively, with petroleum products weighing over 6.6 pounds per gallon and subject to minimum shipments of (4) 5,500 or 7,000 gallons, and (5), 8000 gallons, being hereinafter sometimes referred to as Group B and B-1 Commodities, (4) and (5) respectively.

The rates shown under headings (1), (2) and (4) are here referred to as base rates, subject to customary tariff rules and regulations. Incentive rates, so-called, are those shown under headings (3) and (5) and are subject, in addition to customary tariff rules and regulations, to special tariff provisions, such as continuous loading and unloading and higher minimums. Specific point to point rates may be categorized as base and incentive. The preponderance of the petroleum products, as heretofore described, move under point to point rates.

When continuous loading and unloading agreements are entered into between shippers and carriers, shippers must, as part of the arrangement, indicate on the bill of lading that shipments are moving under the governing tariff provisions relating to continuous loading and unloading.

Intrastate shipments of petroleum and petroleum products destined to points in Colorado, originate at refineries located at or near Alamosa, Gilsonite and within the Denver Metropolitan Area; at pipe line terminals located within the Denver Metropolitan Area and near La Junta, and at various well storage sites.

2. Petroleum products rates prescribed prior to Decision No. 65847, having application to petroleum products moving from points of supply to designated destinations, have generally been lower, for equal distances, than the rates prescribed under distance scales, while, by our Decision No. 65847, specifically published point to point rates, as prescribed, have, almost without exception, been the same, for equal distances, as prescribed under the distance scale.

Table V sets forth comparisons and examples.

(Table V follows.)

TABLE V

R A T E S I N E F F E C T
September 1, 1957

FROM DENVER -
TO

Rates in Cents per Gallon
Distance (1) (2)
Miles C C

ALAMOSA	240	2.574	2.706
ANTONITO	267	2.838	3.036
ASPEN	211	2.442	2.574
COLORADO SPRINGS	71	.726	.775
GLENWOOD SPRINGS	169	2.112	2.310
GRAND JUNCTION	259	2.838	2.838
GREELEY	53	.627	.693
GUNNISON	240	2.772	2.706
PUEBLO	115	.957	1.023
SALIDA	175	1.848	2.376
STERLING	125	1.023	1.056
TRINIDAD	204	1.485	1.617

R A T E S I N E F F E C T
September 24, 1965

Rates in Cents per Gallon

Distance Miles	A (1)	A (2)	B (1)	B (2)	A-1 (1)	A-1 (2)	B-1 (1)	B-1 (2)
219	1.840	1.840	2.063	2.063	1.632	1.632	1.830	1.830
247	2.070	2.070	2.321	2.321	1.828	1.828	2.050	2.050
213	2.120	2.120	2.377	2.377	1.802	1.802	2.020	2.020
69	.726	.710	.814	.796	.610	.638	.684	.715
171	1.780	1.780	1.996	1.996	1.513	1.513	1.696	1.696
259	2.470	2.470	2.769	2.769	2.100	2.100	2.355	2.355
53	.600	.600	.673	.673	.544	.544	.610	.610
202	2.040	2.040	2.287	2.287	1.734	1.734	1.944	1.944
112	.957	1.060	1.073	1.188	.850	.935	.953	1.048
144	1.480	1.480	1.659	1.659	1.258	1.258	1.410	1.410
125	1.140	1.140	1.278	1.278	1.003	1.003	1.125	1.125
197	1.680	1.680	1.884	1.884	1.496	1.496	1.677	1.677

- (1) Point to Point Rates
(2) Distance Commodity Rates

A - Petroleum Products heretofore described and weighing 6.6 lbs. per gallon or less, minimum 5500 gallons - or 8000 gallons
A-1 - " " " " " " " " " " minimum 8500 " or 9000 "

B " " " " " " " " " " minimum 5500 " or 7000 "
B-1 - " " " " " " " " " " minimum 8000 " or 7000 "

C - Petroleum products heretofore described, minimum shell capacity of equipment used.

Of the point-to-point rates in effect September 1, 1957, the distance scale of rates under heading (2) is higher than the point-to-point rates under heading (1) in all but two cases, namely, the distance rate to Grand Junction is the same as the point to point rate while the distance rate to Gunnison is lower than point-point rate. The distance scale of rates and the point-to-point rates, for equal distances, in effect January 1, 1966, are the same, except in two cases. The record in this proceeding does not warrant any departure from the distance scale of rates in publishing point-to-point rates. Nor is an intermediate application of point-to-point rates warranted. The distance scale of rates we shall prescribe herein shall apply, without exception, to the transportation of the aforesaid petroleum products.

3. Weekly rates and charges for the transportation of specified petroleum products and liquefied petroleum gas became first effective on December 26, 1962. Annual (52 consecutive weeks) rates and charges for the transportation of the same specified petroleum products, excluding liquefied gas, were prescribed by our Decision No. 67300, dated April 27, 1966, and became effective May 2, 1966. Decision No. 67720, dated July 8, 1966, prescribed, effective July 11, 1966, quarterly (13 consecutive weeks) rates and charges for the transportation of petroleum products as described in item 10 of Decision No. 65847. The record herein disclosed no traffic as having been handled under the rates that became effective December 26, 1962.

4. Of the seven Class I common carriers, required by our order to prepare cost studies based on the formula provided in Interstate Commerce Commission Highway Form F-3-58, as such formula was reissued in September 1964 (Highway Form F-9-64), Groendyke, Petco, Ruan and Ward are designated, under the regulations of the Interstate Commerce Commission, as carriers of liquid petroleum products, irregular route, radial or non-radial service; Consolidated and PIE are designated as carriers of general freight, regular route, scheduled service; Wright is designated as a carrier of specific commodities - not subgrouped - such commodities being petroleum products,

beet sugar, salt, lumber, beer, foodstuffs, glass, fertilizer and cottonseed cake, irregular route, non-radial service. Consolidated and PIE have bulk commodity divisions under the direct supervision of officers of these companies.

5. The annual reports of these seven Class I common carriers for the calendar year of 1964 show total tons of all commodities transported as well as liquid petroleum tons transported, to be as follows:

Carrier	TABLE VI		
	All Commodities Transported Tons	Liquid Petroleum Tons	Percent Liquid Petroleum of all commodities Transported
Consolidated Freightways Corporation of Delaware (Consolidated)	4,890,403	Unknown	Unknown
Groendyke Transport, Inc. (Groendyke)	2,851,615	2,743,560	96.23
Pacific Intermountain Express Co. (PIE)	2,833,284	1,594,740	56.28
Petroleum Transport Company (Petco)	987,279	987,279	100
Ruan Transport Corporation (Ruan)	6,770,223	5,259,820	77.69
Ward Transport, Inc. (Ward)	476,906	476,906	100
Wright Motor Lines, Inc. (Wright)	177,002	15,991	9.03

6. The annual reports of seventeen Class II and Class III common carriers for the calendar year of 1964 show total tons of all commodities transported as well as liquid petroleum tons transported, to be as follows:

TABLE VII			
Carrier	All Commodities Transported Tons	Liquid Petroleum Tons	Percent Liquid Petroleum of all commodities Transported
Baudino Transfer & Storage (Baudino)	2,631	Unknown	Unknown
Cadwell Trucking Company, Inc. (Cadwell)	20,358	"	"
Chandler Transport Service, Inc. (Chandler)	3,810	3,810	100
Curnow Transportation Company, Inc. (Curnow)	Unknown	Unknown	Unknown
Orville Dunlap & Son (Dunlap)	47,417	Unknown	Unknown
Eveready Freight Service, Inc. (Eveready)	17,449	4,152	23.79
Gibson Truck Lines (Gibson)	6,845	Unknown	Unknown
Gunnison Truck Line (Gunnison)	7,505	1,895	25.25
W. R. Hall Transportation & Storage Co. (Hall)	38,399	5,066	13.19
Harp Transportation Line (Harp)	Unknown	Unknown	Unknown
Frank C. Klein & Co. (Klein)	34,410	34,410	100
Mountain Cattle Co. (Mountain)	23,438	Unknown	Unknown
North Park Transpor- tation Co. (North Park)	24,080	8,545	35.48
Pherson Trucking Company (Pherson)	57,860	25,124	43.42
Salida Transfer Co., Inc. (Salida)	5,857	4,870	83.14
Silvers & Wilson Truck Service (Silvers & Wilson)	19,584	19,584	100
Transwestern Tanker, Inc. (TTI)	759,131	227,729	29.99

Four of the ten Class II and Class III carriers here, as to which complete tonnage records are shown, may be classed as carriers of petroleum products based on the percentage relationship of liquid petroleum products to all commodities (83.14% thru 100%).

7. Three common carriers, namely, Groendyke, Klein and Petco, and five private carriers, namely, B & M Transportation, Inc., (B & M) (now Colorado Tank Lines, Inc.), Orville Dunlap & Son (Dunlap & Son), Frank C. Klein & Co., Inc., (Frank Klein), Donald E. Riggle (Riggle) and Lloyd K. Tokheim (Tokheim) hold authority from this Commission to transport only petroleum products, petroleum products and crude oil, or petroleum products, liquefied petroleum gases and crude oil, all in bulk, in Colorado intrastate commerce. The remaining 29 common carriers and 19 private carriers hold authority to transport, in addition to petroleum products and crude oil, numerous other commodities ranging from abrasives to zippers in Colorado intrastate commerce. In other words only three common and five private carriers, respondents, hold authority to transport only (a) petroleum products, (b) petroleum products and crude oil, or (c) petroleum products, liquefied petroleum gases and crude oil in Colorado intrastate commerce. All other respondents, common and private, hold authority to transport petroleum or its various derivatives in addition to various and numerous other commodities. For example, North Park, as shown in its annual report for 1964, transported general freight, heavy machinery, and forest products in addition to liquid petroleum products. PIE, for the year 1964, transported general freight in addition to liquid petroleum products. Eveready, for the year 1964, transported general freight, household goods, agricultural products, and livestock in addition to liquid petroleum products. Wright, in 1964, transported refrigerated solid products, agricultural commodities, building materials, salt, beer, packaged petroleum products and beet sugar in addition to liquid petroleum products. Pherson, in 1964, transported general freight in addition to liquid petroleum products. Carriers of general freight handle less than truckload and truckload lots of commodities, some requiring protection against heat or cold; some handled over carriers' platforms; some picked up and delivered by other than line haul equipment; commodities of varying weight densities; bulk commodities; commodities of low and high values, etc. Most or all of the carriers named immediately above are engaged in interstate as well as intrastate commerce. There is no breakdown in this record as to the tonnage handled in Colorado intrastate commerce by respondents.

As private carriers are not required to file annual reports with us, no information is available as to the various kinds of traffic handled by such carriers.

8. The following carrier Respondents operate under statewide common carrier authority issued by this Commission, insofar as relevant to these proceedings, as follows:

TABLE VIII

<u>Common Carrier</u>	<u>Certificate No. & Territory</u>	<u>Commodities</u>
Consolidated	1685 Between points within the State of Colorado	Petroleum Products, Liquefied Petroleum Gases and Crude Oil, in tank truck lots
Groendyke	1873 Between points in the State of Colorado; Between points within the State of Colorado	Petroleum Products and Liquefied Petroleum Gases, in bulk, in tank trucks; crude oil, in tank truck lots
Klein	1582 Between points in the State of Colorado; Between points within the State of Colorado	Petroleum Products in bulk in tank trucks; crude oil in tank trucks
P I E	730 Between all points in the State of Colorado; Between points within the State of Colorado	Petroleum Products, in bulk; crude oil, in tank truck lots
PETCO	1512 Between all points within the State of Colorado; Between points within the State of Colorado	Transportation of petroleum products, in bulk; crude oil, in tank truck lots and crude petroleum
RUAN	1515 Between all points in the State of Colorado; Between points within the State of Colorado	Petroleum Products in bulk; crude oil, in tank truck lots
WARD	1497 Between all points in the State of Colorado; Between points within the State of Colorado	Petroleum Products in bulk; crude oil, in tank truck lots

9. The following carrier Respondents operate under statewide private carrier authority issued by this Commission, insofar as relevant to these proceedings, as follows:

<u>TABLE IX</u>		
<u>Private Carrier</u>	<u>Permit No. & Territory</u>	<u>Commodities</u>
Ashton Trucking Co.	B-815 Not restricted	Not restricted
B & M Transportation Inc., (Colorado Tank Lines, Inc.)	B-2376 Between all points within the State of Colorado	Petroleum products, in bulk only
Bridge Bros.	B-1746 From point to point in the State of Colorado; From Pueblo to any point in the State of Colorado; Between points within the State of Colorado	Petroleum products, in tank lots, only; liquid fuels and Petroleum Products; crude oil, in tank truck lots
Jim Chelf, Inc.	B-860 Not restricted	Not restricted
Roth Truck Lines, Inc.	B-472 From and to all points in the State of Colorado, provided that the owner of said permit shall not be permitted without authority from this Commission, to establish a branch office or to have an agent employed in any other town, city or location than Jefferson, Colorado, for the purpose of developing business	All Commodities
Watters Truck Line	B-859 Not restricted	Freight

10. The following carrier Respondents operate under limited common carrier authority issued by this Commission, insofar as relevant to these proceedings, as follows:

(Table X follows.)

TABLE X

<u>Common Carrier</u>	<u>Certificate No. & Authority</u>	<u>Commodities</u>
<u>Dunlap</u>	1861	Freight Petroleum Products

Transportation (a) on call and demand, and petroleum products, between, from and to points within a radius of 50 miles of Norwood, (excluding service between points served by Rio Grande Motor Way, Inc.) (b) general freight on schedule via U.S. Highway 50 and State Highways Nos. 62, 108, 145, 90, (or Colorado 141 instead of U. S. 50), from and to Grand Junction and Montrose, to and from points west of (but not including) Ridgway as far as Paradox by way of Placerville, with the right to serve locally between Ridgway and Paradox; service to include Placerville, and for the transportation of freight between Montrose and Paradox, via Uravan and intermediate points, except that no freight may be handled locally between Montrose and Placerville.

Decision No. 48679, Extended: Authorized to engage in the business of transporting household goods, general freight, farm machinery, heavy machinery, ore, petroleum products, all farm supplies, store fixtures and supplies, and sand and gravel from point to point within the City of Montrose, Colorado, in their operations under PUC No. 1861 and I, having established their "Grandfather Rights." Transportation of all commodities authorized under paragraph (b) of said operating rights, over Highway No. 97 to Nucla, and intermediate points, and to include Highway No. 80 to a point on the Dolores River known as Slick Rock, to the Union Carbide mill sites, (Nuclear), and intermediate points.

<u>Eveready Freight Service, Inc.</u>	486	Freight
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Transportation of freight in the town of Buena Vista, and in Chaffee County, and for occasional service throughout the State of Colorado, and in 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 rail and motor vehicle carriers, the applicants shall charge rates which shall be at least twenty per cent (20%) in excess in all cases than those charged by the scheduled carriers. (b) The applicants shall not operate on schedule between any points. (c) The applicants shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Buena Vista for the purpose of developing business.

<u>W. R. Hall</u>	345	Transfer, moving and General Cartage
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as follows: Conduct of a transfer, moving and general cartage business in the counties of Mesa, Garfield and Delta in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the following terms and conditions: 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 shall be as much as 20% higher in all cases than those charged by scheduled carriers. The applicant shall not operate on schedule between any points. The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Grand Junction for the purpose of developing business.

North Park Transportation Co.

1600 & I

Transfer, moving
and general cartage

AS FOLLOWS: Transportation of freight, excluding, however, household goods and heavy machinery requiring special equipment, but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and all other points and places in the State of Colorado.

Decision #36626: TRANSFERS FROM PUC 51 & 51-I (Formerly 1475 & I) AND CONSOLIDATES HERewith: Transportation of general commodities, on schedule, between Ft. Collins, Colorado and Walden, Colorado, via Colo. 14 and that portion of said certificate which authorizes service between Denver, Colorado, and points in Jackson County, Colorado, via U S 40 to its junction with Colo. 125; thence via Colo 125 to Walden, Colorado.

Decision #36626 EXTENDED TO: Transportation of general commodities between Denver, Colorado and Walden, Colorado, and North Park points it is authorized to serve, via US 40 to its junction with Colo 14; thence on Colo 14 to Walden, Colorado, serving the points on Colo. 14 between its junction with US 40 and Walden, Colorado.

Decision #43961 transfers authority to PUC 832 & 832 & I and consolidates herewith: Transportation of freight on schedule between Denver and Kremmling and intermediate points between West Portal and Kremmling; and a call and demand general transfer, moving and cartage service from point to point in Grand County and to and from Grand County and outside points and livestock between Grand County and Denver for Grand County customers -- all freight to originate or terminate in Grand County.

Decision #13796 EXTENDED TO: Transportation of livestock in less than carload lots, when competing with scheduled carriers, between points in Grand County, and points in the State of Colorado and to include transportation service between Denver and Grand Lake on the same conditions AS TO POINTS DIRECTLY ON US 40 between West Portal and Kremmling.

Decision #47712 EXTENDED TO: To include service to intermediate points between Empire and Kremmling, Colorado, but excluding service to Empire.

Decision #57606 EXTENDED TO INCLUDE: The transportation of freight, on call and demand, to serve the site of the Urad Mine, located in Clear Creek County, Colorado, near the foot of Berthoud Pass, as an off-route point in connection with applicant's otherwise authorized scheduled service between Denver and Kremmling, Colorado.

North Park Transportation Co.

5888

Transfer, moving
and general cartage

AS FOLLOWS: Transfer, moving and general cartage business in the City and County of Denver and Counties of Adams, Arapahoe and Jefferson; also occasional service throughout the State of Colorado and in 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 shall be at least 20% in excess in all cases than those charged by scheduled carriers; (b) the applicant shall not operate on schedule between any points; (c) the applicant shall not be permitted, without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver, for the purpose of developing business. Operation of a transfer, moving and general cartage business, from point to point within the City and County of Denver, State of Colorado.

Pherson

2510

General
Commodities
with exceptions

Transportation of general commodities, except household goods, livestock and fluid milk as a farm pickup, between points within a 50-mile radius of Boulder, excepting the City and County of Denver, and that part of said 50-mile radius of area lying west of US Highway 87 and south of the south line of Township 2-S, as shown on Exhibit "A" attached to the application herein, and to and from points in said area, to and from all points in the State of Colorado, including Denver;

Call and demand service, to include service within the corporate limits of the City of Boulder on the same basis as is now authorized outside the limits of that City.

Silvers (Wilson now) Truck
Service

1025

Conduct of a
transfer, moving
and general
cartage business

Conduct of a transfer, moving and general cartage business in the counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers and Baca, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated: 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 shall be as much as twenty per cent (20%) higher in all cases than those charged by scheduled carriers. The applicant shall not operate on schedule between any points. The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Rocky Ford for the purpose of developing business.

Wright Motor Lines, Inc.

960

Transfer, moving
and general cartage
business

Transfer, moving and general cartage business within the City of Manzanola and the Counties of Otero, Pueblo, Las Animas, Crowley, Bent, Kiowa, Prowers, and Baca, and for occasional service throughout the State of Colorado and in each of the counties thereof, except the transportation of freight between Denver and Manzanola and Rocky Ford, with the proviso that for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, he shall charge rates, which, in all cases, shall be as much as twenty (20%) percent higher than those charged by scheduled carriers; that he shall not operate on schedule between any points, and that he shall not, without authority from the Commission, establish a branch office or have an agent employed in any town or city other than Manzanola for the purpose of developing business.

Permitted to change the base of operations under PUC 960 from Manzanola, Colorado, to Rocky Ford, Colorado, as his headquarters.

11. The following carrier Respondents operate under limited private carrier authority issued by this Commission, insofar as relevant to these proceedings, as follows:

TABLE XI

Private Carrier

Permit
& Authority

Commodities

Dunlap

B-5654

Gasoline and
Petroleum Products

(Dunlap)

Transportation of gasoline and petroleum products, for Olin Bruton and Sons, only, from Denver and a five-mile radius thereof, and the Gilsonite Plant near Fruita, Colorado, to Olin Bruton and Sons' bulk stations and filling stations, located in Delta and Montrose Counties, Colorado.

Extended: To include the right to transport gasoline and petroleum products for Olin Bruton and Sons only, from Denver and a five-mile radius thereof, and the Gilsonite Plant, near Fruita, Colorado, to bulk stations and filling stations now or hereafter operated by Olin Bruton and Sons located in the Counties of Mesa, San Miguel, Ouray, and Gunnison, Colorado.

W. R. Hall

B-820

Freight

Unrestricted, freight, statewide, subject to the following conditions: That all duplicating or overlapping authority authorized in Private Carrier Permit B-820 and Certificate of Public Convenience and Necessity No. 345 is hereby deleted from the above-designated private carrier authority, viz., Private carrier Permit No. B-820, and that said private carrier permit be further restricted to an office in Mesa County, Colorado, for the solicitation of business. (No service to be rendered on this permit in the base counties of operation under PUC No. 345, which are the counties of Mesa, Garfield and Delta.)

Klein

B-2264

Petroleum
Products in
bulk only, by
tank trucks

From Shamrock, Colorado, the Bay Refinery near Denver, and refineries at Adams City, Imperial and Craig, to points in the State of Colorado.

Wright

A-455

Freight

Transportation of freight between Manzanola, Rocky Ford, and Denver, and intermediate points, and between Manzanola and the Colorado-Kansas State Line, and between all intermediate points, via US Highway No. 50.

12. Respondents operate various sizes of tank equipment in the transportation of liquid petroleum products, (A, A-1, B and B-1 commodities) in Colorado intrastate commerce ranging from a gallonage capacity of 1500 to 10,583 gallons. Prescribed rates on group A and group B commodities are subject to minimum shipments of 5,500 gallons prior to July 1, 1966, and 8,000 and 7,000 gallons, respectively, on and after July 1, 1966. Prescribed rates on group A-1 commodities are subject to minimum shipments of 8,500 gallons prior to July 1, 1966, and 9,000 gallons on and after July 1, 1966, while prescribed rates on group B-1 commodities are subject to minimum shipments of 8,000 gallons.

(The expiration date of July 1, 1966 was extended to October 1, 1966 by special permission No. 15010, dated June 30, 1966, and further extended to December 1, 1966, by special permission No. 15023, dated September 30, 1966.)

13. Certain Respondents to these proceedings were directed to furnish data as to the length, tare weight and gallonage capacities of tank equipment used to transport liquid petroleum products, equipment designated being that selected at random, with exceptions, from the traffic studies of these respondents. In the case of the exceptions to the random selection, the ordered information was furnished on all equipment where just a few pieces were operated during the period the traffic study covered. Table XII reflects examples of the data so furnished, with the maximum number of gallons of various petroleum products that may be loaded in the carrier equipment and be in compliance with Colorado weight and length requirements (See 13-5-125, Colorado Revised Statutes - 1963, Automobiles and other Motor Vehicles, Gross Weight of Vehicles and Loads):

(TABLE XII follows.)

T A B L E X I I

<u>CARRIER</u>	<u>Tractor- Trailer Tare Weight</u>	<u>Tank- Trailer Gallonage Capacity</u>	<u>Distance in feet between first & last axle of comb- ination L</u>	<u>Maximum gross weight in pounds Under bridge Formula $800 \times (L + 40)$</u>	<u>Lawful payload in Pounds</u>	<u>Maximum gallons Lawful payload D - Diesel Fuel, Fuel Oil, Jet Fuel G - Gasoline</u>
Bridge	(23000		50	72000 <u>$(800 \times (50 + 40))$</u>	49000 <u>$(72000 - 23000)$</u>	D 7101 $(49000 \div 6.9)$ G 7903 $(49000 \div 6.2)$
	(20900		46	68800 <u>$(800 \times (46 + 40))$</u>	47900 <u>$(68800 - 20900)$</u>	D 6942 $(47900 \div 6.9)$ G 7726 $(47900 \div 6.2)$
Consolidated	(23940	8650	56.417	77134 <u>$(800 \times (56.417 + 40))$</u>	53194 <u>$(77134 - 23940)$</u>	D 7709 $(53194 \div 6.9)$ G 8580 $(53194 \div 6.2)$
	(23800	9430	56.083	76866 <u>$(800 \times (56.083 + 40))$</u>	53066 <u>$(76866 - 23800)$</u>	D 7691 $(53066 \div 6.9)$ G 8559 $(53066 \div 6.2)$
	(24440	8575	56.083	76866 <u>$(800 \times (56.083 + 40))$</u>	52426 <u>$(76866 - 24440)$</u>	D 7598 $(52426 \div 6.9)$ G 8456 $(52426 \div 6.2)$
Eveready	(23490	9000	53.333	74666 <u>$(800 \times (53.333 + 40))$</u>	51176 <u>$(74666 - 23490)$</u>	D 7417 $(51176 \div 6.9)$ G 8254 $(51176 \div 6.2)$
	(24460	9000	54.00	75200 <u>$(800 \times (54.00 + 40))$</u>	50740 <u>$(75200 - 24460)$</u>	D 7354 $(50740 \div 6.9)$ G 8184 $(50740 \div 6.2)$
Groendyke	(26370	9000	54.250	75400 <u>$(800 \times (54.250 + 40))$</u>	49030 <u>$(75400 - 26370)$</u>	D 7106 $(49030 \div 6.9)$ G 7908 $(49030 \div 6.2)$
	(21770	9250	50.833	72666 <u>$(800 \times (50.833 + 40))$</u>	50896 <u>$(72666 - 21770)$</u>	D 7376 $(50896 \div 6.9)$ G 8209 $(50896 \div 6.2)$
	(24520	9000	50.167	72134 <u>$(800 \times (50.167 + 40))$</u>	47614 <u>$(72134 - 24520)$</u>	D 6901 $(47614 \div 6.9)$ G 7680 $(47614 \div 6.2)$
Petco	(25300	9150	53.750	75000 <u>$(800 \times (53.750 + 40))$</u>	49700 <u>$(75000 - 25300)$</u>	D 7203 $(49700 \div 6.9)$ G 8016 $(49700 \div 6.2)$
	(25180	9300	53.500	74800 <u>$(800 \times (53.500 + 40))$</u>	49620 <u>$(74800 - 25180)$</u>	D 7191 $(49620 \div 6.9)$ G 8003 $(49620 \div 6.2)$
	(23340	9200	55.583	76466 <u>$(800 \times (55.583 + 40))$</u>	53126 <u>$(76466 - 23340)$</u>	D 7699 $(53126 \div 6.9)$ G 8569 $(53126 \div 6.2)$

<u>CARRIER</u>		<u>Tractor- Trailer Tare Weight</u>	<u>Tank- Trailer Gallorage Capacity</u>	<u>Distance in feet between first & last axle of comb- ination L</u>	<u>Maximum gross weight in pounds Under bridge Formula $800 \times (L + 40)$</u>	<u>Lawful payload in Pounds</u>	<u>Maximum gallons Lawful payload D - Diesel Fuel, Fuel Oil, Jet Fuel G - Gasoline</u>
Pherson	(	26340	8500	56	76,800 <u>$(800 \times (56 + 40))$</u>	50460 <u>$(76800 - 26340)$</u>	D 7313 $(50460 \div 6.9)$ G 8139 $(50460 \div 6.2)$
	(	28300	7420	50	72000 <u>$(800 \times (50 + 40))$</u>	43700 <u>$(72000 - 28300)$</u>	D 6333 $(43700 \div 6.9)$ G 7048 $(43700 \div 6.2)$
PIE	(	24950	9000	51.167	72934 <u>$(800 \times (51.167 + 40))$</u>	47984 <u>$(72934 - 24950)$</u>	D 6954 $(47984 \div 6.9)$ G 7739 $(47984 \div 6.2)$
	(	24890	8808	55.250	76200 <u>$(800 \times (55.250 + 40))$</u>	51310 <u>$(76200 - 24890)$</u>	D 7436 $(51310 \div 6.9)$ G 8276 $(51310 \div 6.2)$
	(	25630	9000	54.25	75400 <u>$(800 \times (54.250 + 40))$</u>	49770 <u>$(75400 - 25630)$</u>	D 7213 $(49770 \div 6.9)$ G 8027 $(49770 \div 6.2)$
RUAN	(	23700	10583	50.750	72600 <u>$(800 \times (50.750 + 40))$</u>	48900 <u>$(72600 - 23700)$</u>	D 7087 $(48900 \div 6.9)$ G 7887 $(48900 \div 6.2)$
	(	24000	10583	51.563	73250 <u>$(800 \times (51.563 + 40))$</u>	49250 <u>$(73250 - 24000)$</u>	D 7138 $(49250 \div 6.9)$ G 7944 $(49250 \div 6.2)$
	(	20580	9476	47.667	70134 <u>$(800 \times (47.667 + 40))$</u>	49554 <u>$(70134 - 20580)$</u>	D 7182 $(49554 \div 6.9)$ G 7993 $(49554 \div 6.2)$
WARD	(	23810	9000	49.00	71200 <u>$(800 \times (49.00 + 40))$</u>	47390 <u>$(71200 - 23810)$</u>	D 6868 $(47390 \div 6.9)$ G 7644 $(47390 \div 6.2)$
	(	23010	8900	51.583	73266 <u>$(800 \times (51.583 + 40))$</u>	50256 <u>$(73266 - 23010)$</u>	D 7283 $(50256 \div 6.9)$ G 8106 $(50256 \div 6.2)$
	(	25960	9000	54.667	75734 <u>$(800 \times (54.667 + 40))$</u>	49774 <u>$(75734 - 25960)$</u>	D 7214 $(49774 \div 6.9)$ G 8028 $(49774 \div 6.2)$
WRIGHT	(	23690	8500	46.5	69200 <u>$(800 \times (46.5 + 40))$</u>	45510 <u>$(69200 - 23690)$</u>	D 6596 $(45510 \div 6.9)$ G 7340 $(45510 \div 6.2)$

(Note: From the examples noted, and others of record, it would appear that Respondents may not be in compliance with Colorado statutes pertaining to gross weight of vehicles and loads. Respondents are admonished to observe strictly, item 10, Appendix A, Decision 65847, dated September 14, 1965, and rules 16 and 19 of our Rules and Regulations Governing the Operations of Private Carriers by Motor Vehicle and Motor Vehicle Common Carriers, respectively.)

14. The incentive rates and charges on A-1 and B-1 Commodities are conditioned, in part, upon the carriers having free access to the loading and unloading facilities of shippers on an around-the-clock or twenty-four hour basis. Section 19, Article 2, Chapter 138 of the 1963 Colorado Revised Statutes entitled "Night Deliveries" reads as follows:

"It shall be unlawful for any distributor to receive and have delivered into the storage tanks or other equipment of such distributor any motor fuel or kerosene between the hours of nine p.m. and five a.m., and the receipt of any motor fuel or kerosene by any distributor during said hours shall be prima facie evidence of attempt to evade the payment of the tax herein imposed on such motor fuel, unless such distributor in case of an emergency shall procure from the director of revenue before such receipt or delivery a special permit authorizing the receipt and delivery of said motor fuel or kerosene, or make a report to the director of revenue under oath on blanks provided by said director of revenue or otherwise, showing the quantity and kind of motor fuel or kerosene delivered, and the hours and dates of said delivery within forty-eight hours after said delivery."

Under this statute it is incumbent upon the distributor receiving the shipment to comply with the statute. We note that these incentive rates will not be applicable unless the distributor does comply with the cited statute.

15. Many of the Respondents lease equipment on a percentage division of gross revenue derived from the transportation of petroleum products. All Respondents, save one, testifying to such arrangements had been exempted from common carrier Rule 14(b) and private carrier Rule 12(b) providing "the leasing of equipment or employing drivers, with compensation on a percentage basis dependent on gross receipts, per trip, or for any period of time, is prohibited." One Respondent, not exempt from said rules, prior to September 24, 1965, was granted temporary exemption and was later exempted from said rules following hearing. Table XIII,

which follows, is a tabulation of the percentage division arrangements between the named respondents and their lessors. Respondents withhold from the compensation paid to lessors, various expenses such as driver wages, driver fringe benefits, insurance and safety, workmen's compensation, Federal Old Age Benefits, public liability and property damage insurance, Colorado gross ton-mile tax, and group hospital insurance. In some cases, fuel, tire and repair costs are withheld where the lessor purchases such items through or from Respondent. Table XIII-A sets forth examples of settlement made between respondents and lessors under the terms of these leasing agreements.

(TABLES XIII AND XIII-A FOLLOW.)

T A B L E XIII

Carrier owner-operator or lessor percentage division of gross revenue
derived from the transportation of liquid petroleum products

<u>Carrier</u>	Percent to Owner- Operator	Percent to Lessor	Percent to Carrier	Tractor furnished by Owner-Operator or Lessor	Tractor & Trailer furnished by Owner-Operator or Lessor	Driver with Tractor or Tractor- Trailer?	
						yes	No
BRIDGE		90 ⁽¹⁾ 75 ⁽¹⁾	10 25				
CHELF	90 ⁽²⁾		10		X ⁽²⁾		N O R
CONSOLIDATED	75		25	X		X	
DUNLAP		7¢ per Mile ⁽³⁾					
GROENDYKE	90		10		X		X
PETCO	85 ⁽⁴⁾		15		X		X
	90 ⁽⁵⁾		10		X		X
PIE	75		25		X	X	
PERSON	93		7		X		X
RUAN	70 ⁽⁶⁾		30	X		X	
	90		10		X		X
WARD	82	24¢ ⁽⁷⁾	18	X			X
	90	7¢ ⁽⁸⁾	10		X		X
WRIGHT	93		7		X	X	

- (1) 90% of gross revenue to owner of equipment for truck tractor and semi-trailer;
75% of gross revenue to owner of equipment for truck tractor, Bridge furnishing trailer.
- (2) Leases from for-hire carriers, from employees and owner-operators sometimes.
- (3) Dunlap leases trailer for 7¢ per mile.
- (4) Intercity leasing
- (5) Line haul leasing
- (6) Combination lease, plus an additional percentage as an agency fee for maintaining terminal facilities. One truck operation with only company trailers - applicable at Grand Junction and La Junta.
- (7) Tractor on mileage basis -- H. B. Ward, Lessor
- (8) Trailer on mileage basis -- H. B. Ward, Lessor

N O R - Not of record

TABLE XIII-A

EXAMPLES OF SETTLEMENTS MADE BETWEEN RESPONDENTS AND LESSORS:

<u>Lessee</u>	<u>Lessor</u>
Bridge Brothers, Inc.	J. R. Harper, LH-121
<u>January 1964 - Lease Settlement #140</u>	<u>April 1965 - Lease Settlement #155</u>
Revenue \$ 1,903.80	Revenue \$ 4,106.40
Less 10% 190.38	Less 10% 410.64
Net Revenue 1,713.42	Net Revenue 3,695.76
Expenses:	
Equipment Maintenance, Repairs and servicing Revenue Equipment 40.11	27.82
Transportation:	
Drivers & Helpers 315.80	721.52
Fuel-Oil Revenue	
Equipment 291.15	494.08
Other 20.30	28.59
Insurance: Safety Expense, Public Liability & Property Damage & Cargo Insurance 85.67	184.59
Operating Taxes & Licenses Gas, other fuel-oil taxes 43.26	33.61
Vehicle License & Registration Fees 111.91	77.79
Social Security Taxes 15.24	30.48
Total expenses \$ 923.44	\$ 1,598.68

<u>Lessee</u>	<u>Lessor</u>
Ward Transport, Inc.	G. C. McKinsey, 10 (Reports 3 & 4)
<u>April 1964</u>	<u>April 1965</u>
Revenue \$2,900.07	Revenue \$ 2,965.33
Less 10% 290.01	Less 10% 296.53
Net Revenue 2,610.06	Net Revenue 2,668.80
Expenses:	
Equipment Maintenance, Repairs and servicing 26.70	71.25
Transportation:	
Drivers & Helpers 688.14	691.81
Fuel - Oil, Revenue	
Equipment 354.42	315.50
Purchased Transportation 375.97	397.60
Insurance & Safety:	
Public Liability & Property Damage 116.00	118.61
Employees Welfare 5.39	6.96
Operating Taxes & Licenses:	
Vehicle License & Registration Fees 240.17	295.56
Total Expenses \$1,806.79	\$ 1,897.29

The practice of leasing equipment appears to result in lower costs of operation to the Respondents and consequently to the shipping public. Based on the length of time lessors have continued to lease equipment to the Respondents, the divisional and other arrangements between the Respondents and the lessors appear to be mutually beneficial. The record, however, is inconclusive as to what is actually the case as to the compensativeness of the various divisions of revenue set out in Table XIII.

16. Respondents Consolidated, Groendyke, PIE, Petco, Ruan, Ward and Wright, developed costs for the transportation of petroleum and petroleum products, pursuant to our order, by the application of Interstate Commerce Commission Highway Form F formulae to data contained in Respondents' 1964 annual report and quarterly reports for the first six months of 1965, supplemented by the results of a 6-day operational time and motion study in September and October, 1965. The purpose of the study was to ascertain Respondents' circuitous mileage, average speed of vehicles, driving time expended in line operations and time spent by drivers in waiting, loading and unloading.

17. Consolidated developed actual costs for the transportation of petroleum and petroleum products for 320 shipments that moved on the traffic study test days as set out in order in Decision No. 65801, dated September 14, 1965. Table XIV is a tabulation of the actual costs incurred in the handling of shipments referred to therein as examples of the manner in which costs were determined and applied. Table XV, Summary of the traffic study, shows the revenue, costs and profits or loss incurred in transporting 320 shipments of petroleum and petroleum products on the traffic test days. Table XIV breaks the costs of transporting the subject commodities into two categories - (1) Line haul expenses and (2) Terminal expenses, which categories in turn are broken down in detail to show costs incurred in the line haul and at the terminal.

(TABLE XIV follows.)

T A B L E X I V

Examples of out-of-pocket costs, and profits or losses based on said costs, on selected shipments of Gasoline, Diesel and Propane transported by Consolidated Freightways during Traffic study test period
January 1, 1964 - June 30, 1965

Line No.	Line Haul Expenses	(Shipment-date) Dupont- Commerce City Feb. 4, 1964	(Shipment-date) Commerce City- Colorado Springs Sept. 9, 1964 Mar. 4, 1964		(Shipment-date) Commerce City- Leadville Nov. 13, 1964 Aug. 11, 1964	
1.	Revenue, actual	\$ 19.81	\$ 62.80	\$ 62.80	\$ 126.72	\$ 126.72
2.	Revenue, restated 9-24-65	16.83	62.80	62.80	105.53	105.53
3.	Round trip distance - Miles	16	144	142	238	238
4.	Rate making distance - Miles	4	69	69	115	115
5.	Tractor-Trailer per mile cost (22.28 cents, Line 3 x Line 5)	3.56	32.08	31.64	53.03	53.03
6.	Driver wages, (plussed 6.5%)	2.01	11.66	11.23	21.27 ⁽⁴⁾	21.27 ⁽⁴⁾
7.	Fringes -(11.89% Line 6)	.24	1.39	1.34	2.53	2.53
8.	Hourly expense of equipment @ \$1.9969 per hour	1.50	8.99	6.99	11.98	11.98
9.	Overhead --(9.713551% of Lines 6 & 7)	.22	1.27	1.22	2.32	2.32
10.	<u>Terminal Expenses:</u> Hourly Expenses	6.70	5.69	4.03	7.24	12.88
11.	Fringes - (11.89% of Line 10)	.80	.68	.48	.86	1.53
12.	Weight (1) Gasoline, (2) Diesel (3) Propane @ .00101 per cwt.	(1) 49135) .50	(1) 53630) .54	(1) 53630) .54	(1) 53630) .54	(1) 53630) .54
13.	Freight Bill Cost	.65	.65	.65	.65	.65
14.	Overhead - (9.713551% of Lines 10 and 11)	.73	.62	.44	.79	1.40
15.	<u>Total</u>	<u>16.91</u>	<u>63.57</u>	<u>58.56</u>	<u>101.21</u>	<u>107.63</u>
16.	Line 1 - Line 15	2.90	- .77	4.24	25.51	19.09
17.	Line 2 - Line 15	-.08	- .77	4.24	4.32	-2.10

(4) 204 Miles @ 8.55¢ per mile, mountain territory, plussed 6.5%. 34 miles @ 7.425¢ per mile, plains territory, plussed 6.5%.

Line No.	Line Haul Expenses	<u>Shipment & Date</u> <u>Commerce City-</u> <u>Denver</u> <u>Jan. 18, 1965</u>		<u>Shipment & Date</u> <u>Commerce City-</u> <u>Red Mountain</u> <u>Feb. 15, 1965</u>		<u>Shipment & Date</u> <u>Commerce City-</u> <u>Idaho Springs</u> <u>Mar. 4, 1964</u>	
1.	Revenue, Actual	\$ 21.63		\$ 251.06		\$ 69.30	(5) Owner-Operator Consolidated trailer used @ cost of 2.99¢ per mile.
2.	Revenue, restated 9-24-65		\$ 17.13	265.65		69.30	
3.	Round trip distance - Miles	16	16	646		66	
4.	Rate making distance - Miles	8	8	315		33	(6) Owner-operator received 75% of revenue actual or restated, for furnishing tractor.
5.	Tractor-Trailer per mile cost (22.28 cents, Line 3 x Line 5)	.48 ⁽⁵⁾	.48 ⁽⁵⁾ (16 x 2.99¢ per mile)	143.93		14.70	(7) Hourly cost of trailer to Consolidated 42.75¢
6.	Driver Wages, plussed 6.5%	16.22 ⁽⁶⁾	12.85 ⁽⁶⁾	58.34 ⁽⁸⁾		5.22	(8) 606 miles @ 8.55¢ per mile, mountain territory, plussed 6.5%
7.	Fringes - (11.89% Line 6)	--	--	6.89		.62	
8.	Hourly expense of equipment @ \$1.9969 per hour	1.18 ⁽⁷⁾	1.18 ⁽⁷⁾	31.95		3.99	
9.	Overhead - (9.713551% of Lines 6 & 7)	1.58	1.25	6.35		.57	40 miles @ 7.425¢ per mile, plains territory, plussed 6.5%
10.	<u>Terminal Expenses:</u> Hourly Expense	--	--	15.58		7.35	
11.	Fringes - (11.89% of Line 10)	--	--	1.85		.87	
12.	Weight (1) Gasoline, (2) Diesel (3) Propane @ .00101 per cwt.	(1) 53630 .54	(1) 53630 .54	(2) 54683 .55		(3) 37556 .38	
13.	Freight bill cost	.65	.65	.65		.65	
14.	Overhead - (9.713551% of Lines 10 & 11)	--	--	1.70		.80	
15.	TOTAL	20.65	16.95	267.84		35.15	
16.	Line 1 minus Line 15	.98	--	-16.78		34.15	
17.	Line 2 minus Line 15	-	.18	- 2.19		-	

18. Groendyke developed costs by the application of ICC Highway Form F, 9-64, the corrected cost factors developed being those shown in Table XIV-A, for example, for distances 10 to 19 miles and over 80 miles. The line haul mile cost per gallon of gasoline, where the average load, for instance, is 8220 gallons and the distance transported over 80 miles, is 0.0102 cents and the terminal cost is 0.00566 cents. Thus for a haul of 200 miles, the out-of-pocket cost per gallon is 2.04566 cents (0.0102 cents x 200 miles = 2.04 cents plus 0.00566 cents for a total per gallon cost of 2.04566 cents).

19. Petco's costs were developed by the application of ICC Highway Form F, 3-58, for example, for distances of 1 to 10 miles and 240-340 miles as disclosed by Table XIV-A. The line haul cost per gallon for diesel fuel, where the average load is 8258 gallons and the distance transported 250 miles, is 0.08871 cents and the terminal cost is 0.11811 cents. For a haul of 250 miles the fully allocated cost per gallon is 2.237 cents (0.08871 cents x 250 miles = 2.129 cents plus 0.11811 cents for a total per gallon cost of 2.237 cents).

20. Ruan's costs, as developed by ICC Highway Form F, 9-64, are shown in Table XIV-A for all distances within plains and mountain territories. PIE costs were developed in the same manner as were Ruan's. For a haul of 100 miles, Ruan's per gallon fully allocated cost for transporting gasoline in Plains territory is 1.054396 cents. (Line haul, $(0.14973¢ \div 16.12 \text{ gal. } (100\# \div 6.2\#)) = 0.009289 \text{ cents per gallon} \times 100 \text{ miles} = 0.9289 \text{ cents plus terminal } 0.125496 \text{ cents } (2.023 \text{ cents } \div 16.12) = 1.054396 \text{ cents}$) Ruan's out-of-pocket cost per gallon, in this instance, is line haul, 0.95479 cents $(0.13564 \text{ cents } \div 16.12 \text{ gallons } (100\# \div 6.2\#)) = 0.008414 \text{ cents} \times 100 \text{ miles} = .8414 \text{ cents plus terminal } 0.11339 \text{ cents } (1.828 \text{ cents } \div 16.12) = 0.95479 \text{ cents}$).

21. Respondent Ward's costs were based on ICC Highway Form F, 9-64 but without constant unit costs as in the case of Petco and PIE. The out-of-pocket cost per gallon to Ward, of transporting diesel fuel in Plains territory for a distance of 150 miles, based on an average load of 7862 gallons, is 1.5863 cents $(150 \times 0.0104 \text{ cents (line haul cost per gallon)} = 1.521 \text{ cents plus } 0.0653 \text{ cents per gallon (terminal cost$

per gallon) - total cost per gallon of 1.5863 cents).

22. Respondent Wright's costs were developed in a like manner to that of Ward. The out-of-pocket cost per gallon to Wright of transporting diesel fuel in Plains territory for a distance of 150 miles, based on an average load of 8,025 gallons, is 1.3863 cents (150×0.00826 cents (line haul cost per gallon) = 1.239 cents plus 0.1473¢ per gallon (terminal cost per gallon) = total cost of 1.3863 cents).

23. Table XIV-A, as referred to hereinabove, shows cost factors of Groendyke, Petco, Ruan, PIE, Ward, and Wright, used in arriving at the profit and loss figures set out in tables that follow as they pertain to these six Class I Respondents.

(TABLE XIV-A follows - a 4-page Table)

TABLE XIV-A

Cost factors developed under ICC Highway Form F, 9-64

Carrier: <u>GROENDYKE</u>	ALL TERRITORIES					ALL TERRITORIES		
	GROUP A COMMODITIES (Gasoline)					GROUP B COMMODITIES (Diesel-Jet Fuel)		
	Under 8000 gallons		Over 8000 gallons			Under 8000 gal.	Over 8000 gallons	
Average load in gallons	1,500	6,000	7,425	8,220	9,053	6,000	8,220	9,053
Terminal cost by product in cents per gallon	0.02135¢	0.00836¢	0.00700¢	0.00566¢	0.00576¢	0.00901¢	0.00609¢	0.00622¢
<u>A:</u>								
Line haul cost	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢
10-19 mile zone:								
Line hourly cost per mile	13.4¢	13.4¢	13.4¢	13.4¢	13.4¢	13.4¢	13.4¢	13.4¢
Line hourly cost per mile adjusted for average speed (13.4 ¢ x .974)	13.05¢	13.05¢	13.05¢	13.05¢	13.05¢	13.05¢	13.05¢	13.05¢
Total Line haul cost	44.85¢	44.85¢	44.85¢	44.85¢	44.85¢	44.85¢	44.85¢	44.85¢
Percentage of loaded to empty miles plus 100%	200%	200%	200%	200%	200%	200%	200%	200%
Total line haul cost per loaded mile	89.70¢	89.70¢	89.70¢	89.70¢	89.70¢	89.70¢	89.70¢	89.70¢
Line haul cost per gallon per loaded mile	0.0598¢	0.0150¢	0.0121¢	0.0109¢	0.0099¢	0.0150¢	0.0109¢	0.0099¢
<u>B:</u>								
Line haul cost:								
Line mileage cost per mile		31.8¢	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢	31.8¢
Over 80-Mile Zone:								
Line hourly cost per mile		11.4¢	11.4¢	11.4¢	11.4¢	11.4¢	11.4¢	11.4¢
Line hourly cost per mile adjusted for average speed (11.4x.911)		10.38¢	10.38¢	10.38¢	10.38¢	10.38¢	10.38¢	10.38¢
Total Line haul cost		42.18¢	42.18¢	42.18¢	42.18¢	42.18¢	42.18¢	42.18¢
Percentage of loaded to empty miles plus 100%		199%	199%	199%	199%	199%	199%	199%
Total line haul cost per loaded mile		83.94¢	83.94¢	83.94¢	83.94¢	83.94¢	83.94¢	83.94¢
Line haul cost per gallon per loaded mile		0.0140¢	0.0113¢	0.0102¢	0.0093¢	0.0140¢	0.0102¢	0.0093¢

TABLE XIV-A

Cost Factors developed under ICC Highway Form F 3-58

Carrier	GROUP A COMMODITIES		GROUP B COMMODITIES	
	Under 8000 gal.	Over 8000 gal.	Under 7500 gal.	Over 8000 gal.
<u>PETROLEUM TRANSPORT</u>				
Average load in gallons	7306	8598	7450	8258
A:				
Terminal cost by product in cents per gallon	0.09439¢	0.11782¢	0.09408¢	0.11811¢
Line Haul Cost:				
Line mileage cost per mile	25.461¢	25.461¢	25.461¢	25.461¢
Line hourly cost " " (240 miles thru 340 miles)	10.840¢)	10.840¢)	10.840¢	10.840¢
Total Line haul cost:	36.301¢	36.301¢	36.301¢	36.301¢
Percent total miles to loaded miles (240-340 miles)	201.8%	201.8%	201.8%	201.8%
Line haul cost per loaded mile (240-340 miles)	73.26¢	73.26 ¢	73.26¢	73.26¢
Line haul cost per gallon per loaded mile (240-340 miles)	0.010027 ¢	0.008520¢	0.009833¢	0.008871¢
B:				
Terminal cost by Product in Cents per gallon	0.09439¢	0.11782¢	0.09408¢	0.11811¢
Line Haul Cost:				
Line mileage cost per mile	25.461¢	25.461¢	25.461¢	25.461¢
Line hourly cost per mile (1-10 miles)	18.353¢	18.353¢	18.353¢	18.353¢
Total Line Haul Cost	43.814¢	43.814¢	43.814¢	43.814¢
Percent total miles to loaded miles (1-10 miles)	256.7%	256.7%	256.7%	256.7%
Line haul cost per loaded mile (1-10 miles)	112.47¢	112.47¢	112.47¢	112.47¢
Line haul Cost per gallon per loaded mile (1-10 miles)	0.015394¢	0.013046¢	0.015096¢	0.013619¢

TABLE XIV-A
Cost factors from Computation of Costs - ICC Highway Form F, 9-64

CARRIER: <u>RUAN</u>	<u>PLAINS TERRITORY</u>				<u>MOUNTAIN TERRITORY</u>	
	Gasoline	Jet Fuel	Fuel Oil	Crude Oil	Gasoline	Fuel Oil
Line haul costs in cents per 100-pound mile - (Summary Schedule Sheet 1, Lines 7-13)	0.13564¢	0.13196¢	0.11538¢	0.13917¢	0.13175¢	0.13489¢
Constant Unit Costs per hundred pound mile - (Schedule A, Sheet 3, Line 74)	0.01409¢	0.01409¢	0.01409¢	0.01409¢	0.01409¢	0.01409¢
Total cost variable with distance per hundred-pound mile	0.14973¢	0.14605¢	0.12947¢	0.15326¢	0.14584¢	0.14898¢
Constant Unit Cost per Cwt. (Schedule A, Sheet 3, Line 73)	0.195¢	0.195¢	0.195¢	0.195¢	0.195¢	0.195¢
Terminal, Billing and Collecting Cost per cwt. (Summary Schedule Sheet 1, Line 6)	1.828¢	1.827¢	1.985¢	0.937¢	2.068¢	1.745¢
Total Cost per Cwt., not variable with distance	2.023¢	2.022¢	2.180¢	1.132¢	2.263¢	1.940¢

ALL TERRITORIES

CARRIER: <u>P. I. E.</u>	<u>GASOLINE</u>		<u>DIESEL</u>	
	Under 100 Miles	Over 100 Miles	Under 100 Miles	Over 100 Miles
Line haul costs in cents per 100 - pound mile	0.27324¢	0.12046¢	0.22760¢	0.10034¢
Constant Unit Costs per Cwt. Mile	0.017901¢	0.017901¢	0.017901¢	0.017901¢
Total Cost variable with distance per Cwt. Mile	0.291141¢	0.138361¢	0.245501¢	0.118241¢
Constant Unit Cost per Cwt.	0.212¢	0.212¢	0.212¢	0.212¢
Terminal Billing and Collecting Cost per Cwt.	1.759¢	1.759¢	1.614¢	1.644¢
Total cost per cwt. not variable with distance	1.971¢	1.971¢	1.856¢	1.856¢

TABLE XIV-A
Cost factors from Computation of Costs ICC Highway Form F, 9-64

	<u>PLAINS TERRITORY</u>				<u>MOUNTAIN TERRITORY</u>	
	<u>GROUP A COMMODITIES</u>		<u>GROUP B COMMODITIES</u>		<u>GROUP A</u>	<u>GROUP B</u>
	<u>Under</u> <u>8000 gal.</u>	<u>Over</u> <u>8000 gal.</u>	<u>Under</u> <u>7000 gal.</u>	<u>Over</u> <u>7000 gal.</u>	<u>COMMODITIES</u> <u>Over 8000 gal.</u>	<u>COMMODITIES</u> <u>Over 7000 gal.</u>
CARRIER: <u>WARD TRANSPORT, INC.</u>						
Average load in gallons	6,697	8,523	5,683	7,862	8,583	7,862
Terminal cost by products in cents per gallon	0.0608¢	0.0514¢	0.0653¢	0.0653¢	0.0514¢	0.0653¢
Line haul cost:						
Line mileage cost per mile	32.456¢	32.456¢	32.456¢	32.456¢	32.456¢	32.456¢
Line hourly cost per mile	8.256¢	8.256¢	8.256¢	8.256¢	8.256¢	8.256¢
Over 50-Mile Zone:						
Line hourly cost per mile adjusted for average speed (.918 x 8.256 - Plains; 1.201 x 8.256 - Mountain)	7.579¢	7.579¢	7.579¢	7.579¢	9.915¢	9.915¢
Total Line Haul Cost	40.035¢	40.035¢	40.035¢	40.035¢	42.371¢	42.371¢
Percentage of loaded to empty miles plus 100%	199.1%	199.1%	199.1%	199.1%	205.5%	205.5%
Total line haul cost per loaded mile	79.710¢	79.710¢	79.710¢	79.710¢	87.072¢	87.072¢
Line haul Cost per gallon per loaded mile	0.01190¢	0.00929¢	0.01403¢	0.0104¢	0.01014¢	0.01108¢
CARRIER: <u>WRIGHT MOTOR LINES, INC.</u>						
Average load in gallons	6,219	8,506	--	8,025	--	--
Terminal cost by product in Cents per gallon	0.2038¢	0.1229¢	--	0.1473¢	--	--
Line haul cost per mile	29.95¢	29.95¢	--	29.95¢	--	--
percent total miles to loaded miles	221.2%	221.2%	--	221.2%	--	--
Line haul cost per loaded mile	66.25¢	66.25¢	--	66.25¢	--	--
Line haul cost per gallon per loaded mile	0.01065¢	0.00779¢	--	0.00826¢	--	--

24. Table XIV-B sets forth the per mile costs of seven Class II and III Common Carriers, and three unclassified Private Carriers:

(TABLE XIV-B follows)

T A B L E XIV-B

Per Mile Costs of Classes 2 & 3 Common
Carriers and Unclassified private carriers

Part A

Common Carrier	Carrier Classification Class No.	Period	Miles Operated	Expense in Dollars	Cost per mile in cents
Chandler	3	1964	85,217	\$ 19,762	23.19
Dunlap	2	(Jan.1,1964 thru June 30, 1965)	123,160	50,982	41.39
Eveready	3	(Jan. 1, 1965 thru Sept. 30,1965)	209,145	87,382	41.78
Klein	2	1964	443,428	230,806	52.05
Pherson	3	(Jan. 1, 1964 thru June 30, 1965)	92,624 (1964) 35,520 (1965)	63,614 ^① 30,803 ^②	68.68 86.72
Totals			989,094	\$ 483,349	

Weighted Average
Cost per Mile

48.86

① 92,624 miles @ 68.68¢ per mile

② 30,803 " @ 86.72¢ per mile

Part B

Common Carrier

W. R. Hall	2	Traffic Study	9,861 ^③	4,287 ^④	43.47
North Park	2				39.5

Loading and Unloading \$6.00 per hour

Cost per load - overhead \$19.50

③ 4787 one-way miles x 206%, to arrive at loaded and empty miles

④ Actual operating expenses - no overhead

PART C

Private Carrier

Ashton					37.329
Bridge		(Plains Territory)			37.00
Jim Chelf					41.08
Watson					43.00

25. The costs developed by the seven Respondents and tabulated partially or wholly in Tables XIV and XIV-A were applied to the actual movements of petroleum and petroleum products transported on the test days ordered to show the resulting profits or losses. Table XV reflects the results of the application of Respondents' costs to the test traffic at rates in effect (actual) prior to September 24, 1965 and at rates in effect (proposed) on September 24, 1965.

(TABLE XV follows)

SUMMARY OF TRAFFIC STUDY
CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE
MENLO PARK, CALIFORNIA

TABLE XV

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S		P R O F I T (or loss)		% OPERATING RATIO	
						Actual	as of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65
ASPHALT	2				8	\$ 90.27	\$ 90.27	\$ 77.64	\$ 77.64	\$ 12.63	\$ 12.63	86.0	86.0
DIESEL	51	411,410	6.9	8067	2944	2861.41	3000.18	2866.64	2863.00	(5.23)	137.18	100.2	95.4
FUEL OIL	15	117,355	5.5/6.9 & 7.02	7823	1862	1611.14	1655.03	1601.90	1599.40	9.24	55.63	99.4	96.6
GASOLINE	133	1,006,225	6.2	7566	5961	6376.07	5927.70	6033.65	5928.02	342.42	(.32)	94.6	100.0
GASOLINE, DIESEL, MISCELLANEOUS	33	261,545	6.2,6.9, 5.5,7.2	7925	3204	2806.17	2828.70	2865.01	2874.14	(58.84)	(45.44)	102.1	101.6
JET FUEL	6	48,125	6.2,6.9	8020	139	177.28	188.65	158.30	160.64	18.98	28.01	89.3	85.2
PROPANE	64	564,407	4.2	8818	7741	8200.02	8200.02	7326.75	7326.75	873.27	873.27	89.4	89.4
RESIDUAL FUEL OIL	16	112,707	7.1,7.5 4.4	7044	221	710.28	701.59	528.06	525.74	182.22	175.85	74.3	74.9
TOTALS	320	2,521,774		7894	22080	\$ 22832.64	\$ 22592.14	\$ 21457.95	\$ 21355.33	\$ 1374.69	\$ 1236.81	94.0	94.5

PACIFIC INTERMOUNTAIN EXPRESS
OAKLAND, CALIFORNIA

DIESEL	11	95,475	7.0	8679	242	\$ 373.98	\$ 336.56	\$ 324.24	\$	\$ 49.74	\$ 12.32	86.7	96.3
GASOLINE	12	101,150	6.2	8429	792	757.32	737.54	739.12		18.20	(1.58)	97.5	100.0
GASOLINE- DIESEL	1	8,100	6.2,7.0	8100	157	98.90	121.10	116.57		(17.67)	4.53	117.8	96.2
TOTALS	24	204,725		8402	1191	\$ 1230.20	\$ 1195.20	\$ 1179.93		\$ 50.27	\$ 15.27	95.9	98.7

SUMMARY OF TRAFFIC STUDY
PETROLEUM TRANSPORT COMPANY
MIDLAND, TEXAS

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S		P R O F I T (or loss)		% OPERATING RATIO	
						Actual	as of 9/24/65	Actual	Actual	as of 9/24/65	Actual	As of 9/24/65	
AVIATION GASOLINE	4	30,900	6.6	7725	35	\$ 116.43	\$ 80.56	\$ 75.06	\$ 41.37	\$ 5.50	64.4	93.1	
DIESEL	53	372,290	7.0	7024	4163	3245.16	3480.68	3927.88	(682.72)	(447.20)	121.0	112.8	
FUEL OIL	5	33,150	6.9	6630	428	243.20	265.55	256.16	(12.96)	9.39	105.3	96.5	
GASOLINE	628	4,452,935	6.2	7090	28489	27556.08	27671.24	29567.68	(2011.60)	(1896.44)	107.2	106.8	
JET FUEL	3	24,250	6.6	8083	183	158.07	150.33	181.15	(23.08)	(30.82)	114.6	120.5	
MIXED LOADS	79	597,332		7561	6790	5072.45	5482.44	6271.12	(1198.67)	(788.68)	123.6	114.3	
TOTALS	772	5,510,857		7352	40088	\$ 36391.39	\$ 37130.80	\$ 40279.05	\$ (3887.66)	(3148.25)	110.7	108.5	

RUAN TRANSPORT CORPORATION
DES MOINES, IOWA

CRUDE OIL	97		7.2		3710	\$ 5800.01	\$ 6012.39	\$ 4527.14	\$ 1272.87	\$ 1485.25	78.1	75.3
DIESEL	44	338,650	7.1	7696	3693	2922.28	3220.04	2882.17	40.11	337.87	98.6	89.5
FUEL OIL	19	159,855	7.1	8413	1533	1313.87	1532.76	1378.47	(64.60)	154.29	104.9	89.9
GASOLINE	380	3,441,875	6.2	9057	26391	26621.34	26349.04	24563.18	2058.16	1785.86	92.2	93.2
JET FUEL	16	153,850	6.4	9615	156	333.80	335.40	326.49	7.31	8.91	97.8	97.3
MIXED LOADS	88	766,010		8704	6903	6720.89	6969.50	6341.04	379.85	628.46	94.3	90.9
TOTALS	644	4,860,240		8697	42386	\$ 43712.19	\$ 44419.13	\$ 40018.49	\$ 3693.70	\$ 4400.64	91.5	90.0

SUMMARY OF TRAFFIC STUDY
WARD TRANSPORT, INC.
PUEBLO, COLORADO

COMMODITY	Number of Trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S	P R O F I T (or loss)		% OPERATING RATIO	As of 9/24/65
						Actual	as of 9/24/65		Actual	as of 9/24/65		
BURNER FUEL	2	10,800	7.8	5400	177	\$ 239.69	\$ 239.69	\$ 169.55	\$ 70.14	\$ 70.14	70.7	70.7
DIESEL	28	209,500	7.0	7482	3602	2641.26	2761.64	3252.56	(611.30)	(490.92)	123.1	117.7
GASOLINE	300	2,296,835	6.0	7656	27762	20914.20	21367.89	23702.43	(2788.23)	(2334.54)	113.3	110.9
JET FUEL	12	103,000	6.5	8583	598	625.36	589.10	533.73	91.63	55.37	85.2	90.4
KEROSENE	4	30,000	6.7	7500	150	168.01	167.07	147.61	20.40	19.46	87.5	88.0
MIXED LOADS	80	599,025		7487	8641	6324.52	6526.64	7475.22	(1150.70)	(948.58)	118.2	114.5
PROPANE	63	549,403	4.25	8720	4947	6427.43	6427.43	5095.10	1332.23	1332.23	79.2	79.2
ROAD OIL	31				3611	3347.21	3347.21	2378.95	968.26	968.26	71.0	71.0
FLOTATION OIL	1	6,600	9.8	6600	69	69.17	69.17	49.83	19.34	19.34	72.0	72.0
INDUSTRIAL "	1	5,766	8	5766	4	34.68	34.68	9.98	24.70	24.70	28.7	28.7
TOTALS	522	3,810,929		7300	49561	\$40791.53	\$41530.52	\$42814.96	\$(2023.43)	\$(1284.44)	104.9	103.0

WRIGHT MOTOR LINES, INC.
ROCKY FORD, COLORADO

FUELS	9	65,900	7.0	7322	1514	\$ 930.57	\$ 1028.05	\$ 1029.62	\$ (99.05)	\$ (1.57)	110.6	100.0
GASOLINE	20	141,650	6.1	7082	1891	1417.71	1386.13	1488.49	(70.78)	(102.36)	104.9	107.3
TOTALS	29	207,550		7156	3405	\$ 2348.28	\$ 2414.18	\$ 2518.11	\$(169.83)	\$(103.93)	107.2	104.3

SUMMARY OF TRAFFIC STUDY
GROENDYKE TRANSPORT, INC. (x)
ENID, OKLAHOMA

Page 1a of
 TABLE XV

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S		P R O F I T (or loss)		% OPERATING RATIO	
						Actual	As of 9/24/65	Actual	As of 9/24/65	Actual As of 9/24/65	Actual As of 9/24/65	Actual As of 9/24/65	Actual As of 9/24/65
DIESEL	14	104,425	6.7 & 7	7459	967	\$ 740.85	\$ 841.10	\$ 818.62	\$ 818.62	\$(77.77)	\$ 22.48	110.5	97.3
FUEL OIL	5	37,330	6.7, 7, 8	7466	563	412.66	419.29	479.58	479.58	(66.92)	(60.29)	116.2	114.4
GASOLINE	132	974,270	6	7381	7002	6365.81	6146.36	5953.76	5953.76	412.05	192.60	93.5	96.9
GASOLINE, DIESEL, & MISC.	48	379,160	6.6, 7.7	7899	4673	3799.00	3969.25	4007.32	4007.32	(208.32)	(38.07)	105.5	101.0
JET FUEL	8	67,695	6.5, 6.7	8462	282	353.75	310.50	238.08	238.08	115.67	72.42	67.3	76.7
PROPANE	3	27,506	4.5	9169	358	467.31	461.43	381.56	381.56	85.75	79.87	81.7	82.7
TOTALS	210	1,590,386		7574	13845	\$12139.38	\$12147.93	\$11878.92	11878.92	\$260.46	\$269.01	97.9	97.8

(x) Traffic study here reflects only those shipments transported outside the metropolitan area of Denver.
 Expenses are based on the costs shown in Table XIV-A.

The following operating ratios, based on out-of-pocket costs, are disclosed by the cost study:

<u>Carrier</u>	<u>Operating Ratio %</u>	
	<u>Actual</u>	<u>As of 9/24/65</u>
Consolidated	94	94.5
Groendyke	97.9	97.8
P.I E. (1)	89.2	91.8
Petco (1)	102.9	100.9
Ruan	91.5	90.0
Ward	104.9	103.0
Wright	107.2	104.3

(1) shown in Table XV as 95.9% and 98.7% in the case of PIE and 110.7% and 108.5% in the case of Petco. Fully allocated cost ratios converted to out-of-pocket cost ratios by dividing fully allocated cost ratios by 107.53 ($100 \div 93 = 107.53$). The cost studies of PIE and Petco determined fully allocated costs whereas the costs shown for other Respondents are out-of-pocket costs.

26. Tables XVI and XVI-A set forth the revenues, expenses, profits and losses and operating ratios of the seven Class I Respondents as they relate to the traffic on which we are requested to prescribe rates. Table XVI shows the net results of rates in effect prior to and on September 24, 1965 on the traffic covered by Respondents' traffic studies. The costs of all Respondents, are out-of-pocket costs. Table XVI-A discloses the operating ratios by commodities and reflects out-of-pocket costs in the case of all Respondents. The costs of Respondents PIE and Petco, shown in Table XVI, have been determined by dividing the costs shown in Table XV by 107.53 to arrive at the out-of-pocket cost. ($100 \div 93 = 107.53$). Table XVI-B is a summary of the traffic studies of four Class II and Class III Common Carriers and four unclassified Private Carriers showing the commodities handled, revenues, expenses, profit or loss and operating ratios. Table XVI-C shows revenues, expenses, profit and losses, by commodities of the aforementioned Common and Private carriers.

(TABLES XVI, XVI-A, XVI-B, XVI-C follow.)

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965

TABLE XVI

CONSOLIDATED FREIGHTWAYS CORPORATION

COMMODITY	Number of trips	gallons	One Way Miles	R E V E N U E		E X P E N S E		Based on out-of-pocket costs Profit or Loss		OPERATING RATIO	
				Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual %	As of 9/24/65 %
DIESEL	51	411,410	2944	\$ 2861.41	\$ 3000.18	\$ 2866.64	\$ 2863.00	\$ (5.23)	\$ 137.18	100.2	95.4
FUEL OIL	15	117,355	1862	1611.14	1655.03	1601.90	1599.40	9.24	55.63	99.4	96.6
GASOLINE	133	1,006,225	5961	6376.07	5927.70	6033.65	5928.02	342.42	(.32)	94.6	100.0
GASOLINE- DIESEL	33	261,545	3204	2806.17	2828.70	2865.01	2874.14	(58.84)	(45.44)	102.1	101.6
JET FUEL	6	48,125	139	177.28	188.65	158.30	160.64	18.98	28.01	89.3	85.2
TOTALS	<u>238</u>	<u>1,844,660</u>	<u>14110</u>	<u>\$ 13832.07</u>	<u>\$ 13600.26</u>	<u>\$ 13525.50</u>	<u>\$ 13425.20</u>	<u>\$ 306.57</u>	<u>\$ 175.06</u>	<u>97.8</u>	<u>98.7</u>

GROENDYKE TRANSPORT, INC.

DIESEL	14	104,425	967	\$ 740.85	\$ 841.10	\$ 818.62	\$ 818.62	\$ (77.77)	\$ 22.48	110.5	97.3
FUEL OIL	5	37,330	563	412.66	419.29	479.58	479.58	(66.92)	(60.29)	116.2	114.4
GASOLINE	132	974,270	7002	6365.81	6146.36	5953.76	5953.76	412.05	192.60	93.5	96.9
GASOLINE- (DIESEL- (MISC.	48	379,160	4673	3799.00	3969.25	4007.32	4007.32	(208.32)	(38.07)	105.5	101.0
JET FUEL	8	67,695	282	353.75	310.50	238.08	238.08	115.67	72.42	67.3	76.7
TOTALS	<u>207</u>	<u>1,562,880</u>	<u>13487</u>	<u>\$ 11672.07</u>	<u>\$ 11686.50</u>	<u>\$ 11497.36</u>	<u>\$ 11497.36</u>	<u>\$ 174.71</u>	<u>\$ 189.14</u>	<u>98.5</u>	<u>98.4</u>

PACIFIC INTERMOUNTAIN EXPRESS

DIESEL	11	95,475	242	\$ 373.98	\$ 336.56	\$ 301.62 (1)	--	\$ 72.36	\$ 34.94	80.7	89.6
GASOLINE	12	101,150	792	757.32	737.54	\$ 687.55 (1)	--	69.77	49.99	90.8	93.2
GASOLINE- DIESEL	1	8,100	157	98.90	121.10	108.44 (1)	--	(9.54)	12.66	109.6	89.5
TOTALS	<u>24</u>	<u>204,725</u>	<u>1191</u>	<u>\$ 1230.20</u>	<u>\$ 1195.20</u>	<u>\$ 1097.61 (1)</u>	<u>--</u>	<u>\$ 132.59</u>	<u>\$ 97.59</u>	<u>89.2</u>	<u>91.8</u>

(1) SEE EXPLANATION ON PAGE -- THIS TABLE.

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965

PETROLEUM TRANSPORT CO.

COMMODITY	Number of Trips	gallons	One way Miles	R E V E N U E		E X P E N S E		Based on out-of-pocket costs Profit or Loss		OPERATING RATIO	
				Actual	as of 9/24/65	Actual	as of 9/24/65	Actual	as of 9/24/65	Actual %	9/24/65 %
DIESEL	53	372,290	4163	\$ 3245.16	\$ 3480.68	\$ 3653.84	(1) \$ --	\$ (408.68)	\$ (173.16)	112.6	105.0
FUEL OIL	5	33,150	428	243.20	265.55	256.16	(1) --	(12.96)	9.39	105.3	96.5
GASOLINE	628	4,452,935	28489	27556.08	27671.24	27504.82	(1) --	51.26	166.42	99.8	99.4
GASOLINE (Aviation)	4	30,900	35	116.43	80.56	69.82	(1) --	46.61	10.74	60.0	86.7
JET FUEL	3	24,250	183	158.07	150.33	168.51	(1) --	(10.44)	(18.18)	106.6	112.1
MIXED LOADS							(1)				
Gasoline, 79		597,332	6790	5072.45	5282.44	5833.60	--	(761.15)	(351.16)	115.0	106.4
Diesel, etc.											
TOTALS	<u>772</u>	<u>5,510,857</u>	<u>40088</u>	\$ <u>36391.39</u>	\$ <u>37130.80</u>	\$ <u>37486.75</u>	(1) --	\$ <u>(1095.36)</u>	\$ <u>(355.95)</u>	<u>103.0</u>	<u>101.0</u>

RUAN TRANSPORT CORPORATION

DIESEL	44	338,650	3693	\$ 2922.28	\$ 3220.04	\$ 2887.17	--	\$ 40.11	\$ 337.87	98.6	89.5
GASOLINE	380	3,441,875	26391	26621.34	26349.04	24563.18	--	2058.16	1785.86	92.2	93.2
JET FUEL	16	153,850	156	333.80	335.40	326.49	--	7.31	8.91	97.8	97.3
MIXED LOADS											
Gasoline, Diesel	88	766,010	6903	6720.89	6969.50	6341.04	--	379.85	628.46	94.3	90.9
FUEL OIL	<u>19</u>	<u>159,855</u>	<u>1533</u>	<u>1313.87</u>	<u>1532.76</u>	<u>1378.47</u>	<u>--</u>	<u>(64.60)</u>	<u>154.29</u>	<u>104.9</u>	<u>89.9</u>
TOTALS	<u>547</u>	<u>4,860,240</u>	<u>38676</u>	\$ <u>37912.18</u>	\$ <u>38406.74</u>	\$ <u>35496.35</u>	<u>--</u>	\$ <u>2420.83</u>	\$ <u>2915.39</u>	<u>93.6</u>	<u>92.4</u>

(1) Fully allocated costs converted to out-of-pocket costs shown here by
dividing fully allocated costs shown on Table XV by 107.53

WARD TRANSPORT, INC.

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965

Page 3 of
TABLE XVI

COMMODITY	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		Based on out-of-pocket costs PROFIT OR LOSS		OPERATING RATIO	
				Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual %	As of 9/24/65 %
DIESEL	28	209,500	3602	\$ 2641.26	\$ 2761.64	\$ 3252.56	---	\$ (611.30)	\$ (490.92)	123.1	117.7
GASOLINE	300	2,296,835	27762	20914.20	21367.89	23702.43	---	(2788.23)	(2334.54)	113.3	110.9
JET FUEL	12	103,000	598	625.36	589.10	533.73	---	91.63	55.37	85.2	90.4
KEROSENE	4	30,000	150	168.01	167.07	147.61	---	20.40	19.46	87.5	88.0
MIXED LOADS (Gasoline Diesel)	80	599,025	8641	6324.52	6526.64	7475.22	--	(1150.70)	(948.58)	118.2	114.5
TOTALS	424	3,238,360	40753	\$ 30673.35	\$ 31412.34	\$ 35111.55		\$(4438.20)	\$(3699.21)	114.5	111.8

WRIGHT MOTOR LINES, INC.

FUELS	9	65,900	1514	930.57	1028.05	1029.62	---	(99.05)	(1.57)	110.6	100.0
GASOLINE	20	141,650	1891	1417.71	1386.13	1488.49	---	(70.78)	(102.36)	104.9	107.3
TOTALS	29	207,550	3405	\$ 2348.28	\$ 2414.18	\$ 2518.11	---	\$(169.83)	\$(103.93)	107.2	104.3

PART "A"
REVENUES, EXPENSES, PROFIT AND LOSS, ETC., INCURRED BY SEVEN CLASS I
RESPONDENTS ON PETROLEUM TRAFFIC HANDLED DURING TRAFFIC TEST PERIOD
January 1, 1964 thru June 30, 1965

Page 1 of TABLE XVI-A

Commodity	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		Based on out-of-pocket costs		OPERATING	
				Actual	As of 9/24/65	Actual	As of 9/24/65	PROFIT OR LOSS		RATIO	
								Actual	As of 9/24/65	Actual	As of 9/24/65
DIESEL											
Consolidated	51	411,410	2944	\$ 2861.41	\$ 3000.18	\$ 2866.64	\$ 2863.00	\$ (5.23)	\$ 137.18	100.2	95.4
Groendyke	14	104,425	967	740.85	841.40	818.62	818.62	(77.77)	22.78	110.5	97.3
P. I. E.	11	95,475	242	373.98	336.56	(1) 301.62	(1) 301.62	72.36	34.94	80.7	89.6
Petco	53	372,290	4163	3245.16	3480.68	(1) 3653.84	(1) 3653.84	(408.68)	(173.16)	112.6	105.0
Ruan	44	338,650	3693	2922.28	3220.04	2882.17	2882.17	40.11	337.87	98.6	89.5
Ward	28	209,500	3602	2641.26	2761.64	3252.56	3252.56	(611.30)	(490.92)	123.1	117.7
Wright	9	65,900	1514	930.57	1028.05	1029.62	1029.62	(99.05)	(1.57)	110.6	100.0
TOTALS	210	1,597,650	17125	\$ 13715.51	\$ 14668.55	\$ 14805.07	\$ 14801.43	(1089.56)	(132.88)	107.9	100.9
GASOLINE											
Consolidated	133	1,006,225	5961	\$ 6376.07	\$ 5927.70	\$ 6033.65	\$ 5928.02	\$ 342.42	\$ (.32)	94.6	100.0
Groendyke	132	974,270	7002	6365.81	6146.36	5953.76	5953.76	412.05	192.60	93.5	96.9
P. I. E.	12	101,150	792	757.32	737.54	(1) 687.55	(1) 687.55	69.77	49.99	90.8	93.2
Petco	628	4,452,935	28489	27556.08	27671.24	(1) 27504.82	(1) 27504.82	51.26	166.42	99.8	99.4
Ruan	380	3,441,875	26391	26621.34	26349.04	24563.18	24563.18	2058.16	1785.86	92.2	93.2
Ward	300	2,296,835	27762	20914.20	21367.89	23702.43	23702.43	(2788.23)	(2334.54)	113.3	110.9
Wright	20	141,650	1891	1417.71	1386.13	1488.49	1488.49	(70.78)	(102.36)	104.9	107.3
TOTALS	1605	12,414,940	98288	\$ 90008.53	\$ 89585.90	\$ 89933.88	\$ 89828.25	74.65	(242.35)	99.9	100.3
GASOLINE - AVIATION											
Petco	4	30,900	35	116.43	80.56	69.82	69.82	\$ 46.61	\$ 10.74	60.0	86.7
GASOLINE - DIESEL											
Consolidated	33	261,545	3204	\$ 2806.17	\$ 2828.70	\$ 2865.01	\$ 2874.14	\$ (58.84)	\$ (45.44)	102.1	101.6
Groendyke	48	379,160	4673	3799.00	3969.25	4007.32	4007.32	(208.32)	(38.07)	105.5	101.0
P I E	1	8,100	157	98.90	121.10	(1) 108.44	(1) 108.44	(9.54)	12.66	109.6	89.5
Petco	79	597,332	6790	5072.45	5482.44	(1) 5833.60	(1) 5833.60	(761.15)	(351.16)	115.0	106.4
Ruan	88	766,010	6903	6720.89	6969.50	6341.04	6341.04	379.85	628.46	94.3	90.9
Ward	80	599,025	8641	6324.52	6526.64	7475.22	7475.22	(1150.70)	(948.58)	118.2	114.5
TOTALS	329	2,611,172	30368	\$ 24821.93	\$ 25897.63	\$ 26630.63	\$ 26639.76	\$(1808.70)	(742.13)	107.3	102.9

(1) Fully allocated costs converted to out of pocket costs shown here by dividing fully allocated costs shown on Table XVI by 107.53.

PART "A" (continued)
Page 2 of TABLE XVI-A --REVENUES, EXPENSES, PROFIT AND LOSS, ETC.,incurred by Seven Class I Respondents
on Petroleum Traffic handled during Traffic Test Period, January 1,1964 thru
June 30,1965

Commodity	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		Based on out-of-pocket costs PROFIT OR LOSS		OPERATING RATIO	
				Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual %	As of 9/24/65 %
JET FUEL											
Consolidated	6	48125	139	\$ 177.28	\$ 188.65	\$ 158.30	\$ 160.64	\$ 18.98	\$ 28.01	89.3	85.2
Groendyke	8	67695	282	353.75	310.50	238.08	238.08	115.67	72.42	67.3	76.7
Petco	3	24250	183	158.07	150.33	(1) 168.51	(1) 168.51	(10.44)	(18.18)	106.6	112.1
Ruan	16	153850	156	333.80	335.40	326.49	326.49	7.31	8.91	97.8	97.3
Ward	12	103000	598	625.36	589.10	533.73	533.73	91.63	55.37	85.2	90.4
TOTALS	45	396920	1358	\$ 1648.26	\$ 1573.98	\$ 1425.11	\$ 1427.45	\$ 223.15	\$ 146.53	86.5	90.7
FUEL OIL											
Consolidated	15	117355	1862	\$ 1611.14	\$ 1655.03	\$ 1601.90	\$ 1599.40	\$ 9.24	\$ 55.63	99.4	96.6
Groendyke	5	37330	563	412.66	419.29	479.58	479.58	(66.92)	(60.29)	116.2	114.4
Petco	5	33150	428	243.20	265.55	256.16	256.16	(12.96)	9.39	105.3	96.5
Ruan	19	159855	1533	1313.87	1532.76	1378.47	1378.47	(64.60)	154.29	104.9	89.9
TOTALS	44	347690	4386	\$ 3580.87	\$ 3872.63	\$ 3716.11	\$ 3713.61	\$(135.24)	\$ 159.02	103.8	95.9
KEROSENE											
Ward	4	30000	150	\$ 168.01	\$ 167.07	\$ 147.61	\$ 147.61	\$ 20.40	\$ 19.46	87.5	88.0

P A R T B RECAPITULATION											
DIESEL	210	1,597,650	17,125	\$ 13715.51	\$ 14668.55	\$ 14805.07	\$ 14801.43	\$(1089.56)	\$(132.88)	107.9	100.9
GASOLINE	1605	12,414,940	98,288	90008.53	89585.90	89933.88	89828.25	74.65	(242.35)	99.9	100.3
GASOLINE-DIESEL	329	2,611,172	30,368	24821.93	25897.63	26630.63	26639.76	(1808.70)	(742.13)	107.3	102.9
JET FUEL	45	396,920	1,358	1648.26	1573.98	1425.11	1427.45	223.15	146.53	86.5	90.7
FUEL OIL	44	347,690	4,386	3580.87	3872.63	3716.11	3713.61	(135.24)	159.02	103.8	95.9
KEROSENE	4	30,000	150	168.01	167.07	147.61	147.61	20.40	19.46	87.5	88.0
GASOLINE-AVIATION	4	30,900	35	116.43	80.56	69.82	69.82	46.61	10.74	60.0	86.7
TOTALS	2241	17,429,272	151,710	\$134,059.54	\$135,846.32	\$136,728.23	\$136,627.93	\$(2,668.69)	\$(781.61)	101.9	100.5

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965.

EVEREADY FREIGHT SERVICE, INC.

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	REVENUES		EXPENSES		PROFIT (or loss)		OPERATING RATIO	
						Actual	as of 9/24/65	Actual	As of 9/24/65	Actual	as of 9/24/65	Actual	As of 9/24/65
Gasoline	5	43,963	6.15	8793	646	\$ 597.11	\$ 597.11	\$ 560.97	\$ 560.97	\$ 36.14	\$ 36.14	93.9%	93.9%
Gasoline & Diesel	1	9,500	6.15 & 7	9500	171	176.66	176.66	173.89	173.89	2.77	2.77	98.4%	98.4%
Totals	6	53,463		8911	817	\$ 773.77	\$ 773.77	\$ 734.86	\$ 734.86	\$ 38.91	\$ 38.91	95.0%	95.0%

W. R. HALL TRANSPORTATION & STORAGE CO.

Diesel	3	19,500	7	6500	426	\$ 327.30	\$ 339.84	\$ 391.77	\$ 391.77	\$(64.47)	\$(51.93)	119.7%	115.3%
Gasoline	36	310,500	6	8625	3774	3,625.33	3,470.18	3,366.41	3,366.41	258.92	103.77	92.8%	97.0%
Gasoline, Diesel & Misc.	3	19,420	6, 7	6473	584	499.87	497.82	511.17	511.17	(11.30)	(13.35)	102.3%	102.7%
Fuel Oil	1	8,950	6.7, 7	8950	3	38.40	22.38	17.86	17.86	20.54	4.52	46.5%	79.8%
Totals	43	358,370		8334	4787	\$4,490.90	\$4,330.22	\$4,287.21	\$4,287.21	\$203.69	\$ 43.01	95.5%	99.0%

FRANK C. KLEIN & CO., INC.

Gasoline	10	78,500	6.2	7850	914	\$ 982.86	\$ 794.73	\$ 951.51	\$ 951.51	\$ 31.35	\$(156.78)	96.8%	119.7%
Gasoline, Diesel & Misc.	11	85,700	6.7 & 6.9	7791	918	\$ 947.40	848.92	955.65	955.65	(8.25)	(106.73)	100.8%	112.5%
Totals	21	164,200		7819	1832	\$1,930.26	\$1,643.65	\$1,907.16	\$1,907.16	\$ 23.10	\$(263.51)	98.8%	116.0%

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965

NORTH PARK TRANSPORTATION CO.

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S		P R O F I T (or loss)		O P E R A T I N G R A T I O	
						Actual	as of 9/24/65	Actual	As of 9/24/65	Actual 9/24/65	as of 9/24/65	Actual	as of 9/24/65
Diesel	1	6700	6.9	6700	47	\$ 87.63	\$ 106.27	\$ 97.77	\$ 97.77	\$(10.14)	\$ 8.50	111.5%	92.0%
Gasoline	5	45000	6.1	9000	435	587.75	450.00	547.75	547.75	40.00	(97.75)	93.1%	121.7%
Gasoline & Diesel	<u>3</u>	<u>20950</u>	<u>6.1, 6.9</u>	<u>6983</u>	<u>196</u>	<u>321.33</u>	<u>325.06</u>	<u>312.20</u>	<u>312.20</u>	<u>9.13</u>	<u>12.86</u>	<u>97.1%</u>	<u>96.0%</u>
Totals	9	72650		8072	678	\$ 996.71	\$ 881.33	\$ 957.72	\$ 957.72	\$ 38.99	\$(76.39)	96.0%	108.6%

SUMMARY OF TRAFFIC STUDIES pertaining to those petroleum products *
which were transported at rates in effect on (1) September 24, 1965
and (2) in effect between January 1, 1964 and June 30, 1965

Page 3 of
TABLE XVI-B

COMMODITY	Number of trips	Gallons	Weight per gallon	Average gallons per trip	One way Miles	R E V E N U E S		E X P E N S E S		Profit or Loss		OPERATING RATIO	
						Actual	as of 9/24/65	Actual	as of 9/24/65	Actual	as of 9/24/65	Actual	as of 9/24/65
ASHTON TRUCKING CO.													
Diesel	2	15680	7.08	7840	334	\$ 263.90	\$ 254.95	\$ 249.36	\$ 249.36	\$ 14.54	\$ 5.59	94.5%	97.8%
Fuel Oil	2	15766	7.00	7883	347	273.18	263.41	259.06	259.06	14.12	4.35	94.8%	98.3%
Gasoline	7	62233	6.20	8890	1111	992.17	869.13	829.46	829.46	162.71	39.67	83.6%	95.4%
Gasoline & Diesel	14	119478	6.2, 7.0 & 7.8	8534	2355	1950.53	1818.13	1758.21	1758.21	192.32	59.92	90.1	96.7
Totals	25	213157		8526	4147	\$3479.78	\$3205.62	\$3096.09	\$3096.09	\$383.69	\$109.53	89.0%	96.6%
BRIDGE BROTHERS													
Diesel	2	12500	7	6250	86	\$ 82.31	\$ 69.92	\$ 63.64	\$ 63.64	\$ 18.67	\$ 6.28	77.3%	91.0%
Gasoline	54	386225	6	7152	2873	2354.46	2369.24	2126.02	2126.02	228.44	243.22	90.3%	89.7%
Gasoline & Diesel	39	272906	6 & 7	6998	3143	2176.17	2309.92	2325.82	2325.82	(149.65)	(15.90)	106.9%	100.7%
Totals	95	671631		7070	6102	\$4612.94	\$4749.08	\$4515.48	\$4515.48	\$ 97.46	\$233.60	97.9%	95.1%
JIM CHELF, INC.													
Diesel	4	31550	7.2	7895	138	\$ 161.35	\$ 173.51	\$ 113.44	\$ 113.44	\$ 47.91	\$ 60.07	70.3%	65.4%
Gasoline	24	172300	6.2	7179	1256	1126.91	1067.71	1032.46	1032.46	94.45	35.25	91.6%	96.7%
Gasoline & Diesel	11	76400	6.2 & 7.2	6945	1224	890.52	909.47	1006.12	1006.12	(115.60)	(96.65)	113.0%	110.6%
Totals	39	280250		7186	2618	\$2178.78	\$2150.69	\$2152.02	\$2152.02	\$ 26.76	\$(1.33)	98.8%	100.1%
PAT GRIFFIN CO.													
Gasoline	51	374200	6	7337	3315	\$2593.19	\$2507.15	---	---	---	---	---	---
WATSON FREIGHT LINE													
Fuel	3	23450	7	7816.6	201	\$ 237.20	\$ 176.58	\$ 172.86	\$ 172.86	\$ 64.34	\$ 3.72	72.8%	97.8%
Gasoline	7	52386	6.1	7483.7	475	561.72	405.39	403.34	403.34	158.38	2.05	71.8%	99.4%
Propane	9	56687	4.24	6298.5	630	617.89	617.89	518.58	518.58	99.31	99.31	83.9%	83.9%
Totals	19	132523		6974.8	1306	\$1416.81	\$1199.86	\$1094.78	\$1094.78	\$322.03	\$105.08	77.2%	91.2%

* Traffic study here reflects only those shipments transported outside the Metropolitan area of Denver.

Expenses are based on the costs shown in XIV-B Table

PART "A"
REVENUES, EXPENSES, PROFIT AND LOSS, ETC., INCURRED BY FOUR CLASSES II
AND III COMMON CARRIER RESPONDENTS ON PETROLEUM TRAFFIC HANDLED DURING
TRAFFIC TEST PERIOD JANUARY 1, 1964 thru JUNE 30, 1965.

Page 1 of TABLE XVI-C

Commodity	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		P R O F I T O R L O S S		O P E R A T I N G R A T I O	
				Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65
<u>DIESEL</u>											
Eveready Freight	--	--	--	--	--	--	--	--	--	--	--
W.R.Hall *	3	19500	426	\$ 327.30	\$ 339.84	\$ 391.77	\$ 391.77	\$ (64.47)	\$ (51.93)	119.7%	115.3%
Klein & Co.*	--	--	--	--	--	--	--	--	--	--	--
North Park	1	6700	47	87.63	106.27	97.77	97.77	(10.14)	8.50	111.5%	92.0%
Totals	4	26200	473	\$ 414.93	\$ 446.11	\$ 489.54	\$ 489.54	\$ (74.61)	\$ (43.43)	118.0%	109.7%
<u>GASOLINE</u>											
Eveready #	5	43,963	646	\$ 597.11	\$ 597.11	\$ 560.97	\$ 560.97	\$ 36.14	\$ 36.14	93.9%	93.9%
W. R.Hall*	36	310,500	3774	3,625.33	3,470.18	3,366.41	3,366.41	258.92	103.77	92.8%	97.0%
Klein & Co*	10	78,500	914	982.86	794.73	951.51	951.51	31.35	(156.78)	96.8%	119.7%
North Park	5	45,000	435	587.75	450.00	547.75	547.75	40.00	(97.75)	93.1%	121.7%
Totals	56	477,963	5769	\$5,793.05	\$5,312.02	\$5,426.64	\$5,426.64	\$ 366.41	\$ (114.62)	93.7%	102.2%
*- This Carrier also holds private carrier permit which authorizes transportation of petroleum & petroleum products.											
<u>GASOLINE & DIESEL</u>											
Eveready #	1	9,500	171	\$ 176.66	\$ 176.66	\$ 173.89	\$ 173.89	\$ 2.77	\$ 2.77	98.4%	98.4%
W.R.Hall *	3	19,420	584	499.87	497.82	511.17	511.17	(11.30)	(13.35)	102.3%	102.7%
Klein & Co*	11	85,700	918	947.40	848.92	955.65	955.65	(8.25)	(106.73)	100.8%	112.5%
North Park	3	20,950	196	321.33	325.06	312.20	312.20	9.13	12.86	97.1%	96.0%
Totals	18	135,570	1869	\$1,945.26	\$1,848.46	\$1,952.91	\$1,952.91	\$ (7.65)	\$ (104.45)	100.4%	105.7%
# - Petroleum traffic moved after September 24, 1965.											
<u>FUEL OIL</u>											
Eveready	--	--	--	--	--	--	--	--	--	--	--
W.R.Hall*	1	8,950	3	\$ 38.40	\$ 22.38	\$ 17.86	\$ 17.86	\$ 20.54	\$ 4.52	46.5%	79.8%
Klein & Co*	--	--	--	--	--	--	--	--	--	--	--
North Park	--	--	--	--	--	--	--	--	--	--	--
Totals	1	8,950	3	\$ 38.40	\$ 22.38	\$ 17.86	\$ 17.86	\$ 20.54	\$ 4.52	46.5%	79.8%
<u>RECAPITULATION</u>											
DIESEL	4	26,200	473	\$ 414.93	\$ 446.11	\$ 489.54	\$ 489.54	\$ (74.61)	\$ (43.43)	118.0%	109.7%
GASOLINE	56	477,963	5,769	\$5,793.05	\$5,312.02	\$5,426.64	\$5,426.64	\$ 366.41	\$ (114.62)	93.7%	102.2%
GASOLINE & DIESEL	18	135,570	1,869	\$1,945.26	\$1,848.46	\$1,952.91	\$1,952.91	\$ (7.65)	\$ (104.45)	100.4%	105.7%
FUEL OIL	1	8,950	3	\$ 38.40	\$ 22.38	\$ 17.86	\$ 17.86	\$ 20.54	\$ 4.52	46.5%	79.8%
Totals	69	648,683	8,114	\$8,191.64	\$7,628.97	\$7,886.95	\$7,886.95	\$ 304.69	\$ (257.98)	96.3%	103.1%

PART "B"
REVENUES, EXPENSES, PROFIT AND LOSS, ETC., INCURRED BY FIVE UNCLASSIFIED
PRIVATE CARRIER RESPONDENTS ON PETROLEUM TRAFFIC HANDLED DURING TRAFFIC
TEST PERIOD JANUARY 1, 1964 thru JUNE 30, 1965

Page 2 of TABLE XVI-C

Commodity	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		P R O F I T O R L O S S		O P E R A T I N G R A T I O	
				Actual	as of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	as of 9/24/65
<u>DIESEL</u>											
Ashton	2	15680	334	\$ 263.90	\$ 254.95	\$ 249.36	\$ 249.36	\$ 14.54	\$ 5.59	94.5%	97.8%
Bridge	2	12500	86	82.31	69.92	63.64	63.64	18.67	6.28	77.3	91.0
Chelf	4	31550	138	161.35	173.51	113.44	113.44	47.91	60.07	70.3	65.4
Griffin	--	--	--	--	--	--	--	--	--	--	--
Watson	--	--	--	--	--	--	--	--	--	--	--
Totals	8	59730	558	\$ 507.56	\$ 498.38	\$ 426.44	\$ 426.44	\$ 81.12	\$ 71.94	84.0%	85.6%
<u>GASOLINE</u>											
Ashton	7	62233	1111	\$ 992.17	\$ 869.13	\$ 829.46	\$ 829.46	\$ 162.71	\$ 39.67	83.6%	95.4%
Bridge	54	386225	2873	2354.46	2369.24	2126.02	2126.02	228.44	243.22	90.3%	89.7%
Chelf	24	172300	1256	1126.91	1067.71	1032.46	1032.46	94.45	35.25	91.6%	96.7%
Griffin *	51	(374200)	(3315)	(2593.19)	(2507.15)	--	--	--	--	--	--
Watson	7	52386	475	561.72	405.39	403.34	403.34	158.38	2.05	71.8%	99.4%
Totals	92	673144	5715	\$5035.26	\$4711.47	\$4391.28	\$4391.28	\$ 643.98	\$ 320.19	87.2%	93.2%
* Not included in totals.											
<u>FUEL OIL</u>											
Ashton	2	15766	347	\$ 273.18	\$ 263.41	\$ 259.06	\$ 259.06	\$ 14.12	\$ 4.35	94.8%	98.3%
Bridge	--	--	--	--	--	--	--	--	--	--	--
Chelf	--	--	--	--	--	--	--	--	--	--	--
Griffin	--	--	--	--	--	--	--	--	--	--	--
Watson	3	23450	201	237.20	176.58	172.86	172.86	64.34	3.72	72.8%	97.8%
Totals	5	39216	548	\$ 510.38	\$ 439.99	\$ 431.92	\$ 431.92	\$ 78.46	\$ 8.07	84.6%	98.2%
<u>GASOLINE & DIESEL</u>											
Ashton	14	119478	2355	\$1950.53	\$1818.13	\$1758.21	\$ 1758.21	\$ 192.32	\$ 59.92	90.1%	96.7%
Bridge	39	272906	3143	2176.17	2309.92	2325.82	2325.82	(149.65)	(15.90)	106.9%	100.7%
Chelf	11	76400	1224	890.52	909.47	1006.12	1006.12	(115.60)	(96.65)	113.0%	110.6%
Griffin	--	--	--	--	--	--	--	--	--	--	--
Watson	--	--	--	--	--	--	--	--	--	--	--
Totals	64	468784	6722	\$5017.22	\$5037.52	\$5090.15	\$ 5090.15	\$(72.93)	\$ (52.63)	101.5%	101.0%

RECAPITULATION
PART "B"
 REVENUES, EXPENSES, PROFIT & LOSS, ETC., INCURRED BY FIVE UNCLASSIFIED
 PRIVATE CARRIER RESPONDENTS ON PETROLEUM TRAFFIC HANDLED DURING TRAFFIC
 TEST PERIOD JANUARY 1, 1964 thru JUNE 30, 1965

Page 3 of TABLE XVI-C

Commodity	Number of trips	Gallons	One Way Miles	R E V E N U E		E X P E N S E		P R O F I T O R L O S S		O P E R A T I N G R A T I O	
				Actual	as of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65	Actual	As of 9/24/65
DIESEL	8	59,730	558	\$ 507.56	\$ 498.38	\$ 426.44	\$ 426.44	\$ 81.12	\$ 71.94	84.0%	85.6%
GASOLINE	92	673,144	5715	5035.26	4711.47	4391.28	4391.28	643.98	320.19	87.2%	93.2%
FUEL OIL	5	39,216	548	510.38	439.99	431.92	431.92	78.46	8.07	84.6%	98.2%
GASOLINE & DIESEL	64	468,784	6722	5017.22	5037.52	5090.15	5090.15	(72.93)	(52.63)	101.5%	101.0%
Totals	169	1,240,874	13543	\$11070.42	\$10687.36	\$10339.79	\$10339.79	\$ 730.63	\$ 347.57	93.4%	96.7%

27. Under Tables XVI through XVI-C, the operating ratios, based on out-of-pocket costs and not including payment of income taxes are as follows:

<u>Table XVI</u>	Operating Ratios %	
	(1) Prior to September 24, 1965	(2) on September 24, 1965
Consolidated	97.6	99.0
Groendyke	98.5	98.4
P. I. E.	89.2	91.8
Petco	103.0	101.0
Ruan	93.6	92.4
Ward	114.5	111.8
Wright	107.2	104.3

<u>Table XVI-A</u>		
Diesel	107.9	100.9
Gasoline	99.9	100.3
Gasoline-Diesel	107.3	102.9
Gasoline-Aviation	60.0	86.7
Jet Fuel	86.5	90.7
Kerosene	87.5	88.0
Fuel Oil	103.8	95.9
Weighted Average operating ratio	101.9	100.5

<u>Table XVI-B</u>		
<u>A. Common Carriers</u>		
Eveready	-	95.0
W. R. Hall	95.5	99.0
Klein	98.8	116.0
North Park	96.0	108.6
<u>B. Private Carriers</u>		
Ashton	89.0	96.6
Bridge	97.9	95.1
Chelf	98.8	100.1
Griffin	-	-
Watson	77.2	91.2

<u>Table XVI-C</u>		
<u>A. 4 Common Carriers</u>		
Diesel	118.0	109.7
Gasoline	93.7	102.2
Gasoline & Diesel	100.4	105.7
Fuel Oil	46.5	79.8
Weighted Average operating ratio	96.3	103.4
<u>B. 4 Private Carriers</u>		
Diesel	84.0	85.6
Gasoline	87.2	93.2
Gasoline-Diesel	101.5	101.0
Fuel Oil	84.6	98.2
Weighted Average operating ratio	93.4	96.7

28. Table XVII compares the proposed rates on gasoline and diesel (fuel) with rates on those same commodities transported intrastate in California, Kansas, Montana, Nebraska and Wyoming, and interstate between nine western states. The proposed Colorado rates are the lowest of any shown, except for a few instances where rates in Kansas are slightly lower.

(TABLE XVII follows)

TABLE XVII
COMPARISON OF RATES, in cents per gallon, on GASOLINE, proposed for application in Plains Territory, with
Rates in California, Kansas, Montana, Nebraska, Wyoming and interstate between Colorado, Idaho, Kansas
Montana, Nebraska, South Dakota, North Dakota and Wyoming

Distance Miles	PROPOSED COLORADO		CALIFORNIA Scale	KANSAS Scale	MONTANA Scale	NEBRASKA Scale	WYOMING Scale	INTERSTATE Scale
	Scale - Plains A	A-1						
10	.250	.247	.396	.478	.429	.318	.353	.381
25	.360	.340	.512	.519	.528	.466	.502	.474
50	.560	.510	.759	.637	.759	.681	.742	.657
80	.790	.706	1.023	.797	.984	.938	1.041	.935
100	.950	.842	1.221	.877	1.149	1.118	1.250	1.118
120	1.100	.969	1.386	1.036	1.314	1.294	1.460	1.303
150	1.330	1.165	1.683	1.275	1.545	1.550	1.761	1.579
180	1.530	1.369	1.914	1.514	1.743	1.864	2.062	1.855
200	1.680	1.496	2.112	1.674	1.941	2.058	2.243	2.040
220	1.840	1.632	2.244	1.833	2.106	2.247	2.454	2.224
250	2.070	1.828	2.640	2.072	2.370	2.530	2.755	2.500
300	2.460	2.159	3.003	2.471	2.799	3.003	3.257	2.961
325	2.680	2.363	3.201	2.710	3.063	3.287	3.558	3.237
350	2.830	2.499	3.432	2.869	3.261	3.476	3.758	3.422
TOTALS	20.430	18.125	25.526	20.762	23.991	24.830	27.196	24.686
<u>Percent of Colorado A Scale</u>			124.9%	101.6%	117.4%	121.5%	133.1%	120.8%
<u>Percent of Colorado A-1 Scale</u>			140.8%	114.5%	132.3%	136.9%	150.0%	136.1%

TABLE XVII
COMPARISON OF RATES, in cents per gallon, on DIESEL, proposed for application in Plains Territory, with
Rates in California, Kansas, Montana, Nebraska, Wyoming and interstate between Colorado, Idaho, Kansas,
Montana, Nebraska, South Dakota, North Dakota and Wyoming

Distance Miles	<u>PROPOSED COLORADO</u>		CALIFORNIA Scale	KANSAS Scale	MONTANA Scale	NEBRASKA Scale	WYOMING Scale	INTERSTATE Scale
	Scale - Plains B	B-1						
10	.280	.277	.465	.478	.429	.359	.353	.431
25	.404	.381	.601	.519	.528	.527	.502	.536
50	.628	.572	.891	.637	.759	.770	.742	.742
80	.886	.792	1.201	.797	.984	1.059	1.041	1.057
100	1.065	.944	1.434	.877	1.149	1.236	1.250	1.263
120	1.233	1.086	1.628	1.036	1.314	1.462	1.460	1.472
150	1.491	1.306	1.976	1.275	1.545	1.751	1.761	1.784
180	1.715	1.535	2.248	1.514	1.743	2.108	2.062	2.096
200	1.884	1.677	2.480	1.674	1.941	2.326	2.243	2.305
220	2.063	1.830	2.635	1.833	2.106	2.539	2.454	2.513
250	2.321	2.050	3.100	2.072	2.370	2.859	2.755	2.825
300	2.758	2.421	3.526	2.471	2.799	3.394	3.257	3.346
325	3.005	2.649	3.759	2.710	3.063	3.714	3.558	3.658
350	<u>3.173</u>	<u>2.802</u>	<u>4.030</u>	<u>2.869</u>	<u>3.261</u>	<u>3.927</u>	<u>3.758</u>	<u>3.867</u>
TOTALS	22.906	20.322	29.974	20.762	23.991	28.031	27.196	27.895
<u>Percent of Colorado B Scale</u>			130.8%	90.6%	104.7%	122.3%	118.7%	121.7%
<u>Percent of Colorado B-1 Scale</u>			147.4%	102.1%	118.0%	137.9%	133.8%	137.2%

TABLE XVII

COMPARISON OF RATES, in cents per gallon, on GASOLINE, proposed for application in Mountain Territory, with Rates in effect in California, Kansas, Montana, Nebraska, Wyoming and interstate between Colorado, Idaho, Kansas, Montana, Nebraska, South Dakota, North Dakota and Wyoming

Distance Miles	<u>PROPOSED COLORADO</u>		CALIFORNIA Scale	KANSAS Scale	MONTANA Scale	NEBRASKA Scale	WYOMING Scale	INTERSTATE Scale
	Scale -Mountain A	A-1						
10	.310	.264	.396	.478	.429	.318	.353	.381
25	.430	.366	.512	.519	.528	.466	.502	.474
50	.650	.553	.759	.637	.759	.681	.742	.657
80	.910	.774	1.023	.797	.984	.938	1.041	.935
100	1.090	.927	1.221	.877	1.149	1.118	1.250	1.118
120	1.260	1.071	1.386	1.036	1.314	1.294	1.460	1.303
150	1.520	1.292	1.683	1.275	1.545	1.550	1.761	1.579
180	1.780	1.513	1.914	1.514	1.743	1.864	2.062	1.855
200	1.950	1.658	2.112	1.674	1.941	2.058	2.243	2.040
220	2.120	1.802	2.244	1.833	2.106	2.247	2.454	2.224
250	2.380	2.023	2.640	2.072	2.370	2.530	2.755	2.500
300	2.820	2.397	3.003	2.471	2.799	3.003	3.257	2.961
325	3.080	2.618	3.201	2.710	3.063	3.287	3.558	3.237
350	<u>3.250</u>	<u>2.763</u>	<u>3.432</u>	<u>2.869</u>	<u>3.261</u>	<u>3.476</u>	<u>3.758</u>	<u>3.422</u>
TOTALS	23.550	20.021	25.526	20.762	23.991	24.830	27.196	24.686
<u>Percent of Colorado A Scale</u>			108.3%	88.1%	101.8%	105.4%	115.4%	104.8%
<u>Percent of Colorado A-1 Scale</u>			127.4%	103.7%	119.8%	124.0%	135.8%	123.3%

TABLE XVII
COMPARISON OF RATES, in cents per gallon, on DIESEL, proposed for application in Mountain Territory, with
Rates in effect in California, Kansas, Montana, Nebraska, Wyoming and interstate between Colorado, Idaho
Kansas, Montana, Nebraska, South Dakota, North Dakota and Wyoming

Distance Miles	PROPOSED COLORADO		CALIFORNIA Scale	KANSAS Scale	MONTANA Scale	NEBRASKA Scale	WYOMING Scale	INTERSTATE Scale
	Scale- Mountain B	Mountain B-1						
10	.348	.296	.465	.478	.429	.359	.353	.431
25	.482	.410	.601	.519	.528	.527	.502	.536
50	.729	.620	.891	.637	.759	.770	.742	.742
80	1.020	.868	1.201	.797	.984	1.059	1.041	1.057
100	1.222	1.039	1.434	.877	1.149	1.236	1.250	1.263
120	1.413	1.201	1.628	1.036	1.314	1.462	1.460	1.472
150	1.704	1.449	1.976	1.275	1.545	1.751	1.761	1.784
180	1.996	1.696	2.248	1.514	1.743	2.108	2.062	2.096
200	2.186	1.859	2.480	1.674	1.941	2.326	2.243	2.305
220	2.377	2.020	2.635	1.833	2.106	2.539	2.454	2.513
250	2.668	2.268	3.100	2.072	2.370	2.859	2.755	2.825
300	3.162	2.688	3.526	2.471	2.799	3.394	3.257	3.346
325	3.453	2.935	3.759	2.710	3.063	3.714	3.558	3.658
350	<u>3.644</u>	<u>3.098</u>	<u>4.030</u>	<u>2.869</u>	<u>3.261</u>	<u>3.927</u>	<u>3.758</u>	<u>3.867</u>
TOTALS	26.404	22.447	29.974	20.762	23.991	28.031	27.196	27.895
<u>Percent of Colorado B Scale</u>			113.5%	78.6%	90.8%	106.1%	102.9%	105.6%
<u>Percent of Colorado B-1 Scale</u>			133.5%	92.4%	106.8%	124.8%	121.1%	124.2%

29. Item 50, "Computing rates to unnamed points," Appendix A, Decision No. 65847, dated September 14, 1965, should be cancelled.

30. Rates and charges should be prescribed for the transportation of blended gasoline, gasoline (except casinghead (natural) gasoline), jet fuel, naphthas, and refined oil, viz., illuminating or burning, excluding residual fuel oil or burner fuel Nos. 3, 4, 5 and 6, diesel fuel or distillate fuel oils, and kerosene, in bulk, in tank trucks and/or tank trailers, between all points and places within the State of Colorado, except that said prescribed rates and charges shall not apply between points and places within the following described Denver Metropolitan Area (except as noted):

On and within an area beginning at a point at the intersection of State Highway 2 and East 96th Avenue; thence west on 96th Avenue via an airline route to the intersection of 96th Avenue and McIntyre Street; thence south via an airline route on McIntyre Street to the intersection of McIntyre Street and Coal Mine Road; thence east via an airline route on Coal Mine Road and/or Arapahoe Road to an intersection of Coal Mine Road and/or Arapahoe Road and Tower Road; thence north via an airline route on Tower Road to the intersection of Tower Road and 96th Avenue; thence west via 96th Avenue via an airline route to the point of beginning.

EXCEPTION: Rates and charges as prescribed will apply from and to Denver origins to and from Buckley Field, Lowry Field, Remaco and Rocky Mountain Arsenal.

31. Rates and charges should not be prescribed, except as provided in Finding No. 30, for the transportation of petroleum and petroleum products, as defined in Decision No. 63702, dated September 16, 1964, page 16 (such commodities being those enumerated in Appendix XIII, Ex Parte No. MC-45, Description in Motor Carrier Certificates, 61 MCC 209, 294-296), in Colorado intrastate commerce.

32. Rates and charges should not be prescribed for the transportation of petroleum and petroleum products, as referred to in Findings Nos. 30 and 31, where respondents hold authority restricting the transportation of said commodities in tank vehicle equipment of 1500 gallons or less capacity.

33. A just and reasonable distance scale of commodity rates, non-discriminatory, non-prejudicial or non-preferential with respect to the traffic defined in Finding No. 30, will be the following:

A. The application of the distance commodity scale of rates shown in Table A, pages 86 through 89 hereof, both inclusive.

B. The rates herein prescribed are to be applied to distances over the shortest practical highway routes over which respondents' equipment may be operated lawfully, except that distances to and from the following refineries and terminals shall be computed as follows:

<u>When shipment originates or is destined to:</u>	<u>Highway Distance to be computed from or to:</u>
Continental Oil Refinery)	
Denver Products Terminal)	
Empire Petroleum Company)	Denver, Colorado if
Oriental Oil Refinery)	the terminal or refinery
Phillips Pipe Line Terminal)	named is within 15 air-
Shamrock Oil & Gas Corp. Terminal)	line miles of the Colorado
Tenneco Oil Company Refinery)	State Capitol Building
Wyco Pipe Line Terminal (Dupont))	
Phillips Pipe Line Terminal)	La Junta, Colorado if the
Shamrock Petroleum Pipe Line Terminal)	terminal named is within 5
	airline miles of the Otero
	County Court House

C. Highway distances to be computed by the use of Official Colorado State Highway Department maps.

34. Charges, rules and regulations and governing provisions prescribed by Decision No. 65847, dated September 14, 1965, not in conflict with the Findings herein should be the prescribed reasonable charges, rules and regulations and governing provisions applicable in connection with the distance scale of commodity rates as prescribed and set forth in Table A.

35. Respondents have not justified the weekly charges for the transportation of liquid petroleum products, as named in Item 140, Appendix A, Decision No. 65847, dated September 14, 1965, and liquid petroleum gases, placed under investigation in Case No. 5232, Decision No. 59852, dated December 21, 1962, and as a consequence thereof, said weekly charge should be cancelled on or before January 1, 1967 on not less than fifteen days' notice to the Commission and the general public as provided by the Public Utilities Law and the Rules and Regulations of the Commission.

36. These proceedings should be discontinued.

DISCUSSION

The primary problem before the Commission in this proceeding is to determine the proper level of rates to be prescribed by the Commission for the transportation of petroleum products. Both the shippers and the majority of the carriers have urged upon the Commission the prescription of the September 1965 rates. During the course of the hearings, the representatives of the shippers testified or made statements of position as follows:

Phillips Petroleum Company--Hedrick:

"I would like to make a brief statement. Phillips Petroleum Company is represented here, I might say, at the request of the Commission. We agreed on a level of rates in September, which have been changed primarily due to a court order and another petition. We would like to make a statement that if the costs of the rates presented and prescribed in this case are in excess of those agreed on in September, we are of the opinion private carriage will develop. We make this statement in order that the motor carrier industry and the Commission will be fully aware of our position in these proceedings. Thank you." (Continental Oil Company, Skelly Oil Company and American Oil Company endorsed this statement.)

Humble Oil and Refining Company--Hanson

"We sincerely hope this Commission will find that the scale of rates prescribed in September, 1965, are equitable and reasonable. This will enable Humble Oil & Refining Company to continue operating in Colorado on a basis which will continue to support the motor carrier industry in this State."

Shamrock Oil and Gas Corporation--St. Dizier

"We appreciate the time that the Commission has given us and it has been a pleasure for me to meet the representatives of the trucking industry, and we wish to give record at this proceeding in concurring with the statements that have been made by the shippers at the beginning of this meeting in that it is our opinion that the approval of a level of rates higher than those that were effective September 24, 1965, will no doubt encourage an increase in private carriage. We believe this will have an adverse effect on the for-hire carrier system of petroleum products in Colorado.

"Gentlemen, frankly, we don't want to get into the transportation business. That is your business. But if it becomes economically feasible for us to get into it, my management won't wait for me to recommend it, they will go right ahead with it."

Mobil Oil Company--Fortman

"I have discussed these proposed 24-hour rates, that is the September scale of rates, with some of the carriers in Colorado, and I have also studied these rates in relation to our own movement of traffic. Were these 24-hour rates established, we will sell our customers on setting their plans on a key unloading basis and we will meet the provisions of the tariff to utilize these 24-hour rates. We will use these 24-hour rates wherever possible, the proposed 24-hour rate scale, that is the September scale, is the one we want, and Mobil Oil Company supports this scale of rates."

American Oil Company--Gary

"This free form of competition is what I am recommending here. If, however, this is not lawfully possible I am recommending that at least the rates that became effective September 24, 1965, be reinstated. These were the rates that were developed and agreed to by the carriers and the shippers after many conferences and cost meetings.

"My company is constantly making economic appraisals of company-operated trucking, and our latest evaluation indicates that our company trucking costs would still be below the September 24 rates. However, the difference in cost would not be so great as to warrant my company putting on its own trucks in this State.

"I want to make it clear that the American Oil Company is not here to seek preferential treatment, but we believe it to be our moral obligation to help the trucking industry with its problem. We want to continue using that service if we can, but we will turn to company trucking if we are driven to it.

"I hope what I am saying is not taken as an offensive ultimatum, but it is fundamental that American Oil has an obligation to its stockholders where we must achieve the transportation economies we know are possible, regardless of whether this is accomplished with either for-hire or company-operated equipment."

It is clear from these statements that the shippers favor the September 1965 rate structure prescribed by the Commission in Decision No. 65847. The majority of the carriers also in effect have requested the Commission to prescribe this structure of rates.

We note, however, that Finding of Fact No. 27 clearly indicates that the September 1965 rate structure is not only not compensatory as to certain individual carriers but would appear to be non-compensatory as an industry average. Under such circumstances the Commission has determined that certain upward adjustments should be made in the September 1965 schedule of prescribed rates in order to provide a rate structure that may at least be compensatory on an industry-wide basis.

The commodity rates herein prescribed by us for application in the Plains Territory are approximately 103% of the rates prescribed in September of 1965 pertaining to A and B commodities, and approximately 107.4% of such previously prescribed rates for A-1 and B-1 commodities. The commodity rates prescribed herein by the Commission for application in Mountain Territory are 100.6% of the rates prescribed in September of 1965 pertaining to A and B commodities and 109.54% of such previously prescribed rates for A-1 and B-1 commodities.

The application of such increases to the figures shown in Findings of Fact Nos. 26 and 27 would indicate that such increases would make the herein prescribed rate structure compensatory on an industry-wide average basis.

Table XVIII shows amount of increases in cents per gallon of the proposed rates for selected distances.

It is of course correct that in all likelihood the prescribed schedule of rates will not be compensatory as to certain of the smaller, less efficient carriers. We point out, however, that if this Commission prescribes rates based on the costs of the least efficient carriers, the public suffers by the payment of unreasonably high rates to the efficient carriers. On the other hand, if the Commission should prescribe a rate based on the operating costs of the most efficient carrier, the rate would be so low as to put the majority of the other carriers out of business. We have attempted to strike a happy medium.

(TABLE XVIII follows.)

T A B L E XVIII

PLAINS TERRITORY

<u>Miles</u>	<u>GASOLINE</u>			<u>DIESEL</u>		
	Rates in cents per gallon			Rates in cents per gallon		
	<u>Present</u>	<u>Proposed</u>	<u>Increase</u> <u>(per gallon)</u>	<u>Present</u>	<u>Proposed</u>	<u>Increase</u> <u>(per gallon)</u>
110	① 1.020	1.051	0.031	1.144	1.178	0.034
	② .901	.972	0.071	1.010	1.090	0.080
250	① 2.070	2.132	0.062	2.321	2.390	0.069
	② 1.828	1.972	0.144	2.050	2.211	0.161
350	① 2.830	2.915	0.085	3.173	3.268	0.095
	② 2.499	2.696	0.197	2.802	3.023	0.221

① Base rates

② Incentive rates - Proposed, 92½% of base rates

MOUNTAIN TERRITORY

110	① 1.170	1.182	0.012	1.312	1.325	0.013
	② .995	1.093	0.098	1.116	1.225	0.109
250	① 2.380	2.399	0.019	2.668	2.690	0.022
	② 2.023	2.219	0.196	2.268	2.488	0.220
350	① 3.250	3.279	0.029	3.644	3.676	0.032
	② 2.763	3.033	0.270	3.098	3.401	0.303
400	① 3.680	3.719	0.039	4.126	4.170	0.044
	② 3.128	3.440	0.312	3.507	3.857	0.350
450	① 4.120	4.148	0.028	4.619	4.651	0.032
	② 3.502	3.837	0.335	3.926	4.302	0.376

① Base Rates

② Incentive rates, proposed, 92½% of base rates

O R D E R

THE COMMISSION ORDERS:

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

2. Respondent common carriers, according as they participate in the transportation of petroleum and petroleum products, as defined in Finding No. 30, be, and they are hereby, notified and required to cease and desist, on or before January 1, 1967, and thereafter to abstain from publishing, demanding, or collecting for the transportation of said commodities, rates and charges, rules and regulations, and governing provisions which differ from the rates and charges, rules and regulations and governing provisions prescribed in paragraph four (4) hereof.

3. Respondent Private carriers, according as they participate in the transportation of petroleum and petroleum products, as defined in Finding No. 30 be, and they are hereby, notified and required to cease and desist, on or before January 1, 1967, and thereafter to abstain, from publishing, demanding, or collecting for the transportation of said commodities, rates and charges, rules and regulations, and governing provisions which shall not be less than the rates and charges, rules and regulations and governing provisions prescribed in paragraph four (4) hereof.

4. The rates and charges, rules and regulations, and governing provisions, as described in Findings numbered 30, 33, and 34, shall be reasonable rates and charges, rules and regulations, or governing provisions, for application by all respondent common carriers for the transportation of Petroleum and Petroleum Products as defined in Finding No. 30, between points and places within the State of Colorado in intrastate commerce, with such rates and charges, rules and regulations and governing provisions being minimum rates and charges, rules and regulations, and governing provisions for application by all private carriers by motor vehicle engaged in intrastate commerce in Colorado in competition

with motor vehicle common carriers transporting Petroleum and Petroleum Products as defined in Finding No. 30.

5. Rates and charges, rules and regulations and governing provisions shall not be prescribed for application to the transportation of petroleum and petroleum products, as defined in Findings numbered 31 and 32, between points and places within the State of Colorado in intra-state commerce.

6. Respondents, as they participate in the transportation of petroleum and petroleum products, defined in Finding No. 30 be, and they are hereby, notified and required to establish, on or before January 1, 1967, on not less than fifteen days' notice to the Commission and the general public as provided by the Public Utilities Law and the rules and regulations of the Commission, and thereafter to maintain and apply to the transportation of said commodities, between all points and places within the State of Colorado, rates and charges, rules and regulations and governing provisions which shall not differ from those designated in ordering paragraph four (4) hereof in the case of common carriers and which shall not be less than those designated in paragraph (4) four, in the case of private carriers.

7. Items 50 and 140, Appendix A, Decision No. 65847, dated September 14, 1965, shall be cancelled on or before January 1, 1967, on not less than fifteen days' notice to the Commission and the general public as provided by the Public Utilities Law, and the Rules and Regulations of the Commission.


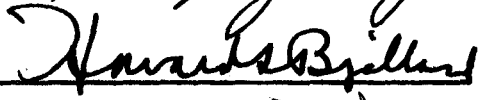

8. These proceedings shall be discontinued.

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. This order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
1st day of November, 1966 av

T A B L E "A"
Page 1

Distance scale of rates in cents per gallon on liquid Petroleum Products as defined in Finding No. 30, applicable on shipments transported between points located within Plains Territory as defined in Item 30 of Appendix "A" of Decision No. 65847, dated September 14, 1965, except that this scale shall not be applicable on shipments moving within the DENVER METROPOLITAN AREA AS defined in Item 35, Appendix "A" of the aforementioned decision.

Minimum gallons per shipment
 Liquid Petroleum Products

	8000	9000	7000	8000
	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>B-1</u>
<u>Distance - Miles</u> <u>(Nos. inclusive)</u>				
0 - 10	.258	.239	.289	.268
11 - 15	.299	.277	.335	.311
16 - 20	.330	.305	.370	.342
21 - 25	.371	.343	.416	.385
26 - 30	.412	.381	.462	.427
31 - 35	.453	.419	.508	.470
36 - 40	.494	.457	.554	.512
41 - 45	.536	.496	.601	.556
46 - 50	.577	.534	.647	.599
51 - 55	.618	.572	.693	.641
56 - 60	.659	.610	.739	.684
61 - 65	.690	.638	.774	.715
66 - 70	.731	.676	.820	.758
71 - 75	.773	.715	.867	.802
76 - 80	.814	.753	.913	.844
81 - 85	.855	.791	.959	.887
86 - 90	.896	.829	1.005	.929
91 - 95	.937	.867	1.051	.972
96 - 100	.979	.906	1.098	1.016
101 - 105	1.020	.944	1.144	1.058
106 - 110	1.051	.972	1.178	1.090
111 - 115	1.092	1.010	1.224	1.132
116 - 120	1.133	1.048	1.270	1.175
121 - 125	1.174	1.086	1.316	1.218
126 - 130	1.215	1.124	1.362	1.260
131 - 135	1.257	1.163	1.409	1.304
136 - 140	1.298	1.201	1.455	1.347
141 - 145	1.339	1.239	1.501	1.389
146 - 150	1.370	1.267	1.536	1.421
151 - 160	1.411	1.305	1.582	1.463
161 - 170	1.494	1.382	1.675	1.549
171 - 180	1.576	1.458	1.767	1.635
181 - 190	1.658	1.534	1.859	1.720
191 - 200	1.730	1.600	1.940	1.794
201 - 210	1.813	1.677	2.033	1.880
211 - 220	1.895	1.753	2.125	1.965
221 - 230	1.978	1.830	2.218	2.052
231 - 240	2.060	1.906	2.310	2.137
241 - 250	2.132	1.972	2.390	2.211
251 - 260	2.215	2.049	2.483	2.297

TABLE A - Page 2 (Plains Territory)

Minimum gallons per shipment Liquid Petroleum Products	8000	9000	7000	8000
	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>B-1</u>
Distance - Miles (Nos. inclusive)				
261 - 270	2.297	2.125	2.575	2.383
271 - 280	2.379	2.201	2.667	2.468
281 - 290	2.451	2.267	2.748	2.542
291 - 300	2.534	2.344	2.841	2.628
301 - 310	2.606	2.411	2.922	2.703
311 - 320	2.688	2.486	3.014	2.787
321 - 330	2.760	2.553	3.095	2.862
331 - 340	2.843	2.630	3.188	2.949
341 - 350	2.915	2.696	3.268	3.023
351 - 360	2.997	2.772	3.360	3.108
361 - 370	3.069	2.839	3.441	3.183
371 - 380	3.152	2.916	3.534	3.269
381 - 390	3.224	2.982	3.615	3.343
391 - 400	3.306	3.058	3.707	3.429
401 - 410	3.378	3.125	3.787	3.504
411 - 420	3.461	3.201	3.880	3.589
421 - 430	3.533	3.268	3.961	3.664
431 - 440	3.615	3.344	4.053	3.749
441 - 450	3.687	3.410	4.134	3.823
451 - 460	3.770	3.487	4.227	3.910
461 - 470	3.842	3.554	4.308	3.985
471 - 480	3.924	3.630	4.400	4.070
481 - 490	3.996	3.696	4.480	4.144
491 - 500	4.069	3.764	4.562	4.220

1. Rates shown under Column A-1 and Column B-1 headings subject to the provisions published in Item 20, Appendix "A" of Decision No. 65847, dated September 14, 1965.

2. A and A-1, Liquid Petroleum Products are the following:

Blended Gasoline (covers motor fuels containing 50% or more of gasoline) Gasoline, (except Casinghead (Natural) gasoline)	Jet Fuel Napthas Refined Oil, viz., Illuminating or burning, except does not include residual fuel oil or burner fuel Nos. 3, 4, 5 and 6.
--	--

Weighing 6.6 pounds or less per gallon.

3. B and B-1, Liquid Petroleum Products are the following:

Distillate Fuel Oils
Kerosene
Napthas
Diesel Fuel

Weighing more than 6.6 pounds per gallon.

TABLE "A"

Page 3

Distance scale of rates in cents per gallon on Liquid Petroleum Products as defined in Finding No. 30, applicable on shipments transported from, to, or between points located within Mountain Territory, as defined in Item 30 of Appendix "A" of Decision No. 65847, dated September 14, 1965.

Minimum gallons per shipment Liquid Petroleum Products	8000	9000	7000	8000
	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>B-1</u>
Distance - Miles (Nos. inclusive)				
0 - 10	.290	.268	.325	.300
11 - 15	.336	.311	.377	.349
16 - 20	.371	.343	.416	.385
21 - 25	.417	.386	.468	.433
26 - 30	.464	.429	.520	.481
31 - 35	.510	.472	.572	.529
36 - 40	.556	.514	.623	.576
41 - 45	.603	.558	.676	.626
46 - 50	.649	.600	.728	.673
51 - 55	.695	.643	.779	.721
56 - 60	.741	.685	.831	.768
61 - 65	.776	.718	.870	.805
66 - 70	.822	.760	.922	.852
71 - 75	.870	.805	.975	.903
76 - 80	.916	.847	1.027	.950
81 - 85	.962	.890	1.079	.998
86 - 90	1.008	.932	1.130	1.045
91 - 95	1.054	.975	1.182	1.093
96 - 100	1.101	1.018	1.234	1.141
101 - 105	1.148	1.062	1.287	1.191
106 - 110	1.182	1.093	1.325	1.225
111 - 115	1.229	1.137	1.378	1.275
116 - 120	1.275	1.179	1.430	1.322
121 - 125	1.321	1.222	1.481	1.370
126 - 130	1.367	1.264	1.533	1.417
131 - 135	1.414	1.308	1.585	1.467
136 - 140	1.460	1.351	1.637	1.515
141 - 145	1.506	1.393	1.689	1.562
146 - 150	1.541	1.425	1.728	1.598
151 - 160	1.587	1.468	1.779	1.646
161 - 170	1.681	1.555	1.885	1.743
171 - 180	1.773	1.640	1.988	1.839
181 - 190	1.865	1.725	2.091	1.934
191 - 200	1.946	1.800	2.182	2.018
201 - 210	2.040	1.887	2.287	2.116
211 - 220	2.132	1.972	2.390	2.211
221 - 230	2.225	2.058	2.495	2.307
231 - 240	2.318	2.144	2.599	2.404
241 - 250	2.399	2.219	2.690	2.488
251 - 260	2.492	2.305	2.794	2.584

TABLE A - Page 4 (Mountain Territory)

Minimum gallons per shipment Liquid Petroleum Products	8000	9000	7000	8000
	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>B-1</u>
Distance - Miles (Nos. Inclusive)				
261 - 270	2.584	2.390	2.897	2.680
271 - 280	2.676	2.475	3.000	2.775
281 - 290	2.757	2.550	3.091	2.859
291 - 300	2.851	2.637	3.197	2.957
301 - 310	2.932	2.712	3.287	3.041
311 - 320	3.024	2.797	3.391	3.126
321 - 330	3.105	2.872	3.481	3.220
331 - 340	3.198	2.958	3.586	3.317
341 - 350	3.279	3.033	3.676	3.401
351 - 360	3.372	3.119	3.781	3.497
361 - 370	3.453	3.194	3.872	3.581
371 - 380	3.546	3.280	3.976	3.678
381 - 390	3.627	3.355	4.067	3.762
391 - 400	3.719	3.440	4.170	3.857
401 - 410	3.800	3.515	4.261	3.941
411 - 420	3.894	3.602	4.366	4.039
421 - 430	3.975	3.677	4.457	4.123
431 - 440	4.067	3.762	4.556	4.218
441 - 450	4.148	3.837	4.651	4.302
451 - 460	4.241	3.923	4.755	4.398
461 - 470	4.322	3.998	4.846	4.483
471 - 480	4.415	4.084	4.950	4.579
481 - 490	4.496	4.159	5.041	4.663
491 - 500	4.578	4.235	5.133	4.748

1. Rates shown under Column A-1 and Column B-1 headings subject to the provisions published in Item 20, Appendix "A" of Decision No. 65847, dated September 14, 1965.

2. A and A-1, Liquid Petroleum Products are the following:
 Blended Gasoline Jet Fuel
 (covers motor fuels Napthas
 containing 50% or Refined Oil, viz.,
 more of gasoline) Illuminating or
 Gasoline, (except burning, except does
 Casinghead (Natural) not include residual
 gasoline) fuel oil or burner
 fuel Nos. 3, 4, 5 and 6

Weighing 6.6 pounds or less per gallon.

3. B and B-1, Liquid Petroleum Products are the following:
 Distillate Fuel Oils
 Kerosene
 Napthas
 Diesel Fuel

Weighing more than 6.6 pounds per gallon.

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 A BRIDGE ON STATE HIGHWAY)
NO. 58, OVERPASSING THE COLORADO AND)
SOUTHERN RAILWAY COMPANY'S BRICK-)
YARD SPUR, VICINITY OF 7TH AND FORD)
STREETS IN THE CITY OF GOLDEN,)
JEFFERSON COUNTY, STATE OF COLORADO.)

APPLICATION NO. 22073

November 2, 1966

S T A T E M E N T

BY THE COMMISSION:

On July 6, 1966 the Department of Highways of the State of Colorado (Department), filed its application in accordance with the rules of this Commission, seeking approval for construction of highway overpass structure at the highway-railroad grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

- Exhibit A: Plot Plan showing general area and track realignment.
- Exhibit B: Plan showing Right-of-Way data.
- Exhibit C: Combination Plan sheet to show Bridge layout, vertical elevations and stream channel, General Notes and Summary of quantities for new overpass structure.

Also received by the Commission on October 20, 1966 is a copy of the fully executed Agreement, dated June 28, 1966, between the Department of Highways and The Colorado & Southern Railway Company pertaining to proposed overpass construction.

With reference to the instant application and other investigation data, it appears that Colorado Highway No. 58 has existed for many years as a connecting route from Denver City Limits (Sheridan

Boulevard) and extending westward in Jefferson County along West 44th Avenue to the City of Golden, Colorado. In a further extension along 8th Street, a junction has been made at the mouth of Clear Creek Canyon with U. S. Highway No. 6 (Colorado No. 182) about a mile west from Golden.

In the current construction westerly from Denver of the new Interstate Route 70, a new connection will be made with Colorado No. 58 at West 44th Avenue and Youngfield Street in Jefferson County. In this area the Interstate Route will then turn southwesterly toward Camp George West and the U. S. No. 40 route westward through the Denver Mountain Parks toward Idaho Springs, Colorado. With the new highway construction work, Colorado No. 58 will in effect become a direct or short-cut connection between Interstate Route No. 70 and the Clear Creek Canyon Tunnel Route, U. S. No. 6.

In the instant highway project, Colorado No. 58 is to be relocated along the north side of the Colorado & Southern switching yards in Golden. Proposed new roadway will consist of a multi-lane limited access roadway and thereby eliminate the congestion already developing along the present residential area routing in Golden. In the new location, involving an area of only minimum street development, a multi-lane bridge 254 feet in length will be required to span a north to south drainage-way known as Tucker Gulch. In addition to the stream channel, the bridge will also overpass Ford Street and a C&S Industry track known as Brickyard Spur.

The new bridge will provide a 6-foot wide median for separated roadways at widths of 28 feet for westbound and 40 feet for eastbound travel; having also 2 feet wide sidewalk curbs with handrails. The concrete roadways will be carried on 36-inch reinforced concrete girders in six spans and supported on 32-inch reinforced concrete columns. In the flood season of 1965, the rail line was washed out due to heavy runoff in Tucker Gulch. Restoration of

the railroad will include a realignment of the single track to provide more direct stream channel location under the bridge. Recently completed plan data for the track work shows minimum horizontal clearance of 11 feet and vertical dimension of 23 feet 6 inches above top of rail at the new structure.

The Railway Company has agreed to defer replacement of its track until the new bridge is completed. When the spur is rebuilt, inside guard rails at the track will also be installed according to railroad specifications and to be paid for by the Department according to the Agreement herein.

Estimated costs for the proposed separation work are as follows:

Install guard rail	\$ 932
Overpass Bridge	177,556
Total	\$178,488

The above costs of construction and continuing maintenance relative to the new bridge structure will be paid by Colorado Department of Highways. Reconstruction of the rail line and continuing maintenance expense is by Colorado & Southern.

Meanwhile, the Commission forwarded a copy of the instant application, together with a Notice, to interested parties, to the Mayor, City of Golden and to owners of adjacent property at the new overpass location. Said Notice was to ascertain if any other action was to be considered within the period of twenty days as designated in said Notice. No adverse reply has been received by the Commission.

In consideration of the instant proposal, it appears the Brickyard Spur was originally built to serve a stone quarry and a brick plant some two miles northward from the proposed bridge installation. Rail business has been practically non-existent for many years. Meanwhile, prospects now appear favorable for increased use of the line, so that restoration, rather than abandonment, is currently contemplated by the railroad. Movements will consist of

unscheduled switching operations. Present highway traffic counts show annual daily average of 5,850 vehicles with estimated increase to 14,000 vehicles per day in the next 20 years.

With respect to the drainage and geographical features of this foothill mountain area, there is a need for the bridge as a part of the new road system. Also, relocation of the highway as a limited access route has the concurrence of the Golden City Council and the Jefferson County Board of Commissioners. Plans and specifications for the new bridge have been approved by Assistant Chief Engineer of the Colorado & Southern Railway, the Chief Engineer of the Department of Highways and by the U. S. Bureau of Roads. Separation of the rail and highway traffic will add to the public safety.

It is, therefore, the belief of the Commission that the proposed separation construction is compatible with the public interest, and 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 it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the construction and maintenance of the grade separation structure as proposed herein, over trackage of The Colorado & Southern Railway Company, Ford Street and Tucker Gulch, all as located within the City of Golden, Jefferson County, Colorado.

That horizontal and vertical clearances for the proposed structures exceed the clearance requirements established by the Commission, and are therefore acceptable.

O R D E R

THE COMMISSION ORDERS:

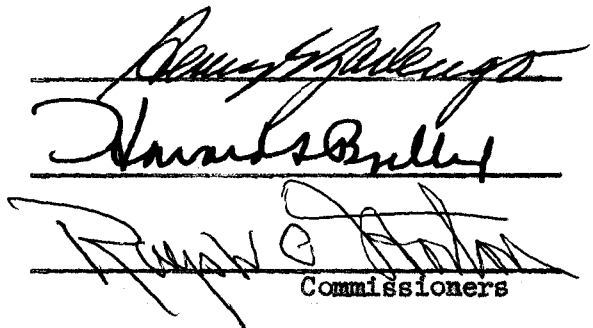
That Applicant, the Department of Highways, State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the installation, construction, use and maintenance of a highway-railroad grade separation structure on Colorado Highway No. 58, over trackage of The Colorado & Southern Railway Company in the City of Golden, Jefferson County, Colorado, as follows:

Twin-bridge highway overpass to cross Colorado & Southern Railway Company Brickyard Spur near 7th Street and Ford Street of said City of Golden, Colorado.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ASPEN AIRWAYS, INC.,
SARDY FIELD,
ASPEN, COLORADO,

Complainant,

vs.

MONARCH AVIATION, INC.,
SARDY FIELD,
ASPEN, COLORADO,

Respondent.

CASE NO. 5325

November 2, 1966

Appearances: John F. Mueller, Esq., Denver,
Colorado, for Complainant;
Wm. F. Nelson, Esq., Grand Junction,
Colorado, for Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Aspen Airways, Inc., the Complainant, filed its complaint against Monarch Aviation, Inc., therein describing the Complainant's authorities, operations, investments, etc., and the Respondent's authorities and operations, in particular pointing out that the Respondent in the authority issued to it by Commission Decision No. 27752, dated March 13, 1947, is expressly subject to the following restrictions, to-wit: (a) That the holder of the Certificate shall not establish an office or branch for the purpose of developing business at any town, place or city other than Grand Junction and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, and (b) That the holder of the Certificate shall file rate schedules, tariffs, and rules and regulations, and that the rates so filed for the transportation of passengers between fixed points served by air carriers operating on schedule over fixed

routes shall be at least fifty percent greater per passenger than the effective rates of fixed route carriers by air so operating on schedule between said points.

The Complainant alleges that the Respondent has, and is, violating both of the said restrictions and prays in its Complaint that the Commission issue to Respondent its Order to Satisfy or Answer and thereafter to hold a hearing and at its conclusion enter its Order requiring the Respondent to cease and desist and thereafter to refrain and abstain from the violations of its Certificate of Public Convenience and Necessity.

The Commission issued its Order to Satisfy or Answer and the Respondent filed an Answer.

A hearing was held on September 13, 1966, during which the Commission was requested to take official notice of Commission Decisions, to-wit:

Aspen Airways Certificates:

Decision No. 32845, dated June 15, 1949 (Irregular Service)
Decision No. 33825, dated December 3, 1951 (Transfer)
Decision No. 44749, dated October 18, 1945 (Transfer)
Decision No. 51479, dated December 26, 1958 (Transfer)
Decision No. 53290, dated November 3, 1959 (Scheduled Service)
Decision No. 61118, dated July 29, 1963 (Denver Office)
Decision No. 63278, dated July 10, 1964 (Aspen-Grand Junction
Seasonal Service)
Decision No. 65278, dated June 28, 1965 (Rifle Experimental
Certificate)

Monarch Aviation Certificates:

Decision No. 27752, dated March 13, 1947 (Irregular Service)
Decision No. 35621, dated November 10, 1950 (Transfer)

The Commission takes official notice of said Decisions. Four Exhibits were tendered and received in evidence, and the Commission, on its own motion, has marked a Stipulation tendered by the parties through their counsel, as Exhibit 5, and makes said Exhibit 5 part of the record herein. Said Stipulation provides, inter alia, that the record and transcript as made in hearing on Application No. 21747-Extension, be taken as, and be the record in the within matter. The

Commission approves said Stipulation and said record, by reference, shall be taken and be in the record in this matter.

On October 31, 1966, the Commission entered its Order in Application No. 21747-Extension, being Decision No. 68447, to which Order reference is hereby made. In said Order the Commission granted the Respondent an extension of its authority providing in effect, inter alia, that the office restriction in Respondent's authority providing that "no office, or branch, shall be established for the purpose of developing business in any town, place or city other than Grand Junction and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County. . ." be revoked and removed from its authority and providing that the Respondent may establish an office at Aspen at nearby Sardy Field (Pitkin County Airport) and airports, if any, in Pitkin County, Colorado. By such decision the Commission has rendered moot the prayer of the Complainant that the Respondent cease and desist from violating its authority insofar as the establishment of an office for the development of business at Aspen or nearby Sardy Field is concerned.

In said Decision No. 68447 the Commission further found that confusion as to the tariffs of the Complainant and of the Respondent and the charges made by the Respondent as the same are interrelated has existed and that the evidence did not warrant a determination that the tariff violations on the part of the Respondent were such that the Commission should order a penalty against the Respondent. In this regard the Respondent through counsel asserts that it will file with the Commission tariffs which will be more clear and specific and comply with the tariff restrictions in its authority, PUC No. AC-7.

The Commission finds that it should caution, and hereby cautions, the Respondent against any violations of its authority in any manner.

The Commission finds that the Respondent should be ordered to forthwith file tariffs in accordance with its declared intentions hereinabove mentioned.

O R D E R

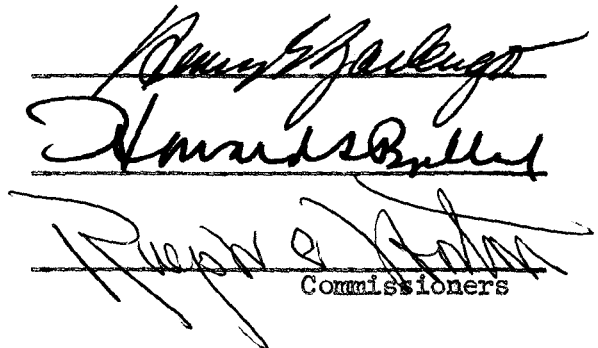
THE COMMISSION ORDERS:

That the Complaint be, and the same hereby is, dismissed.

That Monarch Aviation, Inc., the Respondent herein forthwith shall file clear and unequivocal rate schedules, tariffs and rules and regulations consistent and in conformity with any and all restrictions under its authority.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. D. C. CORPORATION OF COLORADO, 4970)
SOUTH ARCHER AVENUE, CHICAGO, ILLINOIS,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 21864

November 2, 1966

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, and
Melvin Baillet, Esq., Chicago,
Illinois, for Applicant;
John R. Barry, Esq., Denver,
Colorado, for Transcontinental
Bus System, Inc.; Continental
Bus System, Inc.; Denver-Salt
Lake Pacific Stages; Denver-
Colorado Springs-Pueblo Motor
Way; American Bus Lines, Inc.,
Protestants;
Joseph F. Nigro, Esq., Denver,
Colorado, for Package Delivery
Service, Protestant;
David Butler, Esq., Denver,
Colorado, for Colorado Motor
Way, Inc.; Denver-Boulder Bus
Company; Colorado Transportation
Company, Protestants;
Walter M. Simon, Esq., Denver,
Colorado, for Yellow Cab Company,
Protestant;
Herbert M. Boyle, Esq., Denver,
Colorado, for Armored Motor
Service; Speedy Messenger and De-
livery Service; Quick-Way Messenger
Service, Protestants;
John M. Conway, Esq., Denver, Colo-
rado, for Contract Carriers
Conference of the Colorado Motor
Carriers' Association.

S T A T E M E N T

BY THE COMMISSION:

On February 21, 1966 B. D. C. Corporation of Colorado, 4970
South Archer Avenue, Chicago, Illinois, filed its application for an
Order granting a certificate of public convenience and necessity auth-

orizing Applicant to operate as a common carrier by motor vehicle for hire, over irregular routes, transporting (1) commercial papers, documents, and written instruments (except coins, currency and negotiable securities), and microfilm, as are used in the conduct and operation of banks and banking institutions, and (2) papers used in the processing of data by computing machines, punch cards, magnetic tape, punch paper tape, printed reports and documents and office records, between points in the State of Colorado.

Said application was regularly set for hearing before the Commission, on April 19, 1966 at 10:00 o'clock A.M., at 532 State Services Building, 1525 Sherman Street, Denver, Colorado, pursuant to order of the Public Utilities Commission by its Executive Secretary by serving a Notice of Hearing together with a copy of the application in the above-entitled matter upon approximately 115 carriers (as disclosed by the Certificate of Service) who, in the opinion of the Secretary, would be competitive if said application was granted, by mailing said Notice of Hearing and application in sealed envelopes properly addressed with sufficient postage prepaid to carry the same to its destination on the 24th day of March, 1966.

Formal protests to the granting of the instant application were filed by the following carriers:

1. Yellow Cab, Inc., filed on May 16, 1966.
2. Quick-Way Messenger Service, filed on May 23, 1966.
3. Speedy Messenger Service, filed on May 20, 1966.
4. Package Delivery Service, filed on May 9, 1966.
5. Colorado Motor Way, Inc., Denver-Boulder Bus Company and Colorado Transportation Company, filed on May 14, 1966.

B. D. C. Corporation, the Applicant herein, on May 27, 1966 filed a Motion to Strike the Protests of Yellow Cab, Inc., Quick-Way Messenger Service, Package Delivery Service Co., Colorado Motor Way, Denver-Boulder Bus Co., and Colorado Transportation Co.

On May 18, 1966 Leonard De Lue, D. J. Sebern, T. W. Rinker, Ted P. Rinker and E. L. De Lue, a co-partnership doing business as "Armored Motor Service," filed their Protest alleging that they are the holders of P. U. C. Permit No. B-958 & I and Permit No. B-5540 & I, which authorizes

the transportation of valuable papers, between points within the state of Colorado, and checks, bank drafts, business papers and other valuable papers, from point to point within a radius of fifty (50) miles of Boulder, Colorado.

On May 27, 1966 B.D.C. Corporation filed a Motion to Strike and Deny Protest of Armored Motor Service.

On April 11, 1966 the Secretary of the Commission vacated the April 19th setting and reset the instant application for hearing on June 1, 1966 at 10:00 o'clock A.M., at 532 State Services Building, Denver, Colorado.

At the hearing held on June 1, 1966, we quote the following from the official transcript:

"COMMISSIONER HORTON:

We have a motion of applicant to strike protests, and then we have another motion of applicant to strike and deny protests of Armored Motor Service, - - - -. How do you want to argue these Motions?

MR. KEHL:

Mr. Commissioner, we will not persist nor argue the Motion to Strike Protest, that is, the one that goes to the multiple protests.

COMMISSIONER HORTON:

In other words, you are not going to prosecute that?

MR. KEHL:

We will not prosecute that motion.

COMMISSIONER HORTON:

So, you will withdraw Motions to strike Protests?

MR. KEHL:

That particular motion, yes, sir, and then we would like to present brief argument with reference to the specific Motion to Strike and Deny of Armored Motor Service, - - - -."

After listening to arguments of attorneys, the Commissioner taking the hearing, made the following ruling:

COMMISSIONER HORTON:

"Well, you left this up to an Examiner, and it is up to me, and to me alone - I don't have the benefit of the other two Commissioners. Apparently, we recently ruled that the private carrier does not have standing; nevertheless, those of you

who have practiced before me,
know I am pretty free and, being
the minority member of the Commission,
the Motion to Strike will be denied.
You may proceed."

Thereupon, Applicant called its first witness, Larry Crutchfield of 4970 Archer Avenue, Chicago, Illinois, who stated he was Vice President and International Sales Director, of B. D. C. Corporation of Colorado. The evidence further discloses the witness is also a Vice President of Bankers Dispatch Corporation, a holding company that does not actively conduct for-hire operations. The record is not too clear, but the evidence would indicate that the witness is also a Vice President of some other related corporations. He identified some 25 exhibits, which included the Certificate of Incorporation of B. D. C. Corporation of Colorado, authorities held by associated companies, equipment operated by B. D. C. Corporation (not B.D.C. of Colorado), financial Statements, and various contracts, descriptive literature of equipment used in operation, insurance coverage and other data concerning their proposed operation, that is, receipts for delivery, tariffs, etc.

It appears from the record that the present application is roughly divided into two separate and distinct parts --

- 1 - Commercial papers and microfilm used in the conduct and operation of banks and banking institutions;
- 2 - Papers used in processing of data, printed reports and documents and office records.

It further appears from the record that Applicant, in another application, is asking for:

"Dental supplies and materials - - -, between Denver, Colorado, on the one hand, and points and places in the State of Colorado on the other."

The evidence and record discloses Applicant is asking for authority to conduct a State-wide operation as a common carrier by motor vehicle, in call and demand service, over irregular routes, for the commodities named in the application. This application has Statewide coverage, and is a service designed to attract business now handled by carriers

authorized by this Commission, and the United States mail.

Witness Crutchfield testified B. D. C. Corporation of Colorado started a survey in January, 1966, which survey was concluded the last week in April, 1966. He states that the Federal Reserve Bank is interested in their proposed service, and the evidence indicates that if application is granted, B.D.C. will serve approximately 120 banks in the State of Colorado on delivery of their cash letters. As an auxiliary service, Applicant also wishes to provide service to corporations who will have a flow or exchange of business reports or records, either pertaining to data processing or accounting or permanent type record-keeping information. The service is to be performed during the evening hours, that is, picked up after the closing of business, conveyed either to Denver or some other central point where it is processed, and returned to the bank or other place of business before opening the following morning. The witness states his company is endeavoring to institute a nation-wide service with headquarters in Chicago. It appears that B. D. C. Corporation of Colorado, has also determined that the transportation of dental supplies and materials could also be conducted under their proposed schedules. However, this is not presently before us under the application we are now hearing. It is apparent, however, that Applicant intends to expand their state-wide service by further applications covering additional items.

Witness Crutchfield described generally their proposed operation, which included transportation by air, and Applicant presented approximately a dozen public witnesses.

Homer F. Krebs, an Assistant Cashier for the Federal Reserve Bank located at 1111-17th Street, Denver, Colorado, testified as to the use the Denver Branch of the Federal Reserve Bank would make of the proposed service. It appears that in Applicant's survey their proposed service is built on the cash letter business handled by the Denver Branch of the Federal Reserve Bank.

Witness Krebs stated the bank is now using the United States mail and motor carrier service.

It further appears from witness Krebs' testimony that Federal Reserve Bank serves all banks in the State of Colorado.

Other witnesses representing banks from key points all over Colorado, testified they were interested in Applicant's proposed service and, if the price and service was satisfactory, they would use Applicant's proposed service. The service they desired is a service where their pickup is made after closing hours and delivery before the bank opened the following morning. This was especially true of data processing, etc.

A brief summary of the evidence on behalf of Applicant, when condensed, in the opinion of the Commission is as follows: Public witnesses would use Applicant's service if it was better and more efficient than the service now offered by motor carriers, bus carriers and the United States mail, if the cost was no more than U. S. Mail, that is, 5¢ per ounce.

Protestants presented several witnesses as to the effect on their operations, if said application was granted. Local motor carriers in the Denver area would be vitally affected, especially wherein the Federal Reserve Bank and the big banks of Denver desire only one carrier. The area outside of Greater Metropolitan Denver is served on their routes by the certificated bus carriers and, while the volume is not large, it is an important source of revenue when taken from all points served by the bus companies. Bus express has become a very important source of revenue to the bus companies, and without said revenue the bus companies would be in trouble. This would necessitate either the curtailment of service or the increase of their passenger and express rates. It is a recognized fact to any student of transportation of persons that all passenger carriers are now facing serious competition from the air carriers with their recent reduced rates for standby and family fares.

The evidence in the above application is voluminous, covering 1100 pages of testimony, together with numerous exhibits, and several days

were spent by the Commissioner taking the testimony. The Commission has carefully studied and reviewed the transcript and the exhibits and, after careful consideration thereof, makes the following findings.

F I N D I N G S

THE COMMISSION FINDS:

1. That Applicant is a newly formed Colorado corporation which desires authorization by this Commission of a statewide transportation service, serving all cities, towns and villages, and especially all banks, in Colorado, with an overnight pickup and delivery service, between all points in the State of Colorado, in call and demand service, for the transportation of all items set forth in the application.
2. That Applicant is a subsidiary of Bankers Dispatch Corporation, whose home office is located at 4970 Archer Avenue, Chicago, Illinois; that Applicant company was formed for the purpose of operating in Colorado; that the parent company operates in the Chicago area, and operates through the utilization of subsidiaries in many other states, where they have authority. The record indicates that Bankers Dispatch Corporation specializes in the type of service asked for in the application. It appears from the record the parent company is financially responsible and able to inaugurate their initial proposed schedules.
3. That it appears the Federal Reserve Bank would use the proposed service for the reason that the proposed schedules are tailored to fit their individual needs if the cost of the service is reasonable. This proposed service might be used by many banks in the state, especially those banks in the remote areas. Witnesses from the banks, all stated it would be a desirable service as outlined by Applicant, and they are interested if there is no additional cost over their present service. They were in agreement that they were not interested in the proposed service if the cost was higher than first-class mail, that is, 5¢ per ounce.

4. That Applicant is seeking a State-wide call and demand certificate, and Applicant, in their testimony, stressed the convenience to isolated and remote areas in the State, which is now being handled by the U. S. Mail. These remote areas are not presently being served by for-hire carriers by motor vehicle except in a few instances by bus express, and by private carriers.

5. That to make their operation economically feasible state-wide, the Commission is of the opinion, after careful consideration of the evidence adduced, especially between points in the remote areas, and from remote areas to Denver, it requires traveling long distances and the crossing of the Continental Divide in several places. To make the proposed operation pay, would necessitate the handling of all items sought in the application, and from the record before us it would appear that from time to time Applicant would have to ask for additional items. This is substantiated by the fact that Witness Crutchfield stated:

"At a subsequent time, should it be deemed necessary by the shipping public, we may appear before this Commission again with a subsequent application."

The record further discloses that Applicant has presently an application before the Commission that has not been set for hearing, asking to transport dental plates and dental supplies. In other words, we do not believe that the broad application, unrestricted as to territory covering the entire State is economically feasible without taking away traffic from presently certificated common carriers by motor vehicle. We are of the opinion that definite limited routes could be established for the handling of the items asked for in the application that would prove economically feasible. But, to offer a service state-wide, we do not believe, and we cannot find from the record this to be economically feasible. In other words, for an economical operation, we think Applicant included too large an area for common carrier call and demand service.

6. That the granting of the proposed application would tend to impair the operation of some competing carriers, who are presently handling some of the items asked for in the application. This would be true of common carriers operating out of Denver, and especially the bus companies. We recognize, however, that at the present time a large volume of this traffic is handled by a private carrier.

7. That Applicant failed to sustain the burden of proof to establish that the present or future public convenience and necessity require, or will require, the transportation services for which Applicant herein seeks authority.

The desire of the Denver Branch of the Federal Reserve Bank and possibly other large banks and businesses located in the Denver area do not warrant the granting of State-wide motor vehicle common carrier authority unless the same is definitely in the public interest, and it would appear that the granting of the authority sought would not be in accord with the law as clearly set forth in recent decisions of our Colorado Supreme Court. In our opinion, it would appear from the record the proposed operations are those of a private (contract) carrier as defined by our Private Carrier Act.

8. We do not say that if this application is granted, they could not render a desirable service to a few select customers, on carefully selected routes. We, however, are not satisfied that Applicant can economically give a State-wide call and demand service wherein the public would use the call and demand service under Applicant's proposed tariff. A careful examination of the record disclosed that Applicant not only proposes a general call and demand service, but also offers, to all practical purposes, a scheduled route operation. This is disclosed by an examination and evaluation of its proposed tariffs. We question very seriously the feasibility of this daily operation, not on call and demand but as it applies to their regularly scheduled operation as dis-

closed by Applicant's proposals. The Commission is of the opinion, and so finds, it is not in the public interest to grant this broad Statewide common carrier authority, where it appears from our interpretation of the exhibits pertaining to costs and revenue, it would reasonably result in increased costs due to the nature of this deluxe service. This would call for an increased cost on a Statewide basis, or in the alternative, Applicant would have to ask for abandonment of regular route service to a large area in the remote sections of the State.

9. We have examined Applicant's Exhibit No. 20 as it applies to their proposed service. The exhibit indicates revenue of \$50.00 a week revenue from Public Service Company of Colorado, and \$67.20 from Mountain States Telephone Company. We have carefully reviewed the testimony and the record as it pertains to the traffic generated by these companies. We cannot accept the optimistic forecasts of Applicant. Without this revenue, Applicant's operation would be in the "red" and Applicant would, of necessity, have to seek other sources of revenue. This, in our opinion, eliminates the value of Exhibit No. 20. We have no data or information as to the cost of service or revenue received on the other commodities asked for in the application. Special trips involving additional mileage and costs necessarily must be incurred to render the services proposed by Applicant. It, therefore, follows that the Commission is without sufficient data to evaluate whether or not the proposed operation can operate at a profit under the proposed tariff filings. It is our best judgment, however, that Statewide service, as proposed by Applicant, is not economically feasible unless portions of said proposed service is curtailed or abandoned, or rates increased. If Applicant is granted a certificate of public convenience and necessity for Statewide service, Applicant is entitled to enjoy certain rights and privileges, but, likewise, it is placed under certain obligations to perform the service asked for in the application, as disclosed by the record herein. The very term "convenience and necessity" implies this.

The Commission finds that the evidence does not support a finding that the public convenience and necessity require granting of the authority on a Statewide basis as is applied for.

Post hearing briefs were filed on behalf of Applicant and Protestants.

Applicant contends the Commissioner taking the hearing erred in permitting Armored Motor Service, a private carrier, to participate in the hearing, and Applicant has correctly cited rulings of the Commission to substantiate its position. However, the Commissioner taking the hearing, under his interpretation of the Colorado Supreme Court decision in the recent Western Colorado Power Company et al vs. The Public Utilities Commission, felt it was error to foreclose their participation. The Commission neither affirms or rejects that ruling of the Commissioner taking the hearing, for the reason that we definitely find that the proposed operation of Applicant for Statewide common carrier service is not economically feasible and, therefore, not in the public interest. We, therefore, deem it unnecessary in this application to determine, under the present facts as disclosed by the record, whether or not private carriers have the right under Colorado law to intervene and protest the granting of a motor vehicle common carrier authority.

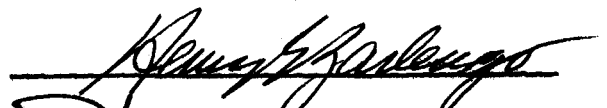
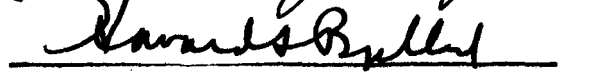

O R D E R

THE COMMISSION ORDERS:

That Application No. 21864 be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD STANLEY STAFFORD, DOING)
BUSINESS AS "NORTHERN TRASH DISPOSAL)
COMPANY," ROUTE 2, P. O. BOX 115,)
LONGMONT, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22200

November 3, 1966

Appearances: William T. Secor, Esq., Longmont,
Colorado, for Applicant;
William Andrew Wilson, Esq., Denver,
Colorado, for Best Way Disposal,
Town & Country Disposal, Gerbitz
Rubbish Removal, Inc., Disposal
Service Company, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of ashes, trash and waste materials.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, at 10:00 A.M., on November 1, 1966, and at the conclusion of the evidence, the matter was taken under advisement.

At the commencement of the hearing counsel for the applicant moved that the application be amended to provide for a restriction of the authority as sought in the application. Exhibit A was marked and received in evidence. Said Exhibit A includes the description of the area for which authority is sought under the application as amended. Counsel for the protestants stated that

the protests would be withdrawn if the motion to amend the application were granted and the authority, if granted, were granted according to the amended application.

The Commission states and finds that the motion to amend the application should be granted.

Richard Stanley Stafford, the applicant herein, appeared and testified in support of the application in substance and to the effect that he has had ten years' experience in the transportation business; that he has \$2,400 as capital with which to purchase equipment; that he has canvassed the area for which the authority is sought; that no other common carrier is serving said area; that the residents residing in said area have stated to him that they need and would use his service.

The Commission, having considered the testimony, record and exhibits herein, states and finds that applicant will have sufficient equipment and experience to properly carry on the proposed transportation services; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that present common carrier service in the area herein sought is inadequate; that the present and future public convenience and necessity require, or will require, the transportation services for which applicant seeks authority; that the authority herein sought is in the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That the motion to amend the application be, and the same hereby is, granted.

That Richard Stanley Stafford, doing business as "Northern Trash Disposal Company," Longmont, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire,

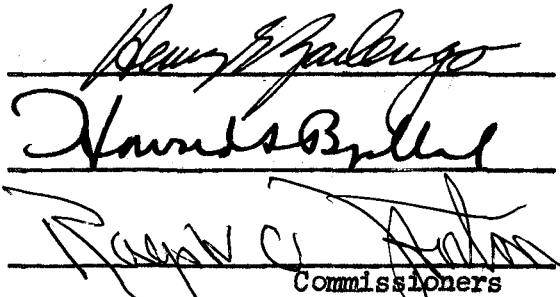
for the transportation of ashes, trash and other waste materials in the following territory: Starting at a point where Highway 66 and Highway 7 intersect above Lyons, then east on Highway 66 to the U.S. 87, then south on Highway 87 to State Highway 7 where 87 and 7 intersect, then east on 7 to the intersection of 85 and Highway 7, then north on 85 to State Highway 66, then heading west on 66 to the intersection of 66 and 87, then heading north on Highway 87 to the intersection of 60 and 87, then heading west on Highway 60 to the intersection of 60 and 287, then heading south on Highway 287 to the intersection of 66 and 287, then heading west on 66 to where the Boulder County line meets 66 above Lyons which is the starting point. This covers Lyons, Platteville and Berthoud, but excludes Longmont, and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THEREFOR.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE APPLICATION OF WILBUR F. ROBINETT,)
18498 EAST COLFAX, AURORA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22217-PP

November 3, 1966

Appearances: Wilbur F. Robinett, Aurora,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, at 10:00 A.M. on November 1, 1966, and at the conclusion of the evidence, the matter was taken under advisement.

Wilbur F. Robinett, the applicant, appeared and testified in support of the application, stating that he is the owner of four trucks; that he has a net worth of \$40,000; that he has had 25 years of experience in the transportation business; and, that he will abide by all the rules and regulations of the Commission with which he will familiarize himself.

No one appeared in protest to the granting of the instant application.

From the testimony, record and files herein, the Commission states and finds that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment

and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of the authority, as provided in the following Order, will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Wilbur F. Robinett, Aurora, 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, provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

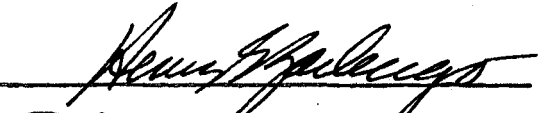
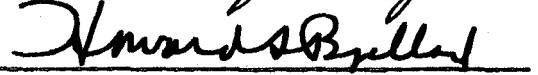
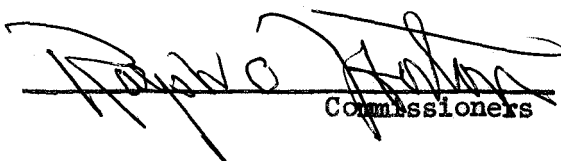
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD H. ROTH, 240 NORTH 4TH AVENUE)
BRIGHTON, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22216-PP

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- - - - -
November 3, 1966
- - - - -

Appearances: Edward H. Roth, Brighton, Colo-
rado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, at 10:00 o'clock A.M., on November 1, 1966, and at the conclusion of the evidence, the matter was taken under advisement.

Edward H. Roth appeared and testified in support of the application, stating that he is the owner of a 1961 dump tandem truck; that he has a net worth of \$10,000; that he has twenty years of experience in the transportation business; and that he will abide by all the rules and regulations of the Commission with which he will familiarize himself.

No one appeared in protest to the granting of the instant application.

From the testimony, record and files herein, the Commission states and finds that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the

Commission; that it does not appear to the Commission that the proposed operation will impair the efficient the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of the authority, as provided in the following Order, will be in the public interest and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That Edward H. Roth, Brighton, 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 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 Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points, provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; also, natural fertilizer, from point to point, to and from points within a 75 mile radius of Brighton, Colorado; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

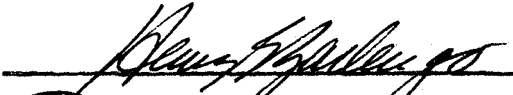
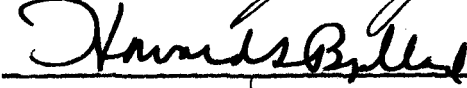
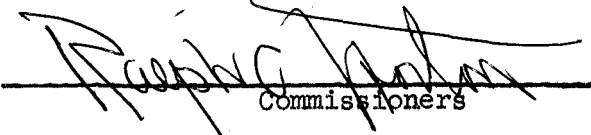
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission. This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARRET LENDERINK, WILLIAM E. LENDERINK,)
AND ARTHUR R. LENDERINK, DOING BUSINESS)
AS "RAY'S ASH & TRASH SERVICE," 4455)
SOUTH BROADWAY, ENGLEWOOD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO. 3906)
TO RAY'S SUBURBAN DISPOSAL, INC., 4455)
SOUTH BROADWAY, ENGLEWOOD, COLORADO.)

APPLICATION NO. 22202-Transfer

November 3, 1966

Appearances: Samuel P. Guyton, Esq., Lakewood,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, authority is sought to transfer PUC No. 3906 from Garret Lenderink, William E. Lenderink and Arthur R. Lenderink, doing business as "Ray's Ash & Trash Service," Englewood, Colorado, to Ray's Suburban Disposal, Inc., Englewood, Colorado.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard at 532 State Services Building, at 10:00 A.M., on November 1, 1966, and at the conclusion of the evidence, the matter was taken under advisement.

Garret Lenderink appeared and testified in support of the application in substance and to the effect that the applicant consists of a partnership of Garret Lenderink, William E. Lenderink and Arthur R. Lenderink, doing business as "Ray's Ash & Trash Service;" that the partners formed a corporation known as Ray's Suburban Disposal, Inc.; that the balance sheet marked Exhibit A, and received in evidence, was prepared under his direction and supervision and is a correct financial statement of the corporation; that for all intents and purposes the business will be operated in the same manner by the corporation as it was by the partnership.

No one appeared in protest to the granting of the instant application.

The Commission, having considered the record, files and exhibits herein, states and finds that transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; 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 Garret Lenderink, William E. Lenderink, and Arthur R. Lenderink, doing business as "Ray's Ash & Trash Service," Englewood, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 3906 to Ray's Suburban Disposal, Inc., Englewood, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under PUC No. 3906 shall be as follows, to-wit:

DEC. #56932: Transportation of ashes, trash, and other waste materials, between points within the City of Englewood, Colorado, and from points within the City of Englewood, Colorado, to regularly-designated and approved dumps and disposal places; transportation of ashes, trash, and other waste materials, between points within a six-mile radius of Hampden and Broadway, in Englewood, Colorado, excluding points within the City and County of Denver, to regularly designated and approved dumps and disposal places.




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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

WAYNE E. SHEPHERD
7337 South Boulder Road
Boulder, Colorado 80301

AUTHORITY NO. B 5620

CASE NO. 168-H-Ins.

November 2, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

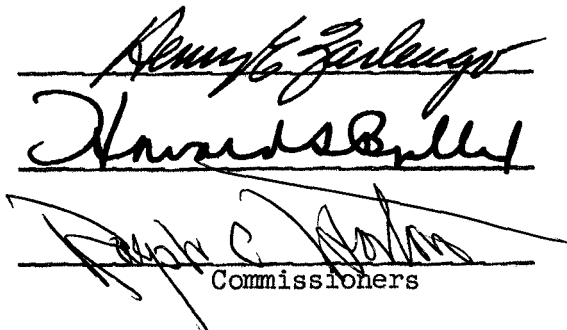
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JOSEPH AND BOB LEE DBA)
LEE BROTHERS ASH AND TRASH DISPOSAL)
2829 Harrison St.)
Denver, Colorado 80205)

AUTHORITY NO. PUC 5362

CASE NO. 143-H-Ins.

November 2, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

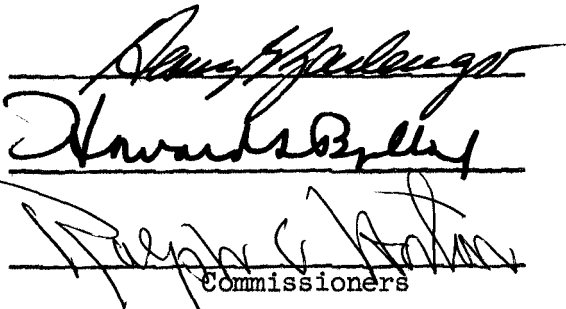
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

TED SLAVIN)
P.O. Box 444)
Higgins, Texas 79046)

AUTHORITY NO. PUC 6658-I

CASE NO. 144-H-Ins.

November 2, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

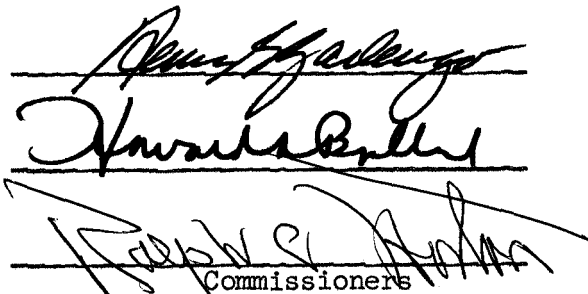
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER CLIMAX TRUCK LINE, INC.,
1380 UMATILLA STREET,
DENVER, COLORADO, AND
OVERLAND MOTOR EXPRESS, INC., DOING
BUSINESS AS BOULDER-DENVER TRUCK LINE,
P. O. BOX 271
BOULDER, COLORADO,

Complainants,

vs.

CASE NO. 5318

KINGERY TRANSPORTATION CO. AND
ERNEST J. TRENBERTH,
1736 VIRGINIA STREET,
IDAHO SPRINGS, COLORADO, AND
WALTER A. SMITH,
3434 WALNUT STREET,
DENVER, COLORADO,

Respondents.

November 3, 1966

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Complainants and
Intervenor Rio Grande Motor Way;
Herbert M. Boyle, Esq., Denver,
Colorado, for Respondents;
John J. Conway, Esq., Denver,
Colorado, for Contract Carriers
Conference of the Colorado Motor
Carriers' Association;
T. Peter Craven, Esq., Denver,
Colorado, for Red Ball Motor
Freight, Inc., and Westway
Motor Freight, Inc.

S T A T E M E N T

BY THE COMMISSION:

On May 24, 1966 Denver Climax Truck Line, Inc., and Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line, filed a Formal Complaint alleging, generally, that Respondent corporation, Kingery Transportation Co., has failed to comply with the statutes concerning private carriers by motor vehicle and, further, that

Respondents have failed to observe and comply with the regulations and rules of the Commission, and ask that private carrier Permit No. A-750 be revoked.

On June 9, 1966 Respondents filed their Answer denying, substantially, the allegations of the Formal Complaint, and asked that the Formal Complaint be dismissed.

On June 16, 1966 Rio Grande Motor Way by John P. Thompson, Attorney, filed a Motion to Intervene in the instant proceeding and Intervention was granted by Commission Decision No. 67587, dated June 20, 1966. On July 13, 1966 Red Ball Motor Freight, Inc. and Westway Motor Freight, Inc. likewise filed their Petition to Intervene which was granted by Commission Decision No. 67780 dated July 14, 1966. On August 30, 1966 the Contract Carriers Conference of the Colorado Motor Carriers' Association likewise filed their Petition to Intervene which was granted by Commission Decision No. 68128 dated September 1, 1966.

Case No. 5318 was set for hearing and was heard on September 20, 1966 at 532 State Services Building, Denver, Colorado, and at the conclusion of the hearing the matter was taken under advisement by the Presiding Commissioner.

We will attempt to briefly summarize the Complaint.

1. Complainants contend someone other than Kingery Transportation Co. is in truth and fact the owner of private carrier Permit No. A-750, which it appears from the record authorizes the transportation of:

"freight, between Leadville, Colorado, and Boulder, Colorado Springs, and intermediate points, including mining districts of Georgetown, Silver Plume, Central City, Blackhawk and Idaho Springs, via Colorado 91, 119, U.S. 40, 85, 285 and Colorado 7.

Permit No. B-6196 is what is commonly known in the trade as a sand and gravel authority, and Complainants, from the record herein made, appear to have no interest in this authority, and we see no need to further consider this permit.

2. Complainants allege while the records of the Public Utilities Commission disclose that Kingery Transportation Company is the owner of the permit, that the Respondent Trenberth has heretofore sold, assigned or leased Permit A-750 to Respondent Smith.

3. Complainants allege that Kingery Transportation Company has not operated said private carrier authority for several years, and has permitted others to operate said permit, thereby transferring control to other parties than the record owner.

4. Complainants allege that Respondents are now attempting to institute an entirely new operation.

5. Complainants allege that the operation has become dormant or abandoned. In support of their Complaint, Complainants called five witnesses:

Mr. Ernest J. Trenberth, President of Kingery Transportation Company and owner of 50% of its outstanding stock.

Walter Smith, one-time General Manager of Respondent corporation.

Los Mae Eshe, Manager of Denver Climax Truck Line, Inc.

Melvin A. Chance, President and General Manager of Boulder-Denver Truck Line.

Ralph H. Knull, General Traffic Manager, Rio Grande Motor Way.

We will here attempt to briefly summarize the testimony of the various witnesses as it applies to the Complaint. Mr. Ernest J. Trenberth testified he is President of Kingery Transportation Company and acquired his interest in December 1959; that he owns 2500 shares of the corporation stock; that originally his wife owned 2500 shares, and it appears that 5000 shares comprise all of the outstanding stock. It appears that on April 18, 1966, Mrs. Trenberth sold 2000 of her 2500 shares to one Kenneth Crowley who was elected as a member of the Board of Directors, and designated as Treasurer of the corporation; that in April 1966 the Board of

Directors, through its President, hired one Walter A. Smith as General Manager of the corporation's motor carrier division. Mr. Trenberth stated he had to get out of the active management of their motor carrier operation due to a heart condition and would have to go to Mayo Brothers. The witness further testified that the active management of the operation was left to a manager who was hired by Trenberth; that recently Mr. Smith resigned and the company now has a new manager; that at the time of the hearing Mr. Trenberth personally owned 2500 shares of stock, his wife 500 shares, and Kenneth Crowley 2000 shares; that at all times he could sign checks but the record indicates he did not exercise that right. It further appears that there has been a continuous operation of Permit A-750 since 1959 by the corporation. The witness testified as to the operation conducted prior to April 1966 and, from his testimony, it appeared that his customers were connected, directly or indirectly, with the mining industry.

Mr. Walter A. Smith testified that in April 1966 he was named Manager by the President of the company; that he acted as Manager for several months and conducted the operation under his interpretation of its authority. He stated that he was paid a flat salary, that in payment of bills he prepared checks which were signed by the Treasurer of the corporation. The testimony indicates he was an active Manager and added additional customers; that the mining in his territory closed down, and other contracts for hauling were secured; that sometime prior to September 20, 1966 he resigned and is no longer connected with Kingery Transportation Company.

Lois Mae Eshe testified she was Manager of Denver Climax Truck Line who holds certificate of public convenience and necessity No. 1195, which authorizes daily line-haul service from Denver to Idaho Springs and intermediate points to Climax. The witness stated in her opinion that she felt recently Respondent corporation had become more competitive with the Denver Climax operation.

Melvin A. Chance testified that he was President and General Manager of Boulder-Denver Truck Line, who generally has regular route transportation of general commodities between Denver and Boulder and all intermediate points; that his company conducts daily line-haul schedules. He stated he recently examined bills of Kingery Transportation Company for the latter part of May and all of June of this year, and found bills of lading covering less-than-truckload quantities of general commodities between Boulder and Denver.

Ralph H. Knull testified he is Traffic Manager for Rio Grande Motor Way; that his company had operating authority between Denver and Leadville, and Colorado Springs and Leadville, and was rendering service between the above-named points under its certificate.

Kingery Transportation Company became the owner of private carrier Permit No. A-750 on June 16, 1960 by Commission Decision No. 54465. The record indicates that on or about June 1, 1960 the agreement between David J. Kingery and Ernest J. Trenberth was entered into whereby Kingery would organize a corporation and Trenberth and his wife would purchase the stock. Complainants allege that the Trenberths have sold, assigned or leased said permit to Walter A. Smith without authorization by this Commission by virtue of our statutes and particularly Commission Rule 6 of the Rules and Regulations Governing Private Carriers by Motor Vehicle. The evidence clearly indicates that Ernest J. Trenberth is the owner of 2500 shares, his wife of 2500 shares, and further discloses that his wife sold 2000 shares to one Kenneth Crowley, who was then named Treasurer of the corporation. The latter part of April 1966 Ernest J. Trenberth, as President, employed Walter A. Smith as General Manager and the active management of the corporation was turned over to the General Manager who was paid a salary, and who later resigned.

The record indicates that the permit has been active since 1960 as disclosed by freight bills.

A survey of the traffic handled by the Respondent corporation indicates that it was within the scope of its authority, and we do not find any intentional unlawful operation. The Respondent corporation has moved its office to Denver from Idaho Springs. This is not restricted in the authority, and we cannot say, under the record made, that Respondent corporation could not establish an office in Denver.

Complainants contend there has been an abandonment of the permit. This allegation is not supported by the evidence.

F I N D I N G S

THE COMMISSION FINDS:

That Complainants have failed to sustain the allegations of the Complaint.

That a majority of the stock of the company is held by E. J. Trenberth and his wife; that Trenberth is President and owns 50% of the stock, his wife owns 500 shares, and that the control of the Respondent corporation remains with the Trenberths.

That there has been no abandonment of the permit for the reason that the record discloses a continuous operation.

That Walter A. Smith was named General Manager of Kingery Transportation Company, as an employee of the company; that he now is no longer employed by the Respondent corporation, and was not operating under a lease. The record discloses an employer-employee relationship.

That in the opinion of the Commission, there has been no unlawful operation; that Respondent corporation has at all times operated as a private carrier under authority granted by this Commission and has hauled only for customers on file with the Commission. That the present corporation was organized prior to the adoption of Commission Rule 6 of the Rules and Regulations Governing Private Carriers by Motor Vehicle.

Finally, the Commission is bound by the allegations of the Complaint. Complainants are asking that private carrier Permit No. A-750 be revoked. The burden of proof is on the Complainants to establish, by a preponderance of evidence, that the permit has been operated illegally or has been abandoned. Complainants have not sustained their allegations, and we, as a Commission, so find.

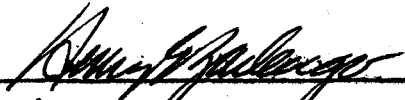
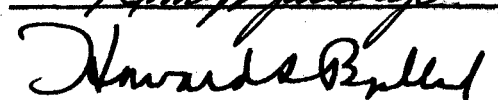
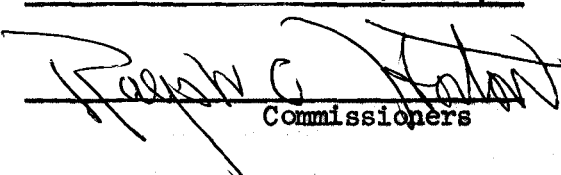
O R D E R

THE COMMISSION ORDERS:

That Case No. 5318 be, and the same hereby is, dismissed for the reasons and Findings heretofore set forth.

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 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

WAYNE E. SHEPHERD)
7337 South Boulder Rd.)
Boulder, Colorado 80301)

AUTHORITY NO. M-14080

CASE NO. 583-M-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

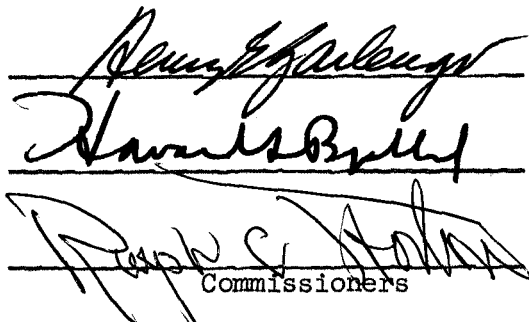
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

ing apy

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

S.W. SHATTUCK CHEMICAL CO.
1805 South Bannock Street
Denver, Colorado 80223

) AUTHORITY NO. M-9530

) CASE NO. 566-M-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

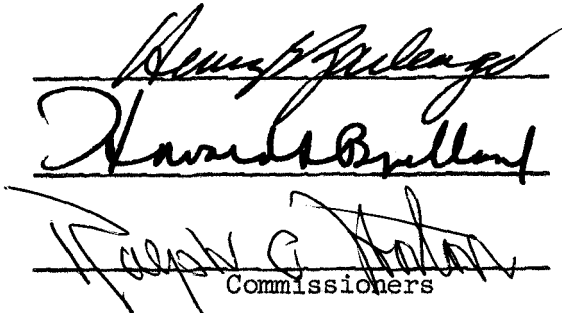
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

INDUSTRIAL-DENVER COMPANY)
1655 11th Street)
Denver, Colorado 80204)

AUTHORITY NO. M-4669

CASE NO. 515-M-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

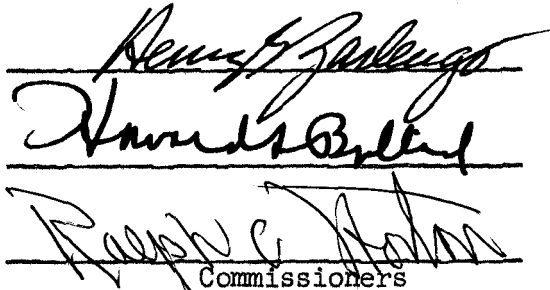
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

G. A. NYSTEL)
DBA CAPROCK STONE COMPANY)
P.O. Box 5095)
Lubbock, Texas 79408)

AUTHORITY NO. M-1554

CASE NO. 129-M-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 27, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

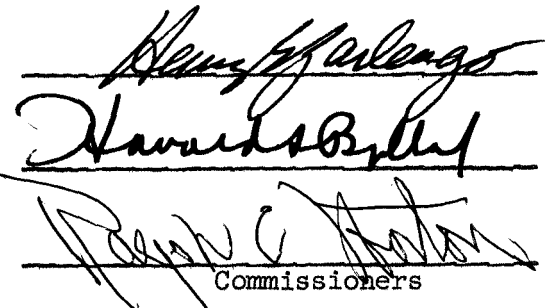
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of

November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

LOUIS, BRUCE AND HOWARD KATCHEM
DBA LOUIS KATCHEM PLUMBING CO.
1401 West 38th Ave.
Denver, Colorado 80211

AUTHORITY NO. M-4373

CASE NO. 458-M-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

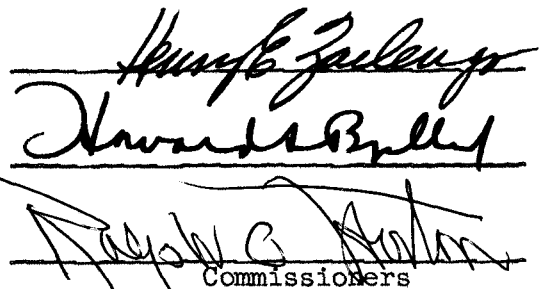
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM WOOD, 11000 WEST 41ST PLACE,)
WHEATRIDGE, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22201-PP

November 3, 1966

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.

Said application was regularly set for hearing before the Commission on November 1, 1966, at 532 State Services Building, Denver, Colorado. When the matter was called up for hearing, applicant failed to appear, either in person or by representative, and no protestants appeared. The Commission finds that the files of the Commission should be made part of the record.

From the files and other inquiry, it appears that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein proposed; that he has proper insurance on file with the Commission; and that he is presently operating under temporary authority issued by this Commission.

The Commission, having considered the files herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation service; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear that applicant's

proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that granting the authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That William Wood, Wheatridge, 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 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, provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; also, peat moss, from supply points to and from points within a radius of 150 miles of supply points; natural fertilizer, from supply points to and from points within a radius of 150 miles of supply points; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

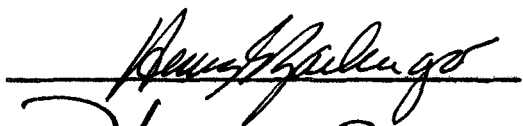
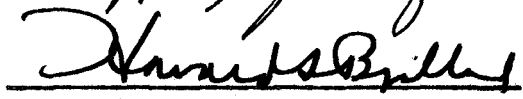
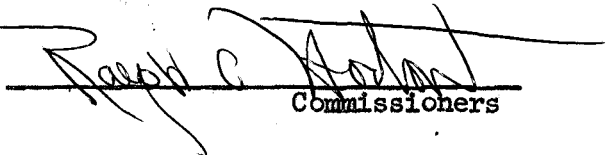
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

K. L. VAN VALKENBURG
Route 2, Box 1715-A
Cheyenne, Wyoming 82001

AUTHORITY NO. B 4189

CASE NO. 133-H-Ins.

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

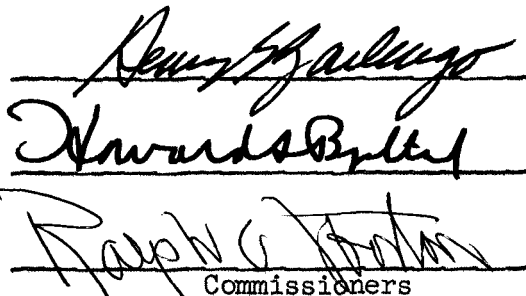
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
VIRGIL O. EAGLE
FALCON ROUTE
PAYTON, COLORADO 80831

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)
)

PUC NO. 2739-I

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

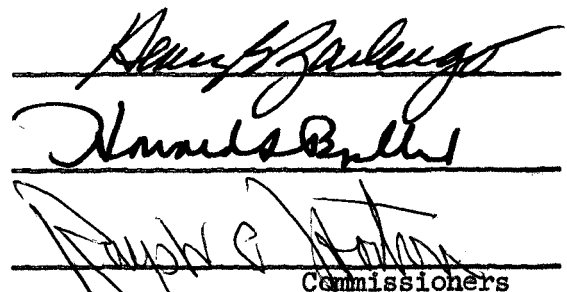
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 22, 1966 to and including April 22, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
LELAND DEAN KENLEY
2421 EAST DALE
COLORADO SPRINGS, COLORADO 80909

PERMIT NO. B-6398

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

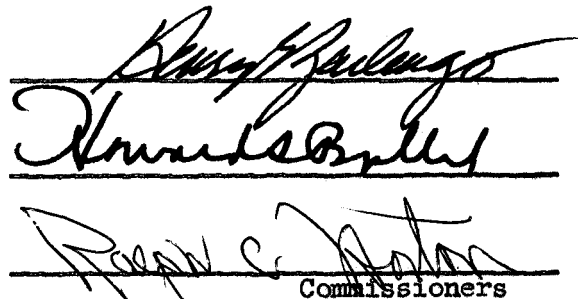
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 29, 1966 to and including April 29, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CLEM LOVISON
212 HARRISON AVENUE
CANON CITY, COLORADO 81212

PERMIT NO. B-6549

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER

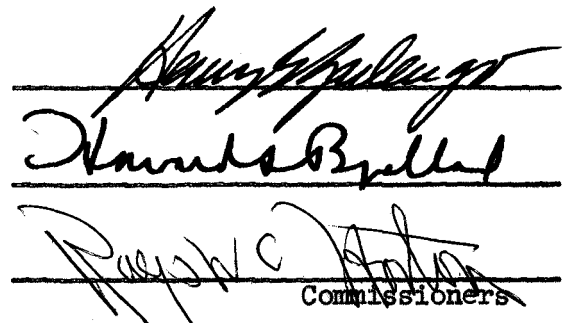
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 23, 1966 to and including April 23, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November 19 67
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
RICHARD L. BROWN
BOX 236
GLENWOOD SPRINGS, COLORADO 81601

PERMIT NO. B-6773

November 3, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

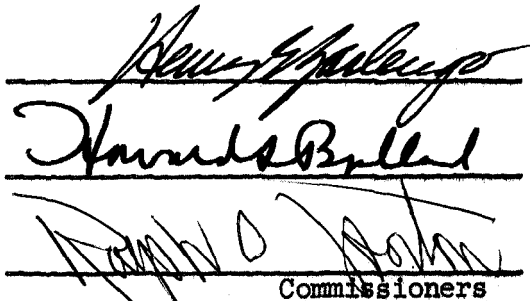
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 28, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORWOOD TRUCK LINE, INC., P.O. BOX 455,)
NORWOOD, COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE, FOR TRANSPORTATION OF)
GASOLINE AND DIESEL FUELS, IN BULK, FOR CONN)
SUPPLY CO. ONLY, FROM THE PHILLIPS PETROLEUM)
COMPANY PLANT NEAR DENVER, COLORADO, TO)
CONN SUPPLY CO., NORWOOD, COLORADO, AND TO)
CUSTOMERS OF CONN SUPPLY CO. LOCATED WITHIN)
A RADIUS OF 25 MILES OF NORWOOD, COLORADO.)

APPLICATION NO. 22153-PP

November 3, 1966

Appearances: John J. Conway, Esq., Denver,
Colorado, for Norwood Truck
Line, Inc., Applicant;
Jean P. Jones, Esq., Denver,
Colorado, for Ward Transport,
Inc. and Ruan Transport
Corporation, Protestants.

PROCEDURE AND RECORD

On September 2, 1966 Norwood Truck Line, Inc. filed an application for a Class "B" permit to Operate as a Private Carrier by Motor Vehicle for Hire in Intrastate Commerce. On September 24, 1966 Orville Dunlap and Son filed a letter of protest to the application. On October 3, 1966 Telluride Transfer filed a letter of protest to the application. On October 11, 1966 Ward Transport, Inc. and Ruan Transport Corporation filed a joint written protest to the application. On October 17, 1966 the Applicant submitted Interrogatories to Orville Dunlap and Son, Telluride Transfer, Ward Transport, Inc. and Ruan Transport Corporation to be answered under oath by each of them in accordance with Rule 33 of the Colorado Rules of Civil Procedure. On October 25, 1966 Ward Transport, Inc. and Ruan Transport Corporation filed objections to such Interrogatories as did Orville Dunlap and Son on October 28, 1966.

After due and proper notice to Ward Transport, Inc. and Ruan Transport Corporation, the objections filed by said corporations to the Interrogatories were heard by Commissioner Howard S. Bjelland at 8:30 A.M. on Wednesday, November 2, 1966 in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado. After hearing the arguments of counsel, Presiding Commissioner took the matter under advisement.

DISCUSSION

The objections filed by Ward Transport, Inc., Ruan Transport Corporation, and Orville Dunlap and Son raised the issue that the Rules of Practice and Procedure of the Public Utilities Commission of the State of Colorado make no provision for the utilization of written Interrogatories in matters before the Commission. Certain other objections were made to the Interrogatories which need not be determined in view of the decision of the Commission as herein set forth dealing with the propriety of the filing of written Interrogatories. The Rules of Practice and Procedure of the Commission were approved by the Commission after hearing in 1961. These rules do not provide for the utilization of written Interrogatories. The Commission, as well as all parties participating in the promulgation of the Commission's Rules of Practice and Procedure, must have been aware of the provisions of the Colorado Rules of Civil Procedure providing for the utilization of written Interrogatories. The Commission, although authorizing the use of depositions, did not see fit to authorize the utilization of written Interrogatories. Under such circumstances we feel that the failure of the Commission to so authorize, certainly indicates that the Commission did not intend that written Interrogatories be used in proceedings before the Commission. If the Commission is to authorize the utilization of such discovery procedures, it should be done after hearing by amendment to the rules.

Under such circumstances, the Interrogatories filed in the instant proceeding by the Applicant were improperly filed without authorization of the Commission and the Protestants should not be required to file answer thereto. We make no ruling as to whether the Commission in a proper case upon proper application could or would authorize the use of written Interrogatories.

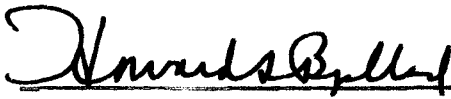
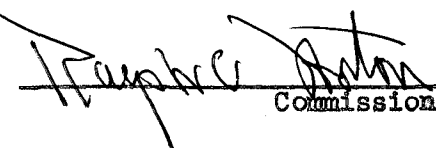
O R D E R

THE COMMISSION ORDERS:

That the objection to the Interrogatories filed in the instant proceeding based upon the ground that the rules of the Commission do not provide for the taking of written Interrogatories be, and the same hereby is, sustained and Protestants need not file Answers to said written Interrogatories.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES H. JACOBS, BOX 354, BASALT,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22178-PP

November 3, 1966

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 points within a 100 mile radius 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 being restricted against the use of tank vehicles.

Said application was regularly set for hearing before the Commission, and an Examiner was duly designated to conduct said hearing, he thereafter to submit a report of said proceedings to the Commission.

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

Report of the Examiner further states that from the files and other inquiry, it appears that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service herein proposed; that he has proper insurance on file with the Commission; that he is presently operating under Temporary Authority issued by this Commission.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation service; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing is established to the satisfaction of the Commission; that it does not appear that applicant's proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that granting the authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That James H. Jacobs, Basalt, 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, provided, however, that the transportation of road-surfacing mater-

ials shall be restricted against the use of tank vehicles; and this ORDER shall be deemed to be, and be, a PERMIT therefor,



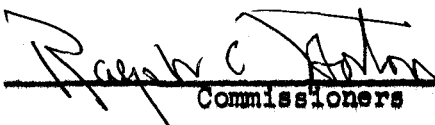
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable,

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN TRASH SERVICE, INC., A COLORADO)
CORPORATION, BOX 539, ASPEN, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 22210-Extension
AND NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 3769.)

November 3, 1966

Appearances: Victor E. Goodhard, Aspen,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, applicant seeks authority to extend operations under PUC No. 3769.

Said application was regularly set for hearing before the Commission, and an Examiner was designated to conduct said hearing, he thereafter to submit a report of said proceedings to the Commission.

Mr. Victor E. Goodhard, the Registered Agent of the applicant corporation, testified that the only purpose of the application is to extend the area of the authority from a radius of four miles of Aspen, Colorado, to a radius of 12 miles from the center of the City of Aspen, Colorado; that no other common carriers have or provide a similar service; that there is a need to extend the radius to 12 miles inasmuch as there is considerable residential building in the said 12-mile radius and that many of this company's present customers have moved from the 4-mile radius to the area within the 12-mile radius; that there was considerable expansion at Aspen, Colorado, and that many residences and business places within the 12-mile radius have demanded that he provide an ash and trash removal service to their locations; that the City of Aspen has now ceased authority to use a dump within the 4-mile radius and that the presently authorized dump is within the

12-mile radius; that he has a net worth of approximately \$15,000; that the Articles of Incorporation for Aspen Trash Service, Inc., a Colorado corporation, of which he is President, are on file with the Commission; that the corporation has sufficient and suitable equipment to provide the transportation herein sought.

The Commission, having considered the record, exhibits, files and the written statement of the Examiner herein, states and finds that applicant corporation will have sufficient equipment and experienced personnel to properly carry on the proposed extended operations; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that present common carrier service is inadequate; that the present and future public convenience and necessity require and will require the proposed extended services of the applicant; and that the authority should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That Aspen Trash Service, Inc., a Colorado corporation, Aspen, Colorado, be, and hereby is, authorized to extend operations under PUC NO. 3769 and henceforth the full and complete authority under said PUC No. 3769 shall authorize, to-wit:


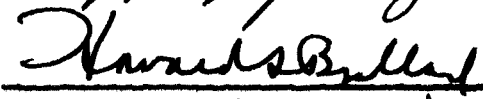
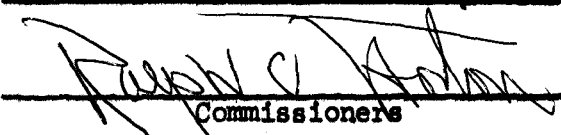
"Transportation of garbage, ashes, trash and other waste materials, between points within the City of Aspen, State of Colorado, and a 12-mile radius from the center of the City of Aspen, to regularly designated and approved dumps and disposal places."

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966
et

(Decision No. 68484)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. RAY HINES, P. O. BOX 262, WALDEN,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22166-PP

November 3, 1966

Appearances: W. Ray Hines, Walden, 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.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. The matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of the application, stating that if authority herein sought is granted, special carriage contracts will be entered into to provide needed and specialized service with certain shippers who have requested the herein proposed service; that he has ample and suitable equipment, sufficient net worth and operating experience with which to conduct said proposed operation; and that he will abide by all the rules and regulations of the Commission with which he will familiarize himself.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That W. Ray Hines, Walden, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered; and this ORDER shall be deemed to be, and be, 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 a memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That 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

Henry E. Salgado
Harold S. Butler
Ralph C. Anton
Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HOWARD W. JOHNSON, DOING BUSINESS AS
"H. J.'S OIL & WATER HAULING SERVICE,"
ROUTE 1, WILEY, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE FOR
HIRE.

APPLICATION NO.22113-PP-Amended

November 3,1966

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, as amended, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and 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.

As a preliminary matter, motion was made by the Attorney for applicant to amend the application as filed with the Commission by letter dated September 21, 1966. Said amendment being restrictive in nature was granted by the Examiner and the application was considered as so amended.

Howard W. Johnson, doing business as "H. J.'s Oil & Water Hauling Service," Wiley, Colorado, stated that he is experienced in the oil and gas transportation business; that this is highly specialized work; that the drilling and reworking of oil and gas wells requires the

use of water; that as oil or gas is discovered, and also, as existing wells are reprocessed, production in small quantities must be taken from the well to a nearby central collection point called a "tank battery" where carriers pick it up in quantity; that all of this requires transportation located right at the well site, and requires a carrier familiar with the work being performed so as to coordinate his work with drilling and collection processes; that this specialized work is performed on a day-by-day basis to meet the changing needs of the drilling contractor or reprocessing company; that only a very small portion of the transportation involves the use of highways, most of it being on remote, off-highway locations; that the reprocessing of existing wells and exploration for new oil and gas has been started in Kiowa, Prowers, Bent and Baca Counties, Colorado, which counties are in need of such service; that it is often an around-the-clock service which requires the carrier to stay until the drilling is completed; that at present, there are no private or common carriers performing this type of specialized service; that he will enter into carriage contracts with drillers and reprocessors to render this proposed service; and that he has the necessary equipment to perform this particular type of transportation service.

Mr. Johnson identified Exhibit A, which was received in evidence, as a financial statement of his approximate net worth as of September 28, 1966 and that it substantially reflects his financial status as of the date of the hearing; that if this authority is granted, he agrees to operate in accordance with all the rules, regulations and safety requirements of the Public Utilities Commission and the laws of the State of Colorado pertaining to private carriers and will carefully observe such rules, regulations and laws.

Wayne Williams, Lamar, Colorado, stated that he is the Production Foreman for Texas Pacific Oil Company and that this company is engaged in reprocessing wells in the above-stated counties; that the company is obtaining some liquid petroleum products; that no transportation, as stated

in the application of the Applicant, is available locally; that because this type of service is not offered in this area, the company must call in a carrier from Keyes, Oklahoma, which is an inconvenience to them and as a result of not having available this service when needed, on some occasions the company has had to shut down while waiting to have this service performed; that there is a need for a local carrier for this type of transportation; that the company wants and needs the Applicant's service and will use it if the authority is granted.

All motions granted by the Examiner are hereby confirmed.

The Commission, having considered the record and exhibits and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority as provided in the following Order will be in the public interest, and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That Howard W. Johnson, doing business as "H.J.'s Oil & Water Hauling Service," Wiley, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of water on oil leases for drilling rigs, and water and oil from oil and gas wells, from point to point in Kiowa, Prowers, Bent, and Baca Counties, Colorado; provided, however, that the holder of this authority shall not use equipment with a carrying capacity in excess of 1,500 gallons in operations under said authority, and this ORDER shall be deemed to be, and be, 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 right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM S. KOLISCH, P. O. BOX 26, CREEDE)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22157-PF

November 3, 1966

Appearances: Harry M. Howard, Esq., Monte
Vista, Colorado, for the Appli-
cant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., Protestant;
Elizabeth A. Conour, Esq., Del
Norte, Colorado, for Margaret
Bewick dba Creede Bus and Freight
Line, Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, William S. Kolisch seeks auth-
ority to operate as a Class "B" private carrier by motor vehicle for hire.

Said application was regularly set for hearing before the Commis-
sion, and an Examiner was designated to conduct said hearing, he there-
after to submit a report of said proceedings to the Commission.

Mr. Howard, on behalf of the Applicant, stated that he had con-
ferred with the attorneys for the protestants above-named; that the real
purpose of the application is to secure proper authority to permit the
Applicant to transport merchandise which he owned; that in view of this,
he was moving to dismiss the application and would file another applica-
tion subsequently for an "M" permit.

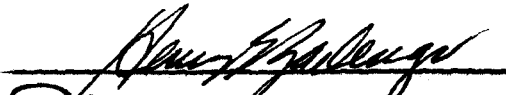


The Commission states and finds that said motion should be
granted and that the application herein should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22157-PP be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES J. HARGREAVES, P. O. BOX 8, HOLLY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.)))))))	<u>APPLICATION NO. 22116</u>
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November 3, 1966

Appearances: James J. Hargreaves, Holly,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of ashes, trash and other waste materials from points within the City Limits of Holly, Colorado, and a 20-mile radius thereof, to regularly designated and approved dumps and disposal places within said territory; also transportation of building materials to and from point to point within a 20-mile radius of Holly, Colorado.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

James J. Hargreaves, Holly, Colorado, the Applicant herein, testified that the matters contained in his application are true and accurate; that at the present time, there is no common carrier which provides ash and trash removal service at Holly, Colorado or a

20-mile radius thereof; that there is and has been an urgent need for such service in this area; that many residences and places of business have requested that the Applicant seek this authority in order to provide them ash and trash removal service; that he has a net worth of approximately \$20,000.00; that he owns four trucks which he stated would be suitable and sufficient to provide the transportation service applied for; that he is experienced in this type of transportation, since he has worked for the City of Holly and has provided ash and trash removal service to the City of Holly for some time; that he is well aware of the rules, regulations and laws of the State of Colorado pertaining to common carriers and will carefully abide by the same if this application is approved.

Clifford C. Hart, Holly, Colorado, one of the County Commissioners for Prowers County, testified that there is a great need for the type of service the Applicant is applying for at Holly and a 20-mile radius thereof; that he has had many requests from residents in this area to provide such a service and that he is confident the Applicant will be able to adequately and fully meet the needs of the area if this application is approved; that there is also a need to provide a transportation service for building materials from various points within a 20-mile radius of Holly, Colorado inasmuch as certain building houses are unable to obtain such service when their own vehicles are unable to provide the service; that the Applicant is a very reliable person; that he has previously worked for the County as a truck driver and has handled many projects for Prowers County; and that it is his belief, as well as the belief of other County officials, that the Applicant will do an excellent job if authority is granted to him.

Clarence F. Anderson, Holly, Colorado, and the Mayor of Holly, testified he has personal knowledge regarding the urgent need to provide an ash and trash removal service at Holly and a

20-mile radius thereof; that at the present time, there is no common carriers who provide such service; and that numerous residents and business places in this area have demanded that such service be made available to them; that heretofore, at certain times, the City provides ash and trash removal service but that the balance of the time the residents are required to handle this service in any way they are able and this has resulted in a difficult situation and the need for a common carrier to provide this service at Holly and the surrounding area is urgent.

James D. Mathews, Holly, Colorado, Manager of Foster Lumber Company, stated that there is an urgent need for an ash and trash removal service at Holly and a 20-mile radius thereof and that there is also a need on the part of his company to have a common carrier who can make short haul deliveries of building materials within the area; that his company does have vehicles and provides for most of its own delivery service, however, on occasion when these vehicles are busy or inoperative, the need for a common carrier to provide this service is urgent and that heretofore there was no common carrier who was available at Holly, Colorado to provide such service.

Ray Williams, Holly, Colorado, testified he is Road Supervisor for Prowers County, Colorado; that in some cases his department does provide some trash removal service, however, it has been extremely inadequate and that there is a real need for a common carrier who can provide ash and trash removal service on a regular basis to the many residents and business places at Holly, Colorado and the surrounding area.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record, exhibits, files and the written statement of the Examiner herein, states and

finds that no one protests the granting of the instant application; that applicant will have sufficient equipment and experience to properly carry on the proposed transportation services; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that present common carrier service is inadequate; that the present and future public convenience and necessity require, or will require, the transportation services for which applicant herein seeks authority; and that such authority should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That James J. Hargreaves, Holly, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash and other waste materials from points within the City Limits of Holly, Colorado, and a 20-mile radius thereof, to regularly designated and approved dumps and disposal places within said territory; also transportation of building materials to and from point to point within a 20-mile radius of Holly, Colorado, and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

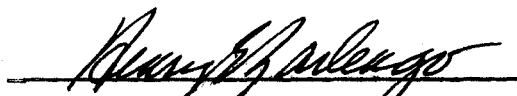
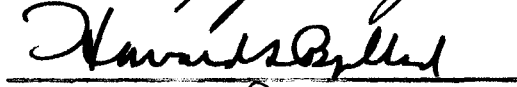
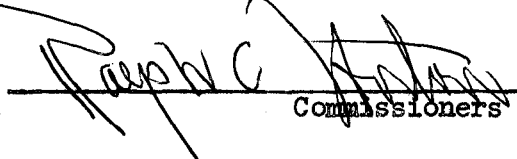
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ELMER F. CUSTER, 8154 VANGUARD)
DRIVE, DENVER, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-6922.)

APPLICATION NO. 22233-PP-Extension

November 3, 1966

Appearances: Elmer F. Custer, Denver,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Applicant herein seeks authority to extend operations under Permit No. B-6922 so that authority thereunder shall read as follows, to-wit: Transportation of eggs, from point to point in the State of Colorado and poultry, processed, from point to point in the State of Colorado.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard at 532 State Services Building, Denver, Colorado, at 10:00 A.M., on November 2, 1966, and at the conclusion of the evidence, the matter was taken under advisement.

Elmer F. Custer, the applicant, testified in support of the application in substance and to the effect that he has had numerous inquiries for the extended service as requested; that he has two tractors and trailers presently in operation; that he is able to, and will, purchase another with the expansion of his operations; that in particular he has had requests from Safeway, Gates Cycle, Inc. and J. F. Sharoff and Co. all of Denver, and from the Brighton Egg Co. of Henderson for the extended service; that his present operations because of the additional requests and business have been expanding

and will continue to expand.

No one appeared in protest to the granting of the instant application.

The Commission states and finds that there is a need for applicant's proposed extended transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed extended operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest and should be granted.

O R D E R


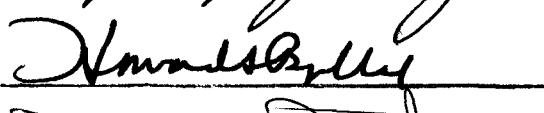
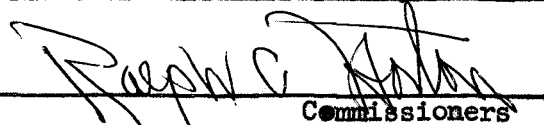
THE COMMISSION ORDERS:

That Elmer F. Custer, Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6922 and henceforth the full and complete authority under said Permit No. B-6922 shall be as follows, to-wit:

"Transportation of eggs, from point to point in the State of Colorado, and poultry, processed, from point to point in the State of Colorado."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of November, 1966.
ls

* * *

RUSSELL R. HARDING
DEA LAWNMOVER HOSPITAL
2303 North Weber
Colorado Springs, Colorado 80907

CASE NO. 6453-Ins.

November 4, 1966

BY THE COMMISSION:

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel J. Edwards
Harold B. Bell
Ralph C. Norton
Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ELIZABETH STOGNER AND PAUL B. STOGNER,
DOING BUSINESS AS "PAUL B. STOGNER
TRUCKING CO.," 412 EAST EXPOSITION,
DENVER, COLORADO 80209.

PERMIT NO. B-5080

November 4, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

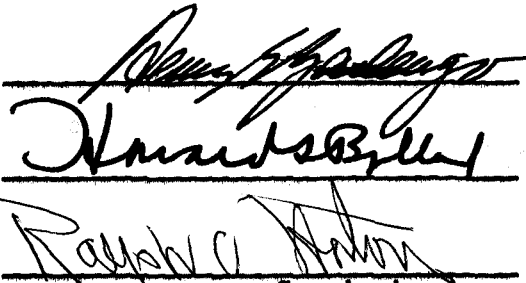
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of November 3, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of November 1966.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LUBBOCK PACKING COMPANY)
602 East 19th)
Lubbock, Texas 79402)

AUTHORITY NO. PUC 4760-I

CASE NO. 150-H-Ins.

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

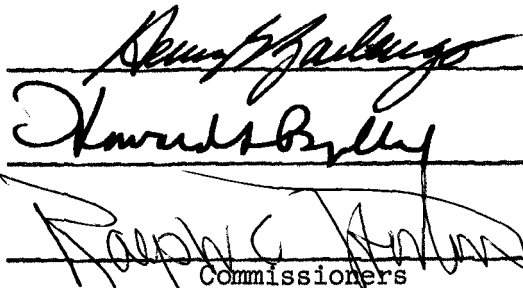
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM J. FOSTER,
1200 SO. PENNSYLVANIA STREET
DENVER, COLORADO 80210

PERMIT NO. B-6140

November 4, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER


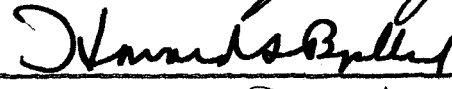

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 8, 1966 to and including May 8, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REUBEN MILLER, DOING BUSINESS AS)
"MILLER TRASH SERVICE," 2891 IVANHOE)
STREET, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER A PORTION OF)
PUC NO. 3291 TO DAVID KLEIN, 4036)
NEWLAND, WHEATRIDGE, COLORADO.)

APPLICATION NO. 22118-Transfer

November 4, 1966

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Reuben Miller, doing business as "Miller Trash Service," Denver, Colorado, was granted a certificate of public convenience and necessity, PUC No. 3291, authorizing operation as a common carrier by motor vehicle for hire, for the:

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.

Decision No. 53268: Transportation of ashes, trash, and other waste materials, from points within an area in East Jefferson County, Colorado, bounded as follows:

Clear Creek on the north, Kipling Street on the west, West Sixth Avenue on the south, and Sheridan Boulevard on the east, which area consists of approximately forty square blocks, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

By the above-styled application, said certificate-holder seeks authority to transfer to David Klein a portion of PUC No. 3291 as reflected in Decision No. 53268.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and 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.

Reuben Miller, Denver, Colorado, testified that he presently owns and conducts a transportation operation under PUC No. 3291; that he has entered into a written agreement, a copy of which he identified as Exhibit B, by which a portion of this authority is to be transferred for a consideration of \$1,056.00 to David Klein, 4036 Newland, Wheatridge, Colorado; that the portion of PUC No. 3291 subject to this agreement of purchase is reflected in Decision No. 53268 as follows:

"Transportation of ashes, trash, and other waste materials, from points within an area in East Jefferson County, Colorado, bounded as follows: Clear Creek on the north, Kipling Street on the west, West Sixth Avenue on the south, and Sheridan Boulevard on the east, which area consists of approximately forty square blocks, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado."

Mr. Miller explained that he will continue the transportation of ashes and trash, etc., under PUC No. 3291; that this authority is readily severable and as far as he knows, the splitting of this authority will not be contrary to the public interest; and that the transfer will be made on a debt free basis, there being no liens or other obligations against PUC No. 3291.

David Klein, Wheatridge, Colorado, testified also as to Exhibit B, the agreement of purchase, and added that at present he has one vehicle which is suitable for the continuation of the transportation service authorized by Decision No. 53268 which is the portion of PUC No. 3291 to be transferred; that he is experienced in this type of transportation; and that Exhibit C, which he identified as his financial statement, reflects

an approximate net worth of \$14,423.50. He also identified Exhibit A as a statement of the authority under PUC No. 3291 which includes under Decision No. 53268 a portion of this authority to be transferred to him.

Mr. Klein stated that he knows the rules, regulations and laws pertaining to common carriers and if this transfer is approved, he will carefully observe the same. Exhibits A, B, and C were received in evidence.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee will have sufficient equipment and experience to properly conduct the operations herein sought to be transferred; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; and 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 Reuben Miller, doing business as "Miller Trash Service," Denver, Colorado, be, and hereby is, authorized to transfer that portion of PUC No. 3291 reflected in Decision No. 53268, as follows, to-wit:

"Transportation of ashes, trash, and other waste materials, from points within an area in East Jefferson County, Colorado, bounded as follows: Clear Creek on the north, Kipling Street on the west, West Sixth Avenue on the south, and Sheridan Boulevard on the east, which area consists of approximately forty square blocks, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado,"

to David Klein, Wheatridge, Colorado, subject to encumbrances, if any, against said operating rights, approved by this Commission; and that portion of PUC No. 3291 transferred shall be assigned a new number by this Commission.

That the sole and only remaining authority under PUC No. 3291, as not transferred by this Order, shall be and said authority henceforth shall provide for, as follows, to-wit:

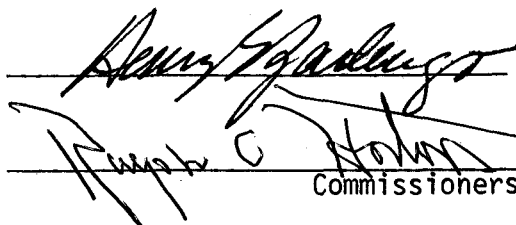
"Transportation of ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado."

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 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 4th day of November, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

FRANK AND PAUL YAGER DBA
YAGER BROTHERS TRUCKING
P.O. Box 1202
Dade City, Florida 33525

AUTHORITY NO. PUC 6504-I

CASE NO. 98-H-Ins.

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

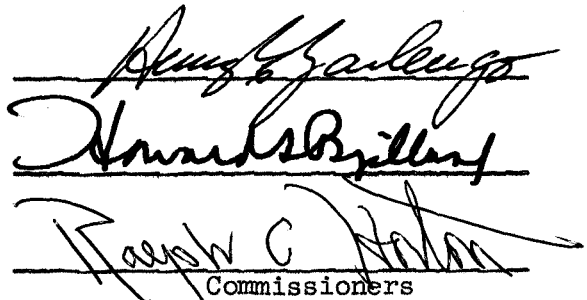
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966

ing copy

(Decision No. 68495)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

J. E. NELSON)
Box 266)
Estelline, Texas 79233)

AUTHORITY NO. PUC 6452-I

CASE NO. 113-H-Ins.

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 10, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

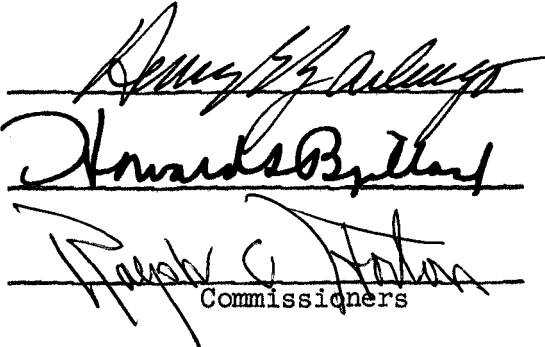
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE COMMODITY RATES APPLICABLE)
BETWEEN POINTS IN THE STATE OF)
COLORADO, T. L. TUCKER, MINIMUM)
SCHEDULE COLORADO PUC NO. 1)
-----)

Investigation and Suspension
Docket No. 580

November 7, 1966

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 10, 1966, T. L. Tucker by Albert F. Pennington, Freight Division Manager, 6430 North Washington Street, Denver, Colorado 80229, filed local schedule of reduced minimum rates for the transportation of various commodities between points in the State of Colorado, as set forth in Appendix "A" attached hereto, scheduled to become effective November 10, 1966.

Upon consideration of said schedule and the protest of Rio Grande Motor Way, Inc., filed November 1, 1966, the proposed schedule may, if permitted to become effective, result in violations of the Public Utilities Law. It is the opinion of the Commission that said schedule should be suspended and an investigation instituted into and concerning the lawfulness thereof.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement, Findings and Appendix "A" attached hereto, be, and they are hereby, made a part hereof.
2. It shall enter upon a hearing concerning the lawfulness of the rates and charges as published by T. L. Tucker, Local Schedule of Minimum Rates No. 1, Colorado PUC No. 1, scheduled to become effective November 10, 1966.
3. The operation of said schedule be, and it is hereby suspended, and the use thereof deferred to and including March 10, 1967,

unless otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedule under the Public Utilities Law.


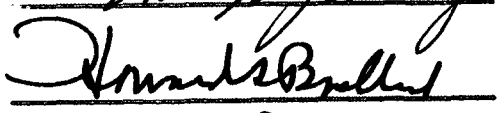
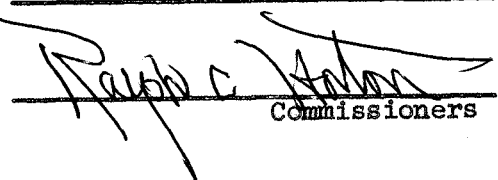
5. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension, or any extension thereof, has expired, unless otherwise ordered by the Commission.

6. A copy of this order shall be filed with the schedules in the office of the Commission and that a copy hereof be served upon T. L. Tucker, Albert F. Pennington, Freight Division Manager, 6430 North Washington Street, Denver, Colorado 80229, and said carrier is hereby made respondent to this proceeding. The necessary suspension supplement shall be issued, filed and posted with the Commission to the schedules referred to herein.

7. Seven days prior to the hearing date herein, 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.

8. This Investigation and Suspension Docket No. 580 be, and the same hereby is set for hearing before the Commission on the 1st day of December, 1966 at 2:00 o'clock p.m., in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

APPENDIX "A"

T. L. TUCKER
Permit No. B-1148

Scheduled to become effective November 10, 1966

COMMODITY RATES

Item No.	Rules and Regulations			
10	<u>Governing Publication:</u> This schedule is subject to the Rules and Regulations published in Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 13, Colorado PUC No. 12 (The Motor Truck Common Carriers' Association, Agent, Series), or reissues thereof.			
Commodity Rates in Cents per 100 Pounds (except as noted)				
100	<u>Commodity</u> Aggregate (cinders, clay or shale) Minimum weight 50,000 pounds. (1) Rate per ton of 2,000 pounds	<u>From</u> Idealite Plant Site near Rocky Flats	<u>To</u> Colorado Springs U. S. Air Force Academy Pueblo	<u>Rate</u> (1) \$2.94 (1) \$5.04
110	Aluminum Sulphate, in bags or barrels Minimum weight 40,000 pounds	Denver	Aspen	53
120	Articles, iron or steel, as described in Item 740 of the governing publication (2) Minimum weight 50,000 pounds. (3) Minimum weight 40,000 pounds	Minnequa Pueblo	Denver and points within 5 miles of the Denver City Limits Broomfield Boulder Greeley Longmont Fort Collins Colorado Springs Fort Carson	(2) (3) 25 26 28 29 33 34 37 38 37 38 40 41 22 22 20 20

(Decision No. 68496)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ELMER W. RANKIN dba
RANKIN SAWMILL
ELBERT, COLORADO 80106

PERMIT NO. M-7416

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

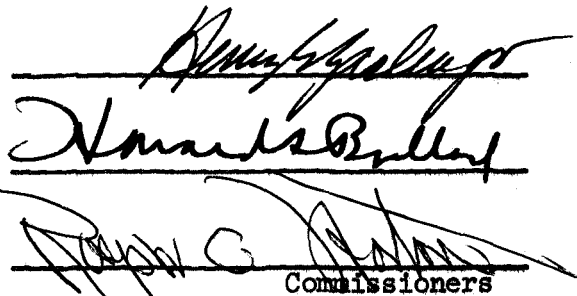
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 2, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
HANCOCK MANUFACTURING CO.
BOX 1359
LUBBOCK, TEXAS.

PERMIT NO. M-8182

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

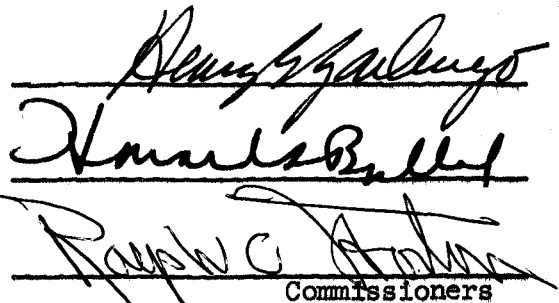
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 2, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
MARSHALL J. DeCOOPMAN dba
BUD'S AUTO WRECKING
1780 W. WESELY
ENGLEWOOD, COLORADO 80110

PERMIT NO. M-989

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


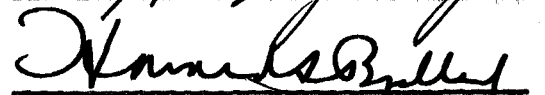
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 16, 1966

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DONALD E. BARTEL dba
RITE BABY PANTS CO.
150 W. JEFFERSON ROAD
CHEYENNE, WYOMING.

PERMIT NO. M-2172

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

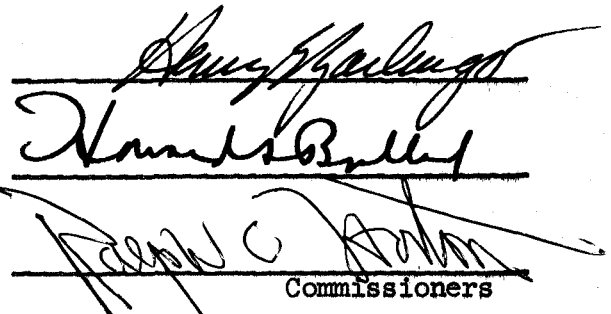
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 7, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
MAX MUCKEY, dba
RECAPPED TIRES
4635 S. JULIAN STREET
ENGLEWOOD, COLORADO 80110

PERMIT NO. M-4062

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

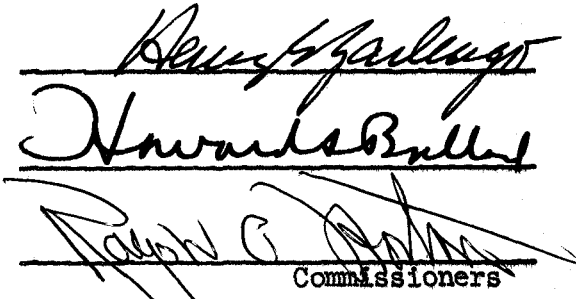
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 2, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
GILBERT L. BOWMAN
P. O. BOX 186
DACONA, COLORADO 80514

PERMIT NO. M-4372

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

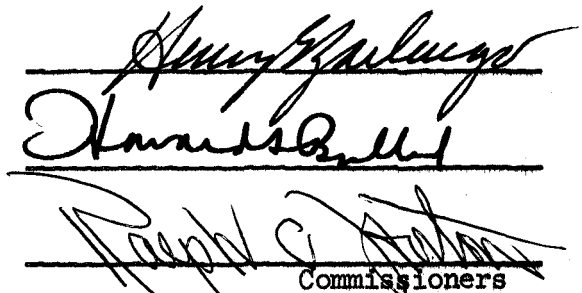
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 25, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JOHN E. & CHARLES A. LAMB dba
BLACK GOLD OIL COMPANY
4101 SO. SANTA FE DRIVE
LITTLETON, COLORADO 80120

PERMIT NO. M-7312

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

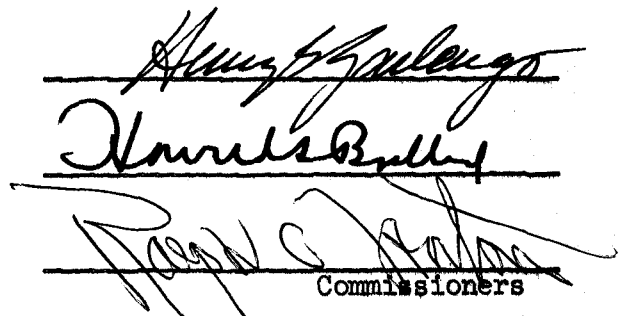
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 19, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
HENRY L. COOK dba
TWO-WAY RADIO SERVICE
2691 TELLER STREET
LAKEWOOD, COLORADO 80215

PERMIT NO. M-7401

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

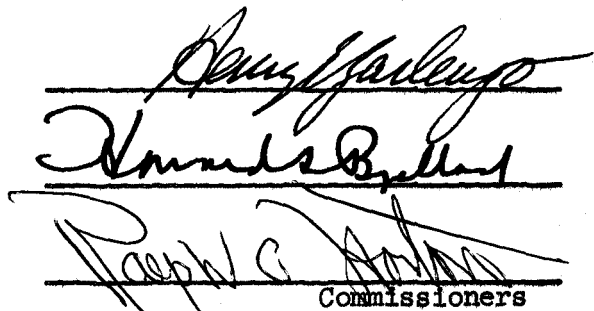
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 15, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
EMPIRE COATINGS & CHEMICAL CO.,
5631 RARITAN STREET
DENVER, COLORADO 80221

PERMIT NO. M-9043

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

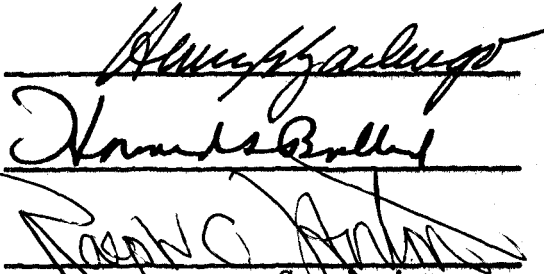
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 15, 1966

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WATSON POULTRY FARM)
ROUTE 1, BOX 287)
GOLDEN, COLORADO 80401)

PERMIT NO. M-9980

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

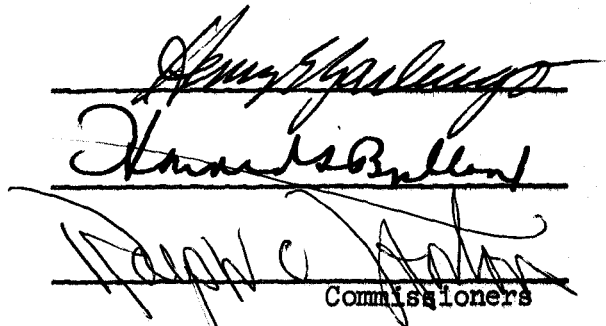
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 31, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
THE RED BUCKET
3 E. Bijou Street
COLORADO SPRINGS, COLORADO 80900

PERMIT NO. M-15403

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

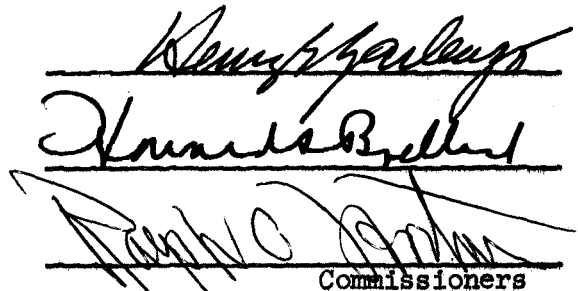
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 31, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WALTER N. JOLLEY dba
EARTHEN PRODUCTS CO OF COLORADO
R R #1
RIFLE, COLORADO 81650

PERMIT NO. M-12438

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

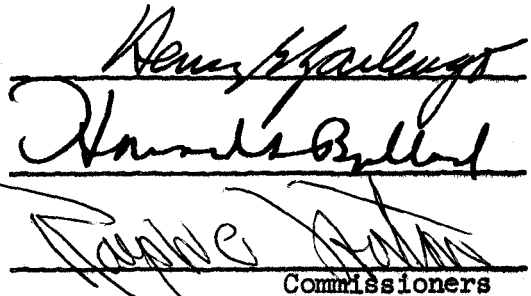
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 27, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November 19 66
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ORVILLE J. BERVEN d/b/a
ACADEMY LOCK AND KEY CO.,
2427 CLARKSON ST.,
COLORADO SPRINGS, COLORADO 80900

PERMIT NO. M-4561

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

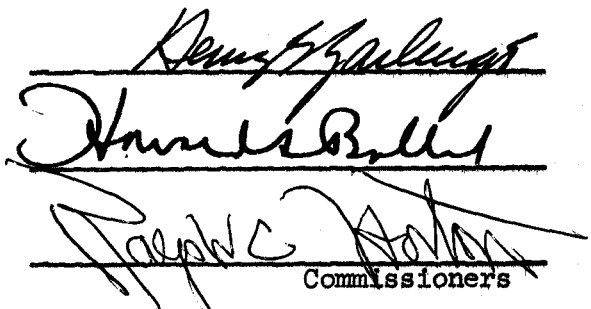
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 31, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BRIGGSDALE CO-OP INC.,
BRIGGSDALE, COLORADO

PERMIT NO. M-8551

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

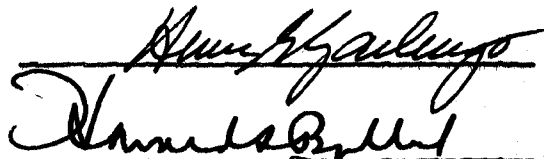
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 1, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




_____ Commissioners

Dated at Denver, Colorado,
this 7th day of November 19 66
et

(Decision No. 68511)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEAH J. CRAIG, DOING BUSINESS)
AS "L. CRAIG AND D. CRAIG,")
249 ELMWOOD DRIVE, COLORADO)
SPRINGS, COLORADO.)

PERMIT NO. B-6755

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a written request from Leah J. Moser Craig, requesting authority to do business under the trade name and style of Leah J. Craig, doing business as "L. Craig and D. Craig," in lieu of Leah J. Moser, doing business as "L. Moser and D. Craig," in the conduct of operations under Permit No. B-6755.

The Commission states and finds that said request is compatible with the public interest and should be granted, as set forth in the Order following.


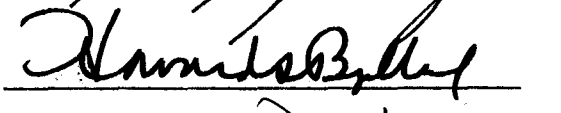

O R D E R

THE COMMISSION ORDERS:

That Leah J. Moser, doing business as "L. Moser and D. Craig," be, and hereby is, authorized to conduct operations under the assumed name, or trade name, of Leah J. Craig, doing business as "L. Craig and D. Craig," in the conduct of operations under Permit No. B-6755, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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 7th day of November, 1966.
gh

(Decision No. 68512)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DEPARTMENT OF HIGHWAYS OF THE)
STATE OF COLORADO FOR AUTHORITY TO)
RECONSTRUCT EXISTING HIGHWAY/RAIL-)
WAY GRADE CROSSING AND INSTALL)
GRADE CROSSING PROTECTION DEVICES)
AT MILEPOST 86+1716 FEET OF THE)
COLORADO AND SOUTHERN RAILWAY COM-)
PANY'S FT. COLLINS-GREELEY BRANCH)
LOCATED AT WINDSOR, ON STATE HIGH-)
WAY NO. 257, WELD COUNTY, COLORADO.)

APPLICATION NO. 22072

November 7, 1966

S T A T E M E N T

BY THE COMMISSION:

On July 6, 1966, the Department of Highways of the State of Colorado (Department), filed its application in accordance with the rules of this Commission, seeking approval for highway widening and crossing work at the highway-railway grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

Exhibit A: Combination plan sheet to show roadway location; typical cross-section of new highway construction; location plan of present crossing and widening change with other features at site.

Also received on August 23, 1966, was:

Agreement dated June 27, 1966, between Department of Highways and The Colorado & Southern Railway Company pertaining to crossing reconstruction and installation of automatic signals at the instant location. Agreement is fully executed.

With reference to the instant application and other investigation data, Colorado Highway No. 257 is a north-south Farm to Market connector route located some five miles east of the main north-south Freeway I-25

(U. S. 87). At about 10 miles farther to the east, U.S. 85 via Greeley provides another through north-south artery. From Colorado No. 14, the Fort Collins to Ault route, Colorado No. 257 connects with other east-west roads including the State Highways of:

Colo. No. 392; Windsor - Lucerne
Colo. No. 16; Loveland - Greeley
Colo. No. 60; Johnstown - Peckham

The Colorado & Southern Fort Collins-Greeley Branch is 24.72 miles long and passes through Windsor in a southeasterly direction. Two trains are operated daily as an interchange line between the C&S Main line at Fort Collins and Union Pacific Cheyenne Main through Greeley. Other enroute local switching service is also provided.

In a project extending four miles north from Highway No. 392 at Windsor, the Colorado Department of Highways will reconstruct and widen Highway No. 257. Near the north City Limits of Windsor, where crossing at grade is made over the C&S Branch Line, the new crossing will be 66 feet wide and protection of crossbuck signs will be replaced by standard automatic flasher signals. Resulting from the proposed road widening, there will be interference with a switch connection serving other yard tracks on the east side of the highway. Correction is to consist of a westward extension of the switch track over the roadway and parallel to the present track for a distance of 150 feet from the roadway centerline. New flasher signal protection will include movements on the switch track extension.

By correspondence of October 13, 1966, the Railway Company has provided the Commission with a Map Sketch of September 30, 1966, to show addition of a channelizing island some 200 feet long, having two additional flasher signals and a bell for the separation and guidance of the opposing traffic lanes over the crossing. Provision is also included for a sidewalk with curb and gutter installation along east side of the widened crossing. In the area northward from the trackage, residential development and homes are confined to the east side of the highway.

Average daily vehicular traffic counts show 830 per day traveling at maximum speed of 30 miles per hour. Two (2) scheduled trains, traveling at maximum speed of 25 miles per hour, operate daily. Sight distances are restricted in the northeast and southeast quadrants due to residential and commercial development adjacent to the crossing and highway. Due to the near proximity of the siding track switch, crossing movements on this track are slow speed and multiple track use is not a problem.

In the proposed improvement work at Mile Post 86+1716 feet, Railroad Company will participate in the cost of the automatic signal devices to the amount of 10%; with the Department to provide the remaining 90%. Additionally, the Department will make reimbursement to the Railway Company for expenses incurred to reconstruct the crossing, relocate switch, extend siding track and do other related track and pole line work. Advance Warning Signs will be furnished, installed and maintained as a Department function.

Estimated cost of proposed work is \$19,250, subject to final billing for actual costs and the addition of curbed channel median with two flasher units.

In further review of this proposal, the Commission forwarded a copy of the application, together with a Notice, to interested parties, including also the Board of Weld County Commissioners and the Board of Trustees, Town of Windsor, to ascertain if any other action was desired within the period of twenty (20) days as designated in said Notice. No adverse reply has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that the proposed improvement work becomes justified in view of the increasing traffic in and through the area. The proposed flasher signal installation will offer a new and desirable protection at the crossing. The proposed channeling of opposing traffic with median separation is in the nature of added traffic control and the new signals will maintain full protection warning for the new traffic lanes at the crossing.

It is, therefore, the belief of the Commission that the proposed crossing improvement is compatible with the public interest, and 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 it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the construction and approval of proposed highway widening and crossing improvement work at the grade crossing of State Highway No. 257 over the Fort Collins-Greeley Branch line of The Colorado & Southern Railway at Mile Post 86+1716 feet, Town of Windsor, Weld County, Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

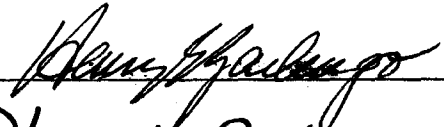
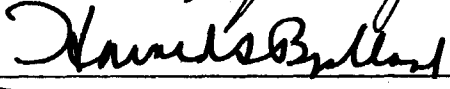
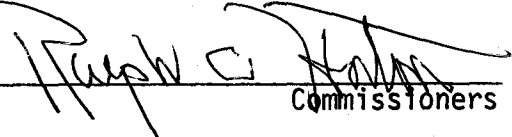
That Applicant, Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve highway widening, new crossing construction and complete automatic flashing light signal protection at the two multiple lane grade crossings of State Highway No. 257 over the Fort Collins-Greeley Branch line of The Colorado & Southern Railway at Mile Post 86+1716 feet, Town of Windsor, Weld County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement. Said Statement, Agreement, Location Exhibit and Map Sketch are, by reference, made a part hereof.

That the protection devices, installation and related Advance Warning signs shall all be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
NICK ABEYTA, SAGUACHE, COLORADO, FOR
A CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE FOR
HIRE.

APPLICATION NO. 22130-PP

November 9, 1966

Appearances: George W. Woodard, Esq., Alamosa,
Colorado, for Applicant;
Gordon H. Rowe, Esq., Monte Vista,
Colorado, for Ed Lujan & Sons;
William O. DeSouchet, Jr., Esq.,
Alamosa, Colorado, for G & G
Trucking and Ashton Trucking,
Protestants;
Warren D. Boucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc. and Red Ball Motor
Freight, Inc.;
H. R. Harward, Esq., Salida, Colo-
rado, for Central Colorado
Trucking Company and Salida
Transfer Company, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-styled application was regularly set for hearing be-
fore the Commission and an Examiner was duly designated to conduct the
hearing, he thereafter to submit a report of said proceedings to the
Commission.

Report of the Examiner states that at the hearing, George W.
Woodard, Attorney for the Applicant, moved to continue the hearing on this
application on the grounds that further discussion was required in order
to clarify the matter of this application with the protestants. The
attorneys for all of the protestants above-named joined in the motion
for continuance.

The Commission states and finds that said motion should be granted
and that the herein instant application should be continued and reset for
hearing as set forth in the Order following.


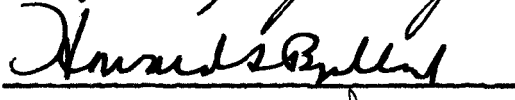
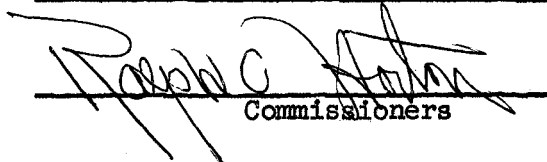
O R D E R

THE COMMISSION ORDERS:

That Application No. 22130-PP be, and the same hereby is, continued and reset for hearing before the Commission at 9:00 o'clock A.M., on December 15, 1966, at the County Court House, Alamosa, Colorado, with notice to the parties who entered their appearance on September 26, 1966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Date at Denver, Colorado,
this 9th day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM LUJAN, ALFONSO LUJAN, LAWRENCE)
LUJAN, CHARLES LUJAN, BENJAMIN LUJAN,)
ROBERT LUJAN AND NICK ABEYTA, DOING)
BUSINESS AS "ED LUJAN & SONS," BOX 373,)
SAGUACHE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22119-PP

November 9, 1966

Appearances: Gordon H. Rowe, Esq., Monte Vista,
Colorado, for Applicants;
William O. DeSouchet, Jr., Esq.,
Alamosa, Colorado, for G & G
Trucking and Ashton Trucking,
Protestants;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Red Ball Motor
Freight, Inc.;
H. R. Harward, Esq., Salida,
Colorado, for Central Colorado
Trucking Company and Salida
Transfer Company, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-styled application was regularly set for hearing before the Commission and an Examiner was duly designated to conduct the hearing, he thereafter to submit a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, Gordon H. Rowe, Attorney for the Applicants, moved to continue the hearing on this application on the grounds that further discussion was required in order to clarify the matter of this application with the protestants. The attorneys for all of the protestants above-named joined in the motion for continuance.

The Commission states and finds that said motion should be granted and that the herein instant application should be continued and reset for hearing as set forth in the Order following.



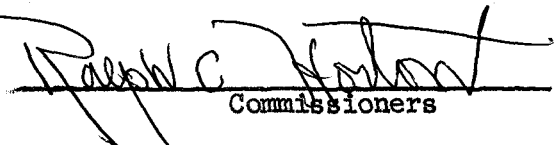
O R D E R

THE COMMISSION ORDERS:

That Application No. 22119-PP be, and the same hereby is, continued and reset for hearing before the Commission at 9:00 o'clock A.M., on December 15, 1966, at the County Court Room, Court House, Alamosa, Colorado, with notice to the parties who entered their appearance on September 26, 1966.

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 9th day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VAIL
LIMOUSINE SERVICE, INC., A COLORADO CORP-
ORATION, 515 MAJESTIC BUILDING, DENVER,
COLORADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE,
FOR THE TRANSPORTATION OF PASSENGERS AND
BAGGAGE, ON SCHEDULE, IN LIMOUSINE SERVICE,
RESTRICTED TO THE USE OF VEHICLES NOT TO
EXCEED TEN (10) PASSENGERS, BETWEEN THE
EAGLE, COLORADO AIRPORT, AND EAGLE, COLORADO
AND VAIL VILLAGE, COLORADO: RESTRICTED,
HOWEVER, TO TRANSPORTATION OF PASSENGERS
AND BAGGAGE ORIGINATING AT OR DISCHARGED
AT THE EAGLE, COLORADO AIRPORT.

APPLICATION NO. 22250

November 7, 1966

Appearances: Robert S. Wham, Esq., Denver,
Colorado, for Vail Limousine
Service, Inc., Applicant;
Eugene Lorig, Esq., Eagle,
Colorado, for Eagle-Vail Cab
Company, Inc., Protestant.

PROCEDURE AND RECORD

On October 11, 1966, Vail Limousine Service, Inc., here-
inafter referred to either by full corporate name or as Applicant,
filed the instant application (No. 22250) with the Commission seeking
a certificate of public convenience and necessity authorizing such
corporation to render airport limousine service between the Eagle
Airport, on the one hand, and the municipalities of Eagle and Vail
Village on the other hand.

On November 3, 1966, Eagle-Vail Cab Company, Inc., here-
inafter referred to either by full corporate name or as Protestant,
filed a letter with the Commission indicating that such corporation
intended to appear at the hearing on the application, and protest
the granting of the authority sought by Applicant.

After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland on Friday, November 4, 1966, in the District Court Room, at the Court House in Eagle, Colorado. When the matter was called for hearing, Applicant objected to the appearance of Protestant on the ground that the Protestant had not filed a written protest as required by the Notice of Hearing. The Presiding Commissioner over-ruled the objection and allowed Eagle-Vail Cab Company, Inc. to enter an appearance as a Protestant. Rodney Slifer, President of the Vail Resort Association, Doris Bailey, Executive Secretary of the Vail Resort Association, Meredith Morgan, President of the Eagle Telephone Company, Gordon Autry, Vice President of Applicant, and T. D. Gray, President of Applicant, testified in support of the application. Exhibit No. 1, a balance sheet of the Applicant as of October 31, 1966, was admitted in evidence. Frederick Jeffreys, President of the Eagle-Vail Cab Company, Inc., testified in opposition to the application. Upon conclusion of the hearing, the Presiding Commissioner took the matter under advisement. The Commission now takes official notice on its own motion of Decision No. 67481, dated May 31, 1966, and Decision No. 66824, dated February 14, 1966, of the Commission, and directs the Secretary of the Commission in the event of a judicial review of this proceeding, to furnish requisite copies of such decisions for the record.

FINDINGS OF FACT

After due and careful consideration of the record in this proceeding, the Commission finds as fact, from such record, that:

1. Vail Limousine Service, Inc. is a corporation duly organized and existing under the laws of the State of Colorado. T. D. Gray is the President of the corporation and Gordon F. Autry is the Vice President of the corporation. The corporation is authorized to issue five thousand shares of common stock of a par

value of Ten Dollars. Five hundred shares of the stock have been subscribed at par value. After the payment of organization expenses, the corporation will have available to it the sum of \$4,600.00 in cash. Under the Articles of Incorporation, the corporation has the power and authority to engage in the airport limousine business.

2. Vail Limousine Service, Inc. is a wholly-owned subsidiary corporation of Vail Airways, Inc. On February 14, 1966, in Decision No. 66824 (effective date of Order March 7, 1966), this Commission authorized Vail Airways, Inc. to transport passengers and property in scheduled service by aircraft between Denver, Colorado, and Eagle, Colorado, on a temporary basis for a period of one year. The Order required Vail Airways, Inc. to operate at least one scheduled flight each way each day, subject to weather conditions and subject to the proviso that no flights would be required on days when there were no passenger reservations made at either Denver or Eagle.

3. The Eagle Airport is located four to five miles west of the municipality of Eagle. Vail Village is located approximately 35 miles east of the Eagle Airport. The Eagle Airport and the municipalities of Eagle and Vail Village are all located on United States Highway No. 6.

4. Vail Village and the general area surrounding such municipality comprise a ski resort. During the ski season of 1965-1966 (approximately from Thanksgiving to April 15), over 205,000 ski-man-days were spent at Vail. The Vail Resort Association anticipates an increase of from 15% to 20% for the 1966-1967 ski season. The majority of the people utilizing the facilities of the Vail area are from out of the State of Colorado.

5. Vail Village is located in the mountains of Colorado, approximately 107 miles west of Denver. To travel by car from

Denver to Vail Village requires the traversing of two high mountain passes, namely, Loveland Pass and Vail Pass. Vail Village is not served by rail facilities. The nearest line of railroad is located at Bond, Colorado, approximately 38 miles northwest of Vail. Very few, if any, skiers arrive at Vail by using rail facilities to Bond and motor vehicle transportation from Bond to Vail. There is no airport located at Vail Village, the nearest airport being the Eagle Airport, some 35 miles away. The Continental Bus system provides bus service between Denver and Vail Village, approximately four hours being required for the bus trip.

6. Many of the out-of-state skiers destined for the Vail area arrive in Denver by air and desire to continue by air to Vail. In order to meet this need, the Commission granted authority to Vail Airways, Inc. to institute scheduled air service from Denver to Eagle. Approximately 90% of the people utilizing the scheduled service of Vail Airways, Inc. are traveling either to or from the Vail area.

7. There are presently two surface transportation services furnishing service to the public at the Eagle Airport. The Avis Rent-A-Car Agency provides a rented car service for people who are willing to drive from the Eagle Airport to Vail. During the season of 1965-1966, the cost of a rental car for transportation between the Eagle Airport and Vail was \$7.00. It is anticipated that the cost will be about \$6.00 during the 1966-1967 ski season. This Commission has no jurisdiction over rent-a-car service, and such service is not a common carrier service. Taxicab service is available from the Eagle-Vail Cab Company, Inc., at a cost of \$12.95 for one passenger, and \$3.70 for each additional passenger. Such taxicab company also furnishes taxicab service from the Eagle Airport to the municipality of Eagle for \$1.75 for the first passenger and 50 cents for each additional passenger.

8. There is no airport limousine service available at the Eagle Airport to render ground transportation service to deplaning passengers of Vail Airways, Inc., whose destination is Vail or Eagle, nor to enplaning passengers from Vail or Eagle who desire ground transportation service to the Eagle Airport. Present airport limousine service, therefore, is not only not adequate, but is non-existent. A rented car service is no substitute for common carrier transportation. Many people, particularly from the east, either do not drive, or do not desire to drive in strange mountainous country. Taxicab service in and of itself is not adequate to meet the needs of that portion of the public that travel by air. The basic differences between taxicab service and airport limousine service are set forth in detail in our Decision No. 67481.

9. If the authority sought herein be granted, Applicant plans to institute an airport limousine service between Vail Village, Eagle, and the Eagle Airport, to transport enplaning air passengers and baggage from Vail Village and Eagle to the Eagle Airport to meet scheduled departing flights of Vail Airways, Inc., and to transport deplaning air passengers arriving at the Eagle Airport on scheduled flights of Vail Airways, Inc. to Eagle and to Vail Village. All scheduled flights of Vail Airways, Inc. will be met by the proposed airport limousine service of Applicant. Applicant proposes to charge \$3.60 for such service between the Eagle Airport and Vail Village and \$1.00 for such service between the Eagle Airport and Eagle. Applicant will serve three points, namely, the terminal at the Eagle Airport, a specific point in the downtown area of Eagle, and a specific point in Vail Village. These specific points will be specifically designated in its tariffs. Applicant plans to enter into a contract with its parent corporation, Vail Airways, Inc., which will provide for the sale of joint tickets by either corporation which will provide a package

transportation service between Denver and Eagle, Denver and Vail Village, Eagle and Denver, and Vail Village and Denver. Applicant plans to provide ticket purchasing facilities, either on its own or through its parent corporation, at Vail Village, Eagle, the Eagle Airport, and Denver. Applicant plans to render service with a new extended Econo-Line Ford with a capacity of ten passengers. This vehicle is in the nature of a miniature bus and will cost about \$3,000. Such a vehicle has a large luggage capacity and will be fitted with external ski racks, as well as additional external luggage racks.

10. Eagle-Vail Cab Company, Inc. is a corporation rendering taxicab service by authority of this Commission in Eagle and to a limited degree in the Vail area. Such corporation also has certain sightseeing authority not relevant in the instant proceeding. This company operates a 1959 Ford Station Wagon and a 1964 6-passenger International Travel-All. The equipment is stationed at Eagle. The company has now completed arrangements for office space at Vail Village. The Company is authorized by this Commission to render taxicab service between the Eagle Airport and Eagle, and between the Eagle Airport and the Vail Area. Since Vail Airways, Inc. instituted scheduled air service between Denver and Eagle, this taxicab company has transported a total of twelve passengers either from the Vail Area to the Eagle Airport or from the Eagle Airport to the Vail Area. On the record in this proceeding, no showing was made or attempted to be made that the taxicab service rendered by this company was or is inadequate.

11. Effective as of November 1, 1966, Vail Airways, Inc. started flying four scheduled flights a day, each way, between Denver and the Eagle Airport. These flights are made generally with Aero Commander planes with a maximum capacity of six passengers. Vail Airways, Inc. anticipates that during the ski season from

Thanksgiving to April 15, these flights will be operating at near capacity and it may be necessary to fly additional sections.

12. There is a need for ground transportation service between the Eagle Airport and the municipality of Eagle, and between the Eagle Airport and Vail Village. Existing ground transportation services are inadequate to meet this need. Taxicab service will not be impaired as a result of granting the instant application. Public convenience and necessity require that Applicant be granted authority to institute the proposed airport limousine service. The proposed service of Applicant will meet the need. Applicant is well qualified as to finances, experience, and equipment to render the proposed service. The application should be granted.

DISCUSSION

In the past few years, the Vail Area has become one of the leading ski areas in the State of Colorado. One of the major drawbacks, however, to the continued future development of this area has been the lack of adequate transportation facilities. As is pointed out in the Findings of Fact, direct air or rail service to the Vail Area are non-existent. The only direct service of a common carrier transportation service is bus service, and the time element involved in bus service is not conducive to satisfaction on the part of the skier. The air service between Denver and Eagle instituted by Vail Airways, Inc. in February of 1966 will help solve the transportation problem. The proposed airport limousine service of Applicant will complement the scheduled air service, and will permit a skier to utilize common carrier scheduled transportation to his ultimate destination at Vail, or in the alternative, from his point of origin in Vail to such common carrier connecting service in Denver as the passenger might desire. The public will benefit from the proposed service

of Applicant. Applicant, of course, may not transport passengers between Eagle and Vail Village, nor may Applicant render any transportation service to intermediate points.

O R D E R

THE COMMISSION ORDERS:

That Vail Limousine Service, Inc. should be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the transportation of passengers and their personal baggage on schedule in limousines or miniature buses of a rated seating capacity of not less than seven nor more than eleven, including the driver, from and to the Airport Terminal Building at the Eagle Airport, near Eagle, Colorado, to and from the municipalities of Eagle and Vail Village, and this Order shall be deemed to be, and shall be, a Certificate of Public Convenience and Necessity therefor.

That the scheduled service of Applicant shall provide airport limousine service to any passenger arriving at the Eagle Airport on a scheduled flight by an air common carrier and desiring such airport limousine service to either Eagle or Vail Village, and shall likewise provide airport limousine service to any passenger at Eagle or Vail Village desiring airport limousine service to the Eagle Airport in order to depart from such airport on a scheduled flight by an air common carrier. The schedules of Applicant shall be designed to meet the needs of such passengers. The service of Applicant, however, shall be available to the general public.

That Vail Limousine Service, Inc. shall file with the Commission its Schedule of Rates, Rules and Regulations and Time Schedules for the rendition of the airport limousine service authorized by this Order. Such filings shall be in compliance with the provisions of this Order, the rules and regulations of this Commission, and the statutes of the State of Colorado.

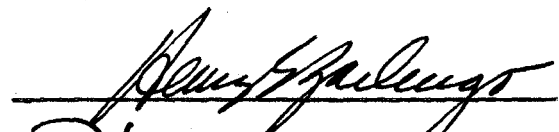
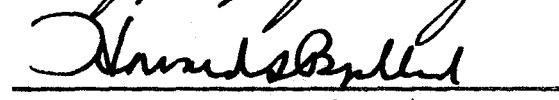
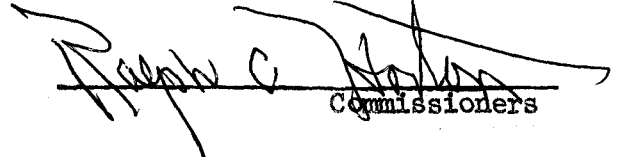
That Applicant shall operate its carrier system according to the schedule filed except when prevented by Act of God, the

public enemy or extreme conditions.

That Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

SOLOMON C. FRANSUA
DBA SOL'S NEON SERVICE
431 College Avenue
Trinidad, Colorado 81082

AUTHORITY NO. M 4527

CASE NO. 390-M-Ins.

November 9, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

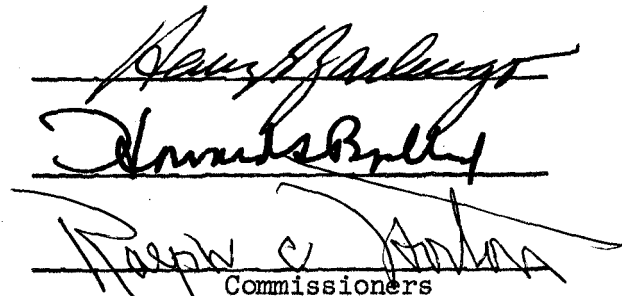
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
IRVING C. AND CLIFFORD C. EBMEIER
AND A. E. HENDERSON DBA
REED SALES COMPANY
Beresford, South Dakota 57004

AUTHORITY NO. M 10816

CASE NO. 600-M-Ins.

November 9, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Adams
Donald Butler
Ralph C. Baker
Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	<u>APPLICATION NO. 22185-Stk. Tfr.Amended</u>
COLORADO FREIGHT DISTRIBUTION INC. TO	)	<u>PUC NO. 416, PUC NO. 416-I</u>
TRANSFER ALL ITS OUTSTANDING CAPITAL	)	<u>APPLICATION NO. 22186-Stk. Tfr.Amended</u>
STOCK IN AND TO GOLDSTEIN TRANSPORTA-	)	<u>PUC NO. 3171</u>
TION AND STORAGE, INC., RECORD OWNER OF	)	<u>APPLICATION NO. 22224-Stock Transfer</u>
PUC NO. 416, PUC NO. 416-I, PUC NO.3171,	)	<u>PUC NO. 1901-I</u>
PUC NO. 1901-I, PUC NO. 3537, PUC NO.	)	<u>APPLICATION NO. 22225-Stock Transfer</u>
3538, PUC NO. 3539, PERMIT NO. B-503,	)	<u>PUC NO. 3537</u>
AND PERMIT NO. A-787, TO EARL F.	)	<u>APPLICATION NO.22226-Stock Transfer</u>
BUCKINGHAM AND DOROTHY M. BUCKINGHAM,	)	<u>PUC NO. 3538</u>
AND, IF IN THE EVENT COMMISSION AUTHOR-	)	<u>APPLICATION NO. 22227-Stock Transfer</u>
IZATION IS GRANTED TO TRANSFER SAID	)	<u>PUC NO. 3539</u>
STOCK, THAT GOLDSTEIN TRANSPORTATION	)	<u>APPLICATION NO. 22228-PP-Stock Transfer</u>
AND STORAGE INC., IN THE CONDUCT OF	)	<u>PERMIT NO. B-503</u>
OPERATIONS UNDER THE ABOVE STATED AND	)	<u>APPLICATION NO. 22229-PP-Stock Transfer</u>
NUMBERED CERTIFICATES AND PERMITS, BE	)	<u>PERMIT NO. A-787</u>
AUTHORIZED TO OPERATE AND TO DO BUSI-)	
NESS UNDER THE ASSUMED NAME OR TRADE)	
NAME OF BUCKINGHAM FREIGHT LINES CO.)	

November 9,1966

Appearances: John H. Lewis, Esq., Denver, Colo-
rado, for Applicants;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax Truck
Line, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Trans-
portation Company, Edson Express,
Overland Motor Express, Protestants;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor Way,
Protestant.

STATEMENT AND FINDINGS

BY THE COMMISSION:

The above-styled applications were regularly set for hearing
before the Commission at the Hearing Room, 532 State Services Building,
Denver, Colorado, at 10:00 A.M., November 7, 1966.

When said matters were called for hearing, Attorney for Appli-
cants herein requested that the herein entitled applications be continued
for hearing at a later date to be determined by the Commission.

The Commission states and finds that said request should be granted and that the herein instant applications should be continued for hearing as set forth in the Order following.

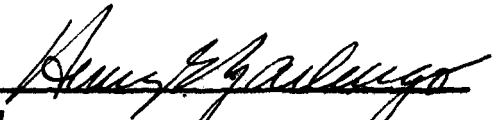
O R D E R

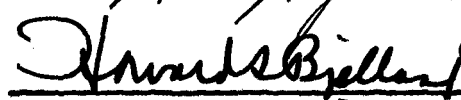
THE COMMISSION ORDERS:


That the above-styled applications be, and the same hereby are, continued for hearing at a future date to be determined by the Commission, with notice only to those parties who entered their appearance as above set forth on November 7, 1966.

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 9th day of November, 1966.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IRVIN SCHLEHUBER, BOX 192, LA PORTE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 538 TO PROPERTY LEASING AND)
DEVELOPMENT COMPANY, A COLORADO)
CORPORATION, 140 SOUTH WEST SECOND)
STREET, LOVELAND, COLORADO.)

APPLICATION NO. 22179-Transfer

November 7, 1966

Appearances: Irvin Schlehuber, La Porte,
Colorado, pro se;
Floyd A. Henrikson, Loveland,
Colorado, for Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the instant application authority is sought to transfer PUC No. 538 from Irvin Schlehuber, La Porte, Colorado, to Property Leasing and Development Company, a Colorado corporation, Loveland, Colorado.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Irvin Schlehuber, La Porte, Colorado, identified Exhibit 2, which was received in evidence, as an executed copy of the contract between he and the transferee Property Leasing and Development Company, a Colorado corporation, which provides for a consideration of \$6,000.00 plus two vehicles as described in the exhibit; that he is the owner of PUC No. 538; and that there are no liens, encumbrances or other obligations against either the authority or the business heretofore conducted thereunder.

Floyd A. Henrikson, Loveland, Colorado, stated that he is the President of Property Leasing and Development Company, a Colorado corporation, with offices at 140 South West 2nd Street, Loveland, Colorado; that with the application there was filed a copy of the Articles of Incorporation and that this company is principally engaged in the warehousing business in Loveland but because of certain requirements of its customers and others, it has entered into a contract to purchase PUC No. 538; that initially his company will lease a $1\frac{1}{2}$ ton truck to provide the transportation authorized in this authority; that such equipment will be sufficient and adequate and that if additional equipment is needed in the future, the transferee has the financial ability to acquire whatever equipment might be necessary; that he and other employees of his company are experienced in the type of transportation authorized; and that it is the transferee's intention to carry on business under this authority in the same manner as the transferor has heretofore conducted his business.

Mr. Henrikson identified Exhibit 1, which was received in evidence, as a Balance Sheet of the transferee corporation and stated that this substantially reflects the financial condition of his company as of the day of hearing. He further stated that he, as well as other employees of the transferee, who will take part in the transportation business, as authorized by PUC No. 538, are familiar with the rules, regulations and laws of the State of Colorado pertaining to common carriers and will carefully observe the same if the within application is approved.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and exhibits and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing

and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That Irvin Schlehuber, La Porte, Colorado, be, and hereby is, authorized to transfer PUC No. 538 to Property Leasing and Development Company, a Colorado corporation, Loveland, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under PUC No. 538 shall be as follows, to-wit:

Dec.#65660: Transportation of freight, generally, from point to point within the territory extending ten miles north of Loveland, fifteen miles east, ten miles south, and to the Larimer County line on the west, and between points within said territory and other points within the State of Colorado, 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, applicant shall charge rates which, in all cases, shall be at least twenty per cent in excess of those charged by scheduled carriers; (b) applicant shall not operate on schedule between any points; (c) Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Loveland for the purpose of developing business.

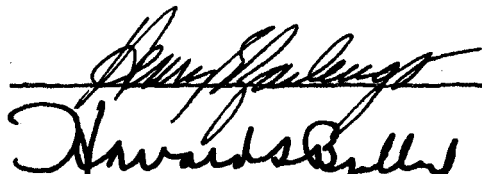
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

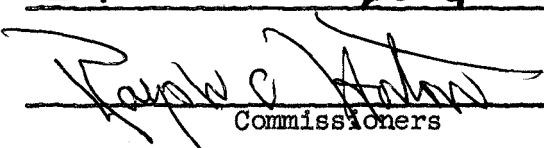
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN LESTER AND STANLEY LESTER,)
DOING BUSINESS AS "LESTER SHINGLE)
COMPANY," BOX 185, DEL NORTE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 22128-PP

November 7, 1966

Appearances: Mrs. Lonnie McLain, Del Norte,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Mrs. Lonnie McLain, Del Norte, Colorado stated that she has been authorized by the Applicants to appear and testify in their behalf. She stated that if this application is granted, the Applicants will enter into special carriage contracts for the hauling of logs and poles, and other related commodities as listed in the application; that they have ample and suitable equipment, sufficient net worth and twelve years operating experience to render the special service herein sought; that, as far as she knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common

carrier having the same territory over the same general route, or routes; that if this authority is granted, the Applicants agree to operate in accordance with all the present and future rules, regulations and safety requirements of the Public Utilities Commission and all laws of the State of Colorado; and that the Applicants have made provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for Applicants' proposed transportation services; that Applicants will have sufficient equipment and experience to properly carry on the proposed operation; that Applicants' financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority as provided in the following Order will be in the public interest and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That Melvin Lester and Stanley Lester, doing business as "Lester Shingle Company," Del Norte, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles and timber products from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

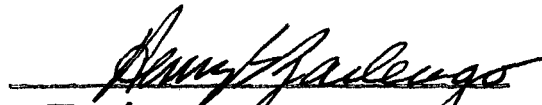


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF MOUNTAIN PARKS ELECTRIC, INC.,
A COLORADO CORPORATION, GRANBY,
COLORADO, FOR AUTHORITY TO ISSUE
A MORTGAGE NOTE TO THE UNITED
STATES OF AMERICA IN THE AMOUNT OF
\$1,169,000; AND TO EXECUTE A SUP-
PLEMENTAL MORTGAGE SECURING PAY-
MENT THEREOF.

APPLICATION NO. 22191-SECURITIES
SUPPLEMENTAL

IN THE MATTER OF THE APPLICATION
OF MOUNTAIN PARKS ELECTRIC, INC.,
A CORPORATION, WALDEN, COLORADO,
FOR AN ORDER AUTHORIZING THE ISSU-
ANCE OF SECURITIES.

APPLICATION NO. 12879-SECURITIES
SUPPLEMENTAL

IN THE MATTER OF THE APPLICATION OF
MOUNTAIN PARKS ELECTRIC, INC., A
CORPORATION, GRANBY, COLORADO, FOR
AN ORDER AUTHORIZING THE ISSUANCE
OF SECURITIES, AND THE APPLICATION
OF THE PROCEEDS THEREFROM TO
CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 14353-SECURITIES
SUPPLEMENTAL

IN THE MATTER OF THE APPLICATION OF
MOUNTAIN PARKS ELECTRIC, INC., FOR
AUTHORITY TO ENTER INTO A CERTAIN
AGREEMENT DATED APRIL 10, 1961, WITH
THE UNITED STATES OF AMERICA, A
MORTGAGE NOTE IN FAVOR OF THE UNITED
STATES OF AMERICA DATED MAY 1, 1961,
AND A SUPPLEMENTAL MORTGAGE SECURING
SAID NOTE DATED JUNE 12, 1961.

APPLICATION NO. 18693-SECURITIES
SUPPLEMENTAL

IN THE MATTER OF THE APPLICATION OF
MOUNTAIN PARKS ELECTRIC, INC., FOR
AUTHORITY TO ISSUE A NOTE TO THE
UNITED STATES OF AMERICA IN THE
AMOUNT OF \$329,000; AND TO EXECUTE
A SUPPLEMENTAL MORTGAGE SECURING
PAYMENT THEREOF.

APPLICATION NO. 20997-SECURITIES
SUPPLEMENTAL

November 7, 1966

Appearances: Ronald C. Butz, Esq., Grand,
Shafroth, Toll & McHendrie,
Denver, Colorado, for Applicant;
M. R. Garrison, Denver, Colorado,
and
E. R. Thompson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 19, 1966, by Decision No. 68366, the Commission issued its Order in the above-entitled matter.

On October 28, 1966, Mountain Parks Electric, Inc. (Mountain Parks) through its attorney filed a motion to amend this application, nunc pro tunc, in regard to the Counties in which Mountain Parks distributes electrical energy to consumers in the States of Colorado and Wyoming. Simultaneously, it filed similar motions to correct, nunc pro tunc, similar matters in Applications No. 12879-Securities, 14353-Securities, 18693-Securities and 20997-Securities.

Applicant, in these motions, pointed out that the corresponding decisions of the Commission regarding the above-enumerated applications had errors similar to those in the applications and that they, too, should be corrected. Applicant also noted a typographical error in Decision No. 68366 in the third paragraph of page 3; i.e., the date "August 31, 1933", which should be "August 31, 1966."

The Commission has reviewed the above-entitled applications on file and the corresponding Commission decisions thereto and finds that such applications and decisions are at variance as to Counties served by Mountain Parks as set forth in the motions filed by Applicant and that the date "August 31, 1933" is also in error. It finds, therefore, that these errors should be corrected, nunc pro tunc, as forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That the applications and the Commission decisions thereto

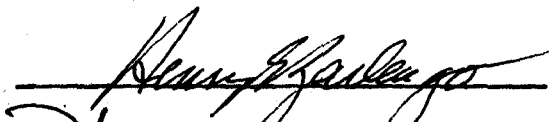

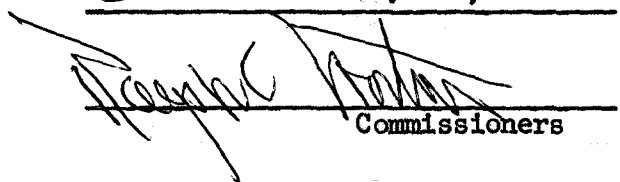
as enumerated below shall be, and the same hereby are, amended,
nunc pro tunc, as of the respective days of filing of the applications
and as of the respective dates of issue of the decisions:

<u>Applications and Decisions</u>			
	<u>Number</u>	<u>Counties referred to</u>	<u>Nunc pro tunc Counties</u>
Application	12879	Grand and Jackson in Colorado.	Grand, Jackson, Larimer and Summit in Colorado. Albany in Wyoming.
Decision	42644	Grand and Jackson in Colorado.	Grand, Jackson, Larimer and Summit in Colorado. Albany in Wyoming.
Application	14353	Grand, Jackson and Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Summit and Routt in Colorado. Albany in Wyoming.
Decision	45811	Grand, Jackson and Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Summit and Routt in Colorado. Albany in Wyoming.
Application	18693	Grand, Jackson, Larimer and Summit in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado. Albany in Wyoming.
Decision	57212	Grand, Jackson, Larimer and Summit in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado.. Albany in Wyoming.
Application	20997	Grand, Jackson, Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado. Albany in Wyoming.
Decision	64692	Grand, Jackson and Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado. Albany in Wyoming.
Application	22191	Grand, Jackson and Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado. Albany in Wyoming.
Decision	68366	Grand, Jackson and Larimer in Colorado. Albany and Carbon in Wyoming.	Grand, Jackson, Larimer, Routt and Summit in Colorado. Albany in Wyoming.

That Commission Decision No. 68366, paragraph 3, page 3, shall be, and the same hereby is, amended, nunc pro tunc, as of said 19th day of October, 1966, by deleting therefrom the date "August 31, 1933" and inserting therein and substituting therefor the date "August 31, 1966."

That, except as herein amended, the decisions enumerated above shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
VAIL AIRWAYS, INC., STAPLETON INTER-
NATIONAL AIRPORT, DENVER, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. ACS-45
TO INCLUDE THE TRANSPORTATION OF
PASSENGERS AND PROPERTY, ON SCHEDULE,
BETWEEN GUNNISON, COLORADO, EAGLE,
COLORADO AND STEAMBOAT SPRINGS, COLORADO,
OR HAYDEN, COLORADO, AS AN ALTERNATIVE.

APPLICATION NO. 22188-Extension

November 7, 1966

Appearances: Robert S. Wham, Esq., Denver, Colorado,
for Vail Airways, Inc., Applicant;
Raymond B. Danks, Esq., Denver, Colorado,
for Mountain Air Spray Company,
Protestant;
Truman A. Stockton, Esq., Denver, Colorado,
for Clinton Aviation Co., Trans-Central
Airlines, Inc., and Western State
Aviation, Protestants;
Raymond Wilson, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On September 22, 1966, Vail Airways, Inc., hereinafter referred to by full corporate name or as Applicant, filed the instant application (No. 22188-Extension) with the Commission seeking an extension of its certificate of public convenience and necessity to authorize scheduled flights between Gunnison, Colorado, Eagle, Colorado, and Steamboat Springs, Colorado, or Hayden, Colorado, as an alternative, restricted to the transportation of passengers and property between these points. On October 17, 1966, Clinton Aviation Co., Trans-Central Airlines, Inc., and J. B. Warren, doing business as "Western State Aviation", filed a written protest to the application. On October 17, 1966, Mountain Air Spray Company filed a written protest to the application. After due and proper notice to all interested parties, the matter

was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on Friday, November 4, 1966 in the District Court in the Court House at Eagle, Colorado. When the matter was called for hearing, the Applicant moved to amend the application by deleting "Gunnison" from the list of cities which Applicant desired to serve. The amendment, being restrictive in nature and no objection thereto being made, the Presiding Commissioner granted the motion to amend. Upon the granting of such motion to amend, Clinton Aviation Co., Trans-Central Airlines, Inc., and J. B. Warren, doing business as "Western State Aviation", withdrew the protest filed in their behalf and were excused from further attendance at the proceeding. Counsel for Applicant now stated that the Applicant did not seek any rate protection insofar as intrastate air charter carriers were concerned.

Rodney Slifer, President of the Vail Resort Association, Doris Bailey, Executive Secretary of the Vail Resort Association, Gordon Autry, Vice President and Director of Operations of Vail Airways, Inc., T. D. Gray, President of Vail Airways, Inc., and Charles Kendall, the owner and operator of the Christiana Lodge at Vail, testified in support of the application. Leo Tucker, President of Mountain Air Spray Company, testified in opposition to the application. Protestant's Exhibits No. 1 and No. 2 were admitted in evidence. The parties stipulated that if Marvin Crawford, Vice President and General Manager of the Mount Werner Ski Association was present, he would testify that during the last ski season, 21,000 ski-man-days were spent at Mount Werner Ski Area and that the balance of his testimony would be along the same lines as the testimony of Rodney Slifer and Doris Bailey, except that such testimony would pertain to the Mount Werner Ski Area. Upon conclusion of the hearing, the Presiding Commissioner took the application under advisement. The Commission, on its own motion, now takes official notice of Decisions No. 64967 and No. 66824 of the

Commission, and the 1966 Colorado Highway Map issued by the Colorado Department of Highways.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record that:

1. Vail Airways, Inc., a corporation organized and existing under the laws of the State of Colorado, holds a certificate of convenience and necessity from the Commission, authorizing:

"Non-scheduled operations, by air, as a common carrier by airplane, in interstate and intrastate commerce, for the transportation of passengers and their baggage and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, without the right to establish an office or branch for the purpose of developing business at any town, place, or city other than Eagle and Vail, and airports located within Eagle or Summit Counties within a radius of thirty-five miles of Vail". (See Decision No. 64967, dated May 7, 1965)

On February 14, 1966, in Decision No. 66824, this Commission authorized an extension of the certificate of public convenience and necessity of Vail Airways, Inc. to include:

"Transportation of passengers and property in scheduled service by aircraft, between Denver, Colorado, and Eagle, Colorado, on a temporary basis for one year, with permission to change times of its regular scheduled flights or to eliminate or add on scheduled flights upon five days' notice posted at the Eagle and Denver airports, provided that applicant shall always, while such authority exists, operate at least one round trip scheduled flight per day subject to weather and to the proviso that no flights shall be required on days when there are no passenger reservations at either of the points named."

By the instant application as amended, Vail Airways, Inc. seeks a further extension of its certificate to authorize scheduled flights between Eagle, Colorado, and Steamboat Springs, Colorado, or Hayden, Colorado, as an alternative, for the transportation of passengers and property between these points only, on a temporary or experimental basis, with authority to change times of its regular scheduled flights or to eliminate or add a scheduled flight, upon five days' notice

posted at each airport affected thereof, provided that between December 1 and March 31, while such authority exists, the Applicant must operate at least one round trip scheduled flight per week subject to weather and subject to the proviso that no flights shall be required on days when there are no passenger reservations at either of the points named.

2. The Vail area is presently one of the major ski areas in the State of Colorado. During the 1965-1966 ski season (approximately Thanksgiving to April 15), 205,464 skier-man-days were spent in the Vail area. An increase of 15% to 20% is anticipated in the 1966-1967 ski season. The Vail area is served by the Eagle Airport, which is located on United States Highway No. 6 approximately 35 miles west of the Vail area.

3. Taxicab service, airport limousine service, and Rent-A-Car services are available from the Vail area to the Eagle Airport.

4. The Mount Werner ski area, near Steamboat Springs, Colorado, is also one of the ski areas in the State of Colorado. During the 1965-1966 ski season, about 21,000 skier-man-days were spent in the Mount Werner ski area.

5. Steamboat Springs is located approximately 95 miles northwest of Vail. The Eagle Airport is located about 35 miles west of Vail. The Hayden Airport is located about 25 miles west of Steamboat Springs. The Steamboat Springs Airport is located about 3 miles north of Steamboat Springs.

6. Skiers, while spending ski vacations in the State of Colorado, desire to ski as many of the ski areas in the State as is reasonably possible. For this reason skiers desire common carrier transportation facilities which would provide transportation service between ski areas. The extent of such desire and the extent to which skiers would utilize such transportation service between ski areas are unknown factors.

7. Vail Airways, Inc., is already performing scheduled intrastate air service between Denver and Eagle. Vail Airways, Inc. is qualified from the standpoint of finances, experience and equipment to render the proposed scheduled air service between Eagle, Colorado and Steamboat Springs, Colorado, or in the alternative, Hayden, Colorado. There is a need for such transportation service and the proposed service of the Applicant will meet such need. Public convenience and necessity require that the authority sought herein by Applicant as limited in Order provisions to follow should be granted.

8. The Eagle Airport is adequate for use by a scheduled air carrier and in fact is now being utilized by the Applicant for its scheduled service between Denver and Eagle. The Hayden Airport is a brand new facility now being utilized by Frontier Airlines for the rendition of scheduled service. The Steamboat Springs Airport is not being utilized by any air carrier for scheduled air service.

9. The Mountain Air Spray Company is a Colorado corporation duly organized and existing under the laws of the State of Colorado. Such corporation is authorized to render the following service:

"Transportation, by airplane, of passengers and property, not on schedule, but on call and demand, from Craig, Colorado and Hayden, Colorado, to and between all points within the State of Colorado. Bases of operation to be at Craig and Hayden, Colorado. Applicant shall not establish an office or branch for the purpose of solicitation or developing business at any town other than Craig, Colorado, and airports located within ten miles of Craig and Hayden, Colorado, and airports located within five miles of Hayden."

Mountain Air Spray Company has had no calls for charter service by skiers from the Steamboat Springs-Mount Werner ski area. The charter air business of Mountain Air Spray Company will not be affected or impaired in any manner by the granting of the authority sought herein by Applicant.

DISCUSSION

In view of the distances involved between the Mount Werner ski area and the Vail ski area, we have grave doubts as to whether skiers will desire to utilize the service proposed herein by Applicant. The distance between the Vail area and the Eagle Airport is 35 miles. The distance between the Hayden Airport and the Mount Werner ski area is at least 25 miles. This will mean that a skier passenger utilizing the proposed air service of the Applicant will still be faced with some 60 miles of ground transportation as against a total ground mileage of approximately 95 miles. Despite our doubts as to the extent of utilization of the proposed service by the public, we see no reason why Applicant should not be permitted to institute such service on an experimental basis for one ski season, and Order provisions to follow will so provide.

This service will be authorized between the Eagle Airport and the Hayden Airport. On the record made in this proceeding, it does not seem advisable to the Commission to authorize the rendition of scheduled service to the Steamboat Springs Airport.

The policy of the Commission has generally been to encourage the rendition of scheduled service and for such reason the Commission normally provides that non-scheduled call and demand air carriers be required to charge at least fifty percent more for service between points served by scheduled air carriers than the effective rates of the scheduled air carriers. In the instant case, however, the Applicant does not seek such rate protection, nor indeed would the Commission grant such protection, on the type of schedule service here contemplated by the Applicant.

ORDER

THE COMMISSION ORDERS:

That the authority of Vail Airways, Inc. under its present certificate of public convenience and necessity be extended to

include transportation of passengers and property in scheduled service by aircraft between the airport at Eagle, Colorado and the airport at Hayden, Colorado on a temporary basis for a period from the effective date of this Order to and including June 30, 1967 with authority to change times of its regular scheduled flights or to eliminate or add scheduled flights upon five days' notice posted at the Eagle and Hayden Airports, provided that between December 1 and March 31, while such authority exists, Applicant shall operate at least one round trip scheduled flight per week subject to weather conditions and subject to the proviso that no flights shall be required on days when there are no passenger reservations at either of the points named.

That Applicant shall keep accurate records of passengers utilizing this experimental service and revenue derived therefrom and that should Applicant elect to file a further application seeking authority to render such scheduled service between the Eagle Airport and the Hayden Airport after June 30, 1967, Applicant shall support such application by the submission of the record data specified above.

That Applicant shall file tariffs of rates, rules and regulations and schedules as required by the Commission.

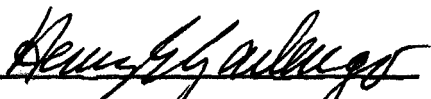
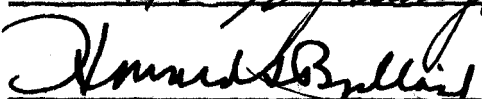
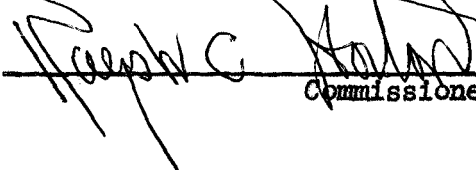
That Applicant shall carry suitable insurance protection covering liability, property damage and passenger insurance and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

That for the purpose of rate structures of non-scheduled call and demand intrastate air carriers, the service to be rendered by Applicant herein under the provisions of this Order shall not be deemed to be such scheduled air service as is entitled to rate protection under the policies of the Commission.

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966.
ls

(Decision No. 68523)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY B. HAWKS, RURAL ROUTE 4, BOX)
431, MONTROSE, COLORADO.)

PUC NO. 1345
PERMIT NOS. B-1365, B-1365-I,
B-3076, B-4769, B-4769-I,
B-4929.

November 7, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 8, 1966, the Commission entered Decision No. 66972, approving encumbrance of PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I, and B-4929 by Harry B. Hawks, Montrose, Colorado, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$32,057.51.

The Commission is now in receipt of a communication from said Montrose National Bank that said encumbrance has been paid off by renewal and requesting release of Chattel Mortgage dated February 4, 1965, and approval of Chattel Mortgage dated October 27, 1966, in the amount of \$29,328.54, in accordance with the terms and conditions set forth in said Chattel Mortgage.

The Commission states and finds that said requests are compatible with the public interest and should be granted as set forth in the Order following.

ORDER

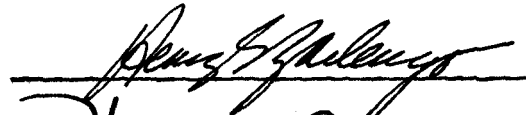
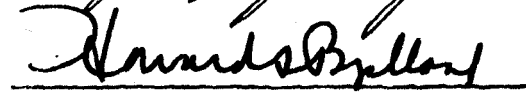

THE COMMISSION ORDERS:

That Mortgage of the above-mentioned operating rights authorized by Decision No. 66972, dated March 8, 1966, be, and the same hereby is, released, as requested by Mortgagee herein insofar as it concerns this Commission.

That Harry B. Hawks, Montrose, Colorado, be, and hereby is, authorized to mortgage all right, title and interest in and to PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I, and B-4929, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$29,328.54, in accordance with the terms and conditions set forth in Chattel Mortgage dated October 27, 1966, which is made a part of this Order by reference.

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 7th day of November, 1966
et

(Decision No. 68524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMON OR)
PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE)
IN INTERSTATE COMMERCE ONLY OVER THE PUBLIC)
HIGHWAYS OF THE STATE OF COLORADO.)

November 9, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Common or Private Carrier by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards, the required certificate of insurance or a written designation for service of notices, orders or process -- all of which is required by law and the Commission's Rules and Regulations Governing Common or Private Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

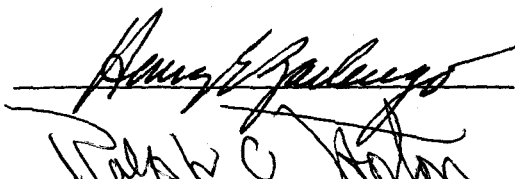
THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Louis H. Wilkey	Sterling, Kansas 67579
Cliff Schmidt	Moundridge, Kansas 67107
F. M. Ourada	General Delivery Elm Creek, Nebraska 68836
Robert L. Muckleroy	Box 314 Kirbyville, Texas 75956
J. M. Muckleroy	Box 314 Kirbyville, Texas 75956
Meyer's Frozen Foods, Inc.	1301 West 7th Street Little Rock, Arkansas 72201
Grieser Trucking Co.	RFD #1, Box 152A Archbold, Ohio 43502
Charles G. Brown	4700 N W 19th Oklahoma City, Oklahoma 73127

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 9th day of November, 1966.
gh

(Decision No. 68525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALAMO PROPERTIES, INC., 5056 NORTH)
NEVADA AVENUE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 102 TO THE PIKES PEAK)
AUTOMOBILE COMPANY, 7 NORTH CASCADE)
P. O. BOX 2378, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 22074-Transfer

November 7, 1966

Appearances: William A. Baker, Esq., Colorado
Springs, Colorado, for Transferor
and Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the instant application, authority is sought to transfer PUC No. 102 from Alamo Properties, Inc. to The Pikes Peak Automobile Company.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Mr. Gunnar Alenius, Operating Manager of The Pikes Peak Automobile Company, Colorado Springs, Colorado, testified that his company has entered into an agreement with Alamo Properties, Inc. to purchase PUC No. 102 for a total consideration of \$7,500.00 which is for the authority only, there being no equipment or other assets to be transferred by this Agreement. A copy of this Agreement was attached to the application together with a statement signed by Mr. W. J. Conway, Vice President of Alamo Properties, Inc. to the effect that as of July 7, 1966, there are no outstanding debts against the authority sought to be transferred.

Mr. Alenius further testified that The Pikes Peak Automobile Company, the transferee, now owns and operates under PUC No. 116; that this authority does duplicate and overlap PUC No. 102 sought to be transferred in certain respects; and that it was agreeable with him insofar as PUC No. 102 overlapped or duplicated PUC No. 116, those portions could be considered as cancelled in accordance with the rules of the Commission. He also stated that the Certificate of Incorporation for the transferee company is on file with the Commission; that the financial status of the transferee is sufficient and adequate to effectively continue operations under PUC No. 102 in conjunction with its present operations under PUC No. 116; that if additional equipment should be necessary in order to provide the services authorized under PUC No. 102, The Pikes Peak Automobile Company has ample resources for this purpose; and that he and other officers and employees are fully acquainted with the rules, regulations and laws of the State of Colorado pertaining to common carriers and will carefully abide by the same in connection with PUC No. 102 if the within transfer is approved. Official notice was taken of the Articles of Incorporation and financial statement of The Pikes Peak Automobile Company on file with the Commission and notice was also taken of PUC Nos. 116 and 102.

This witness identified Exhibits A and B heretofore referred to which were received in evidence.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record, exhibits and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

The Commission finds that the transferor corporation is the owner of PUC No. 102 which is restricted to the use of 21 vehicles and that the transferee corporation is the owner of PUC No. 116 which is restricted to the use of 12 vehicles; that PUC No. 116 includes authority covering the complete area authority granted under PUC No. 102 and said PUC No. 102 in such respect would incorporate area authority and should be cancelled; that upon completion of the transfer herein authorized by the following Order, PUC No. 102 should be revoked and cancelled; and, that PUC No. 116 should provide for authority as set out in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Alamo Properties, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to transfer all its right, title and interest in and to PUC No. 102 to The Pikes Peak Automobile Company, Colorado Springs, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That PUC No. 102 be, and the same hereby is, cancelled, upon the filing of written acceptance of transfer by the parties and the completion of said transfer.

That the complete authority under PUC No. 116 henceforth and after said transfer shall authorize the following, to-wit:

Decision No. 1165: Transportation of passengers from Colorado Springs to various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) All sight-seeing and tourist operations herein shall be limited to round-trip operations originating and terminating at the point of origin of the service. (b) No one-way transportation of passengers is permitted at any of the points in the Pikes Peak Region. (c) The quantity of equipment to be used in this operation shall be limited to thirty-three (33) cars. Decision No. 15523 Amended authority to permit the operation of an auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points, to and from other points in the State of Colorado, subject to the following restrictions: (a) Such service shall be furnished only in passenger cars of the type used by applicant in sightseeing business; and each applicant shall be limited to the number of cars used for

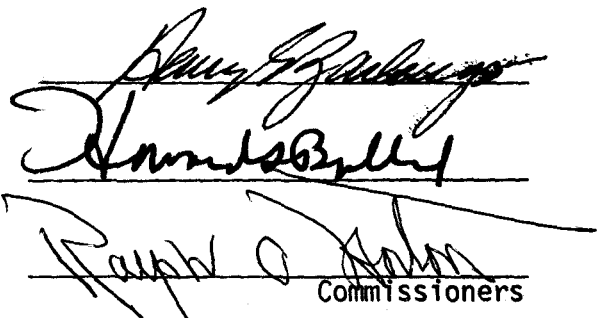
said service which he is now entitled to use under his sightseeing certificate. In other words no additional equipment may be used for such auto livery service, and only five (5) passengers may be carried in one car on all trips---10 one-way miles or under. (b) All operations hereunder shall be conducted on the following rates, to-wit: 15¢ per mile for all trips over 10 one-way miles for three passengers or less; 20¢ per mile for four passengers; 25¢ per mile for five passengers; 30¢ per mile for six passengers; and 35¢ per mile for seven or more. For trips ten one-way miles or under, the rate shall be 20¢ per mile without regard to whether one or five passengers are carried; provided, however, that all rates both over and under 10 one-way miles shall be based upon round-trip mileage and where waiting time of over ten minutes is involved the charge shall be \$1.00 per hour, or a proportion thereof, or fraction of an hour for the full waiting time. (c) The Auto Livery Service herein provided for shall not be advertised outside the County of El Paso by means of any literature or other written or printed advertising. Decision No. 16561 Amended by inserting Sub-Division (b)-1 as follows: No one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Colorado Springs to the summit of Pikes Peak or from the Summit of Pikes Peak to Colorado Springs, when such operations are conducted under tariffs provided for diverse routing with the Manitou & Pikes Peak Railway Company. Decision No. 17012 Amends Decision No. 15523 as follows: (a) The terms and provisions of said decision shall not apply to taxi operations within the corporate limits of the town of Manitou Springs, Colorado. (b) For trips over 10 one-way miles, the rates shall be 20¢ per mile, based on the round-trip mileage for one to five passengers, inclusive, and 25¢ per round-trip miles for six, seven, or eight passengers, with an additional charge of \$3.00 per hour for all time consumed in waiting after 30 minutes delay at any point on the trip, or a charge of \$30.00 per car per 8-hour day may be used in lieu of the mileage basis provided, however, that such a charge in all cases produce a higher charge than the charge would be if computed on the mileage basis. (c) For trips of 10 one-way miles or under, the number of passengers permitted to be carried is increased from 5 to 6, and the rates to be charged shall be 20¢ per mile without regard to whether 1 or 6 passengers are carried, or an optional charge of \$3.00 per hour may be made, and where a waiting time of over 10 minutes is involved on any trips taken on a mileage basis, the waiting time charge shall be \$1.00 per hour, or a proportion thereof for fractions of an hour, for the full waiting period. (d) It is further provided that all the rates above prescribed are minimum rates for both over and under 10 one-way miles and shall be based upon round-trip mileage. That on any transportation that is competitive with scheduled motor vehicle carriers, the base fare of the round trip currently in effect. Decision

No. 32399 Consolidates PUC 140 herewith: Transportation of passengers by motor vehicle from Colorado Springs and Manitou to the various scenic attractions in the Pikes Peak Region, subject to the following terms and conditions: (a) All sightseeing and tourist operations shall be limited to round-trip operations, originating and terminating at the point of origin of the service. (b) That no one-way transportation of passengers is permitted to any of the points in the Pikes Peak Region. (c) That the quantity of the equipment to be used in this operation shall be limited to 33 cars. (2) Transportation of passengers by motor vehicle from Cascade and Green Mountain Falls to the various scenic attractions in the Pikes Peak area, subject to the following terms and conditions: (a) All sightseeing and tourist operations shall be limited to round-trip operations, originating and terminating at the point of origin of the service. (b) That no one-way transportation of passengers is permitted to any point in the Pikes Peak Region. (3) Transportation of passengers by motor vehicle from Manitou to the various scenic attractions in the Pikes Peak Region, limited to round trip operations and the use of 1 automobile. (4) Transportation by auto livery service between all points in the Pikes Peak Sightseeing Region and from and to said points, to and from other points in the State of Colorado, subject to the following restrictions: (a) Such service shall be furnished only in passenger cars of the type used by transferors in sightseeing business as 6-13-40, and each applicant shall be limited to the number of cars for said service which transferor was then entitled to use under its sightseeing certificate. In other words, no additional equipment may be used for such auto livery service, and only 5 passengers may be carried in 1 car on all trips - 10 one-way miles or under. (b) All operations hereunder shall be conducted on the following rates, to-wit: 15¢ per mile for all trips over 10 one-way miles or less, 20¢ per mile for 4 passengers, 25¢ per mile for 5 passengers, 30¢ per mile for 6 passengers, 35¢ per mile for 7 or more passengers. Trips 10 one-way miles or under, 20¢ per mile without regard to 1 or 5 passengers carried; provided, however, that all rates, both over and under 10 one-way miles, shall be based upon round-trip mileage; waiting time over 10 minutes shall be \$1.00 per hour, or proportion or fraction thereof; (c) auto livery service herein provided shall not be advertised outside of El Paso County by means of literature or printed advertising. Decision No. 42077: Authorized to substitute four of the type buses described in foregoing Statement for certain of its authorized equipment used in the sightseeing business under its PUC No. 116, the quantity of equipment authorized to be used in its operations not to be increased by such substitution. This order shall not be construed as granting any authority to transport passengers in charter service, or in any other service than sightseeing, as usually defined. Decision No. 46050: That, the applicant herein, in its passenger operations to and from the Colorado Springs Airport, Colorado Springs, Colorado, from and

to other points in the State of Colorado, be, and is hereby, exempted from the restrictions and limitations contained in Decisions Nos. 15523, 17012 and 32399 of this Commission. Decision No. 46172: To include its sightseeing and auto livery service as now operated between all points within the corporate limits of the City of Colorado Springs, Colorado. Decision No. 53153: Transportation of sightseeing passengers through the use of multi-passenger buses and other accepted and established means of motor vehicle transportation in the sightseeing business in the Pikes Peak Region, by substitution of buses in lieu of cars or limousines, but with the following restrictions: (1) That the authority above granted shall not be construed as granting any authority to transport passengers in charter service or in any other service than sightseeing as normally defined, and (2) That the owner of this certificate may not lease any equipment authorized hereunder to any authorized carrier not a common carrier. It is not the intent of this Order to in any way enlarge the certificate of public convenience and necessity but rather to authorize substitution of bus for limousine service. Decision No. 62157: EXTENDED: To include in its schedule sightseeing trip using limousines or sightseeing buses: Sightseeing trips from Colorado Springs to Mesa Verde National Park, via Canon City, Salida, Gunnison, Montrose, Ouray, Silverton, Durango; and return via Durango, Pagosa Springs, Del Norte, Saguache, Salida, and Canon City; or with routes reversed; and including Black Canon and Sand Dunes National Monument, with the following restrictions: that the above authority above granted shall not be construed as granting any authority to transport passengers in charter service or in any other service than sightseeing as normally defined.

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 7th day of November, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

DWIGHT MILLER

P.O. Box 536

Tabernash, Colorado 80478

AUTHORITY NO. B 5888

CASE NO. 140-H-Ins.

November 10, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

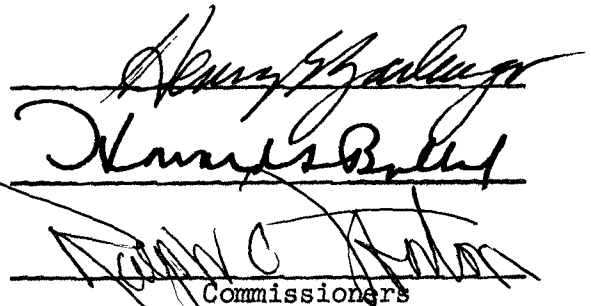
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCTION IN RATE ON GASOLINE,)
IN BULK, IN TANK VEHICLES, FROM)
DENVER, COLORADO TO BOULDER,)
COLORADO)
-----)

Investigation and Suspension
Docket No. 575

November 7, 1966

Appearances: Edward T. Lyons, Jr., Esq.
Denver Club Building
Denver, Colorado for
Petroleum Transport Company, Inc.,
respondent

Irven T. Burke, for the
Staff of the Commission

STATEMENT AND FINDINGS

BY THE COMMISSION:

By 5th Revised Page No. 20 to Motor Freight Tariff No. 7-A, Colorado PUC No. 12, the Colorado Motor Carriers' Association, Agent, proposed a reduced rate applicable in cents per gallon on gasoline, only between Denver, Colorado, as described in Item No. 55, and Boulder, Colorado, from 1.500 to 1.250 cents on a minimum shipment of 1500 gallons. The Commission suspended said schedules and set the matter for hearing on September 29, 1966. The matter was re-set, as noticed, and was heard in the Commission's Hearing Room on October 28, 1966, and taken under advisement.

The Comptroller for respondent Petroleum Transport Company, Inc., introduced four exhibits in support of the proposed rate. The witness stated that an ordinance enacted by the City of Boulder, Colorado, limits the delivery of gasoline within the City to not exceeding 1500 gallons; that when the 1.500 cents per gallon rate was established, cost data was not available; that the only data available was that of the leased operator with no Company equipment used in the transportation of the gasoline to Boulder; that an adjustment was

requested by the shipper reducing the 1.500 rate to 1.250; that 248 loads of gasoline, 1500 gallon capacity, were transported from Dupont, Colorado to Boulder, Colorado, during the period of November 1965 through August, 1966; that leased operators are used exclusively in the Boulder operation; that the leased operator receives 90 percent of the total revenue per load, amounting to \$16.87; that the remaining 10 percent is net to Petroleum Transport Company, Inc.; that the only available costs were the system averages and the costs developed by the leased operator as detailed in Exhibit 4, would be the actual cost for transporting a load of gasoline, capacity 1500 gallons, from Dupont, Colorado to Boulder, Colorado; that prior to the request of the shipper for the reduction in the rate the consignee was located outside the City limits of Boulder and larger quantities were delivered at a reduced rate; that data taken from the Company records indicates that when adjusted system costs are added to the leased operators actual cost the result would be a profit for his Company of \$2.90. Respondent prepared Exhibit No. 3 showing system averages as follows:

<u>Income earned on 1500 gallon shipment to Boulder -- proposed rate of 1.250</u>	
	Revenue, per 1500 gallon load \$18.75
<u>Direct Expense</u>	Equipment Rental - 90% of Revenue <u>16.87</u>
	Net Revenue to Petco \$ 1.88
	Less - Indirect expense allocation (Note 1) <u>1.97</u>
	Net revenue per load <u>(.09)</u>
<u>Note 1: Allocation of Indirect Expense</u>	
<u>Direct Expenses - June 1 to August 31, 1966</u>	
Equipment Maintenance	\$ 46,224.39
Transportation Expense	294,174.00
Depreciation	7,286.73
Taxes and Licenses	<u>31,246.88</u>
	<u>Total Direct Expense \$ 398,932.00</u>

Indirect Expenses - June 1 to August 31, 1966

Traffic Expense	\$ 9,122.01
Administrative and General	32,980.77
Depreciation	1,736.53
Taxes and Insurance	477.94
<u>Total Indirect Expense</u>	<u>\$ 44,317.25</u>

Ratio of Indirect to Direct Expense = 11.695%

Indirect Expense allocation equals 11.695% of Equipment Rental paid.

The leased operator, T. M. Glidewell introduced Exhibit No. 4, showing a cost of \$13.88, for transporting a 1500 gallon load of gasoline from Dupont, Colorado to Boulder, Colorado, as follows:

11 gallons gas @ 29¢ per gallon	\$ 3.19
Driver - \$6 per trip plus 4 1/16% of \$6	6.28
Ton mile tax (Factor 1¢ per mile - 68 miles)	.68
Collision Insurance 65¢ per \$100 Revenue \$1,926.38 (3-month average)	.13
P L & P D Insurance 3 1/4% of Revenue	.73
License (20¢ per day, 4 trips per day average)	.05
Overhead: \$2,075 per monty, 25 days per month, \$83.00 per day, 16 trucks, 4 trips average	1.30
Depreciation - \$625 per year, 261 days per year, 4 trips average per day	.63
Maintenance - \$265.70 for 3 months, \$88.57 per month, 25 day month, \$3.54 per day 4 trips average	.89
	<u>\$13.88</u>

Although the data presented by the Comptroller for Petroleum Transport Company reflects a loss per load of .09 cents by use of system averages, we are inclined to agree that some profit can be realized. Respondent testified that the leased operator cost from Dupont, Colorado to Boulder, Colorado is \$13.88, and when added to the Indirect Expenses of \$1.97, results in a combined expense of \$15.85. Considering the total revenue of \$18.75 less the \$15.85, the net return would be \$2.90. Although system averages of respondent show a loss, it appears there would be an overstatement of the indirect expenses by use of such cost data. The actual cost data presented by Witness Glidewell properly reflects the cost picture and, when considering the overstatement of the indirect expenses of the respondent, we will allow the proposed rate to become effective.

In view of our finding in Decision 68458 dated November 4, 1966, where rates and charges were not prescribed for the transportation of petroleum and petroleum products for respondents holding authority restricting the transportation of said commodities in tank vehicle equipment of 1500 gallons or less capacity, we will not prescribe the rate referred to in the instant proceeding which applies from Dupont, Colorado, or Denver, Colorado to Boulder, Colorado.

Considering all of the evidence of record we find that the schedules under suspension and investigation in this proceeding should be allowed to become effective and that this proceeding should be discontinued.

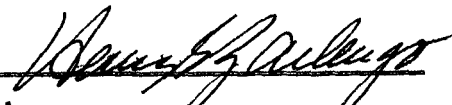
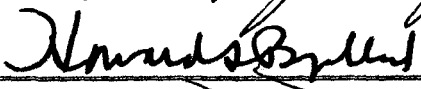
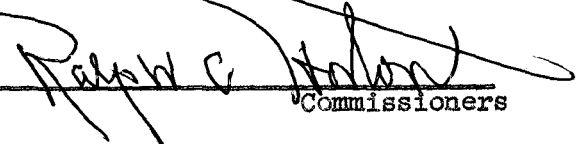
O R D E R

THE COMMISSION ORDERS, that: --

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

2. The order heretofore entered in this proceeding (Decision No. 68118, dated August 30, 1966) suspending the operation of 5th Revised Page No. 20 to Motor Freight Tariff No. 7-A, Colorado PUC No. 12, and ordering an investigation as to the lawfulness thereof, be and the same is hereby vacated and set aside as of December 3, 1966, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of November, 1966 av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
K. S. BARRY, DOING BUSINESS AS)
"BARRY'S CONSTRUCTION," FLYING SAUCER)
MOBILE PARK, 2500 WEST HAMPDEN,)
ENGLEWOOD, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22022-PP

IN THE MATTER OF THE APPLICATION OF)
FORD CONSTRUCTION, INC., DOING)
BUSINESS AS "ROCKY MOUNTAIN FORD)
CONSTRUCTION, INC.," 2500 WEST HAMPDEN,)
ENGLEWOOD, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22022-PP-
Amended

November 7, 1966

Appearances: Gerald H. Galligan, Esq., 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.

Said application was regularly set for hearing before the Commis-
sion, and was heard by an Examiner duly designated and to whom the hearing
was assigned by the Commission. At the conclusion of the hearing, the
matter was taken under advisement, and said Examiner transmitted to the
Commission the record of said proceeding, together with a written state-
ment of his findings of fact and conclusions.

Mr. Galligan, on behalf of the Applicant, moved to amend the
name of the Applicant to Ford Construction, Inc., doing business under
the trade name of "Rocky Mountain Ford Construction, Inc."; that the
grounds for this motion are that K. S. Barry is the Superintendent of
Rocky Mountain Ford Construction, Inc. and although he intended to apply

under the name above-indicated but through inadvertence, he did not do so. Because of the nature of this application and the fact that no protestants appeared nor were there any protests filed, the Examiner granted the motion to change the name of the Applicant from K. S. Barry, doing business as "Barry's Construction," to "Ford Construction, Inc." doing business as "Rocky Mountain Ford Construction, Inc."

K. S. Barry, Englewood, Colorado, testified that he is the Superintendent for the Applicant and identified Exhibit A, which was received in evidence, as a certified statement from the Secretary of State to the effect that Ford Construction, Inc., and Oregon corporation, is authorized to transact business in the State of Colorado under the trade name of "Rocky Mountain Ford Construction, Inc." He further testified that the Applicant owns two vehicles; that it has sufficient and adequate financial status to provide the transportation service applied for; and that he and other employees who will operate the vehicles have sufficient experience to provide the service; that he, as well as other employees, are acquainted with the rules, regulations and laws of the State of Colorado pertaining to private carriers and will abide by the same if the within application is approved; and that as far as he knows, the granting of this application will not impair the efficient public service of any common carrier.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that the motion to amend the name of the Applicant should be granted, that no one protests the granting of the instant application; that there is a need for Applicant's proposed transportation services; that Applicant corporation will have sufficient equipment and experienced personnel to properly carry on the proposed operation; that Applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation

will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route, or routes; that the granting of authority as provided in the following Order, will be in the public interest, and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That the motion to change the name of the Applicant be, and the same hereby is, granted.

That Ford Construction, Inc., an Oregon corporation, doing business as "Rocky Mountain Ford Construction, Inc.," Englewood, 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, micer 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; provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; and this ORDER shall be deemed to be, and be, 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 custom-

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1966
et

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES, MEAT, FRESH,
FROM STERLING AND FORT MORGAN,
COLORADO TO DENVER, COLORADO

CASE NO. 1585

November 7, 1966

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 31, 1966, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed application No. 331, dated October 29, 1966, requesting that it be permitted to publish on less than statutory notice, for the account of North Eastern Motor Freight, Inc., hereafter referred to as Northeastern, in its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) the following:

Rates in Cents per 100 pounds

<u>Item No. 2227</u>	<u>From</u>	<u>To</u>	<u>Rate*</u>
Meat, fresh, loose, subject to loading by consignor and unloading by Consignee	Sterling, Colorado	Denver, Colorado	/ ③ 34 ④ 31 ⑤ 28
/ ③ Minimum weight 30,000 lbs.			
④ Minimum weight 35,000 lbs.			
⑤ Minimum weight 41,000 lbs.			
*Formerly ④ Minimum weight 35,000 lbs. - 35			
⑤ Minimum weight 40,000 lbs. - 31			

	<u>From</u>	<u>To</u>	<u>Rate</u>
Meat, fresh, loose, subject to loading by consignor and unloading by consignee	Ft. Morgan, Colorado	Denver, Colorado	/ ③ 30 ④ 28 ⑤ 25

- ③ Minimum weight 30,000 lbs.
 - ④ Minimum weight 35,000 lbs.
 - ⑤ Minimum weight 40,000 lbs.
- (Subject to Item 770)

/ denotes addition

All of above to expire sixty days after the effective date, unless sooner canceled, changed or extended.

In support of this request, the publishing agent, for and on behalf of Northeastern, states partially in a letter dated October 14, 1966, from Mr. William Shipp:

"The proposed rates from Sterling would produce revenues ranging from 83¢ to 93¢ per mile. The proposed rate from Fort Morgan would produce revenue of \$1.14 per mile. If these rates are published it will enable us to participate in additional back haul traffic which is very badly needed. We have been promised that those rates will guarantee us all of the traffic and will eliminate any proprietary carriage.

"The addition of the rates on 30,000 pound minimums and the adjustments on the other weights will enable the shippers to be more competitive for sales in the Denver market area."

Upon consideration of the aforesaid application, the Commission finds that the proposal appears to represent just, fair and reasonable rates and charges, and that an order should be entered prescribing said changes.

ORDER

THE COMMISSION ORDERS, that: --

1. The Statement and Findings herein be, and they are hereby, made a part hereof.
2. The rates and charges as set forth in the statement of this order, subject to the rules and regulations as provided in the aforesaid tariff shall be the prescribed rates, rules, regulations and provisions of the Commission.
3. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published tariffs reflecting the changes prescribed herein.
4. All private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish, or cause to be

published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after November 21, 1966, 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.

6. On and after November 21, 1966, 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.

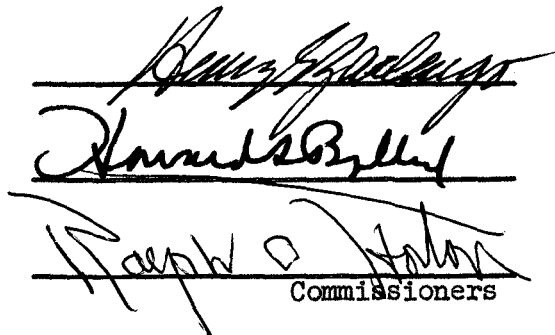
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

9. This order shall become effective forthwith.

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
7th day of November, 1966 av

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

JAMES SAIS
2640 East 11th Street
Pueblo, Colorado 81001

)
) AUTHORITY NO. M-12938
)
) CASE NO. 416-M-Ins.
)
)
)
)

November 10, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

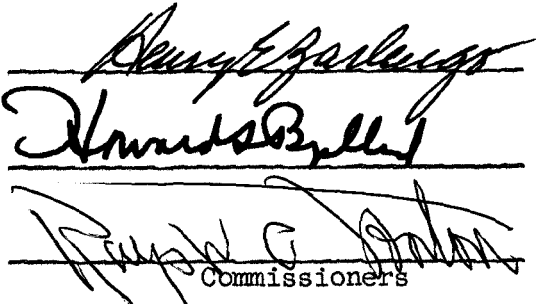
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1966

(Decision No. 68531)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER CONCRETE COMPANY, A COLORADO)
CORPORATION, 363 WEST EVANS AVENUE,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22104-PP
SUPPLEMENTAL ORDER

November 10, 1966

Appearances: Melvin W. Flanagan, Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Weicker Transfer
& Storage Co., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 19, 1966, the Commission entered Decision No. 68380, granting applicant a Class "B" permit to operate as a private carrier by motor vehicle for hire.

On November 7, 1966, the Commission received a written request from the applicant requesting to be relieved from complying with Rule 15 3(b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle relating to the filing of certificate of insurance showing cargo coverage.

Upon full consideration of the matter the Commission states and finds that to grant the request will be in the public interest and should be granted as set forth in the Order following.

O R D E R

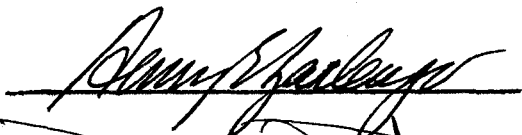
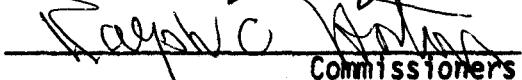
THE COMMISSION ORDERS:

That Denver Concrete Company, a Colorado corporation, Denver, Colorado, be, and hereby is, granted a written waiver of the provisions of Rule 15 3(b) of the Commission's Rules and Regulations Governing Private

Carriers by Motor Vehicle, and shall not be required to file with this Commission certificate of insurance showing cargo coverage, in the conduct of operations granted by Decision No. 68380, dated October 19, 1966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PAR-
TICIPATING.

Dated at Denver, Colorado,
this 10th day of November, 1966.
gh

(Decision No. 68532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB D. GARRETT, 2560 CAMELIA,)
PUEBLO, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22109-PP
SUPPLEMENTAL ORDER

November 10, 1966

Appearances: Bob D. Garrett, Pueblo,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 5, 1966, the Commission entered Decision No. 68295, granting applicant a Class "B" permit to operate as a private carrier by motor vehicle for hire.

On November 7, 1966, the Commission received a written request from the applicant requesting to be relieved from complying with Rule 15 3(b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle relating to the filing of certificate of insurance showing cargo coverage.

Upon full consideration of the matter the Commission states and finds that to grant the request will be in the public interest and should be granted as set forth in the Order following.


O R D E R

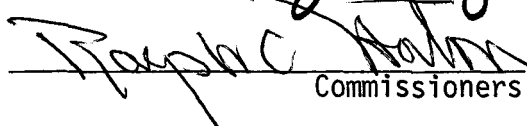
THE COMMISSION ORDERS:

That Bob D. Garrett, Pueblo, Colorado, be, and hereby is, granted a written waiver of the provisions of Rule 15 3(b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle, and shall not be required to file with this Commission certificate of insurance showing cargo coverage, in the conduct of operations granted by Decision No. 68295, dated October 6, 1966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PAR-
TICIPATING.

Dated at Denver, Colorado,
this 10th day of November, 1966.
gh

(Decision No. 68533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FARM
PAC KITCHENS, INC., 602 EAST 19TH
STREET, P. O. BOX 838, LUBBOCK, TEXAS.)
-----)

PUC NO. 4760-I

November 10, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a written request from the above styled certificate-holder requesting authority to change the corporate name from Lubbock Packing Company to Farm Pac Kitchens, Inc. in the conduct of operations under PUC No. 4760-I.

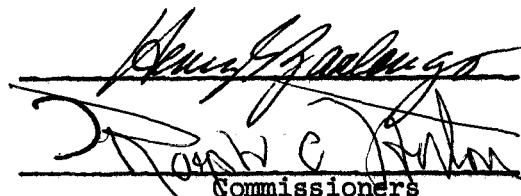
The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Lubbock Packing Company be, and hereby is, authorized to change its corporate name to Farm Pac Kitchens, Inc., in the conduct of operations under PUC No. 4760-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 10th day of November, 1966.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REUBEN MILLER, DOING BUSINESS AS)
"MILLER TRASH SERVICE," 2891 IVANHOE)
STREET, DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER A PORTION OF PUC NO. 3291)
TO DAVID KLEIN, 4036 NEWLAND, WHEAT-)
RIDGE, COLORADO.)

APPLICATION NO. 22118-Transfer
SUPPLEMENTAL ORDER

November 10, 1966

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 4, 1966, the Commission entered Decision No. 68493 authorizing Reuben Miller, doing business as "Miller Trash Service," Denver, Colorado, to transfer a portion of PUC No. 3291 reflected by Decision No. 53268, to David Klein, Wheatridge, Colorado.

On November 7, 1966, the Commission received a written request from Herbert M. Boyle, Attorney for Applicants, requesting that the name under the above-styled application be changed to Dave Klein, doing business as "Klein's Hauling Service."

The Commission states and finds that said request is compatible with the public interest and should be granted, as set forth in the Order following.

ORDER

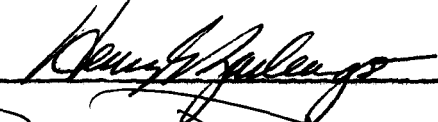

THE COMMISSION ORDERS:

That David Klein be, and hereby is, authorized to conduct operations under the assumed name, or trade name, of Dave Klein, doing business as "Klein's Hauling Service," in the conduct of operations authorized by Decision No. 68493, dated November 4, 1966, and that the Secretary of the

Commission be, and hereby is, directed to change the records of the
Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 10th day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ARNOLD S. DAVIS
2812 SOUTH 2750 E.,
SALT LAKE CITY, UTAH

PERMIT NO. B-6608

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER

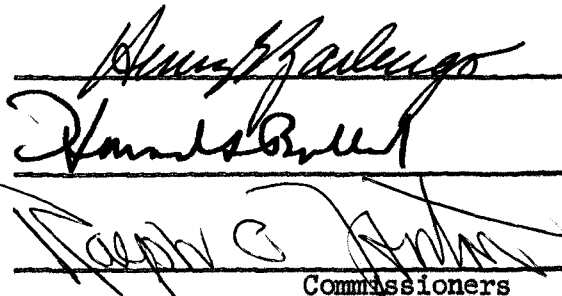
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 6, 1966 to and including May 6, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
EDDIE W. WISSEL
445 CHIPETA DRIVE
MONTROSE, COLORADO 81401

PERMIT NO. B-4926

November 14, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER

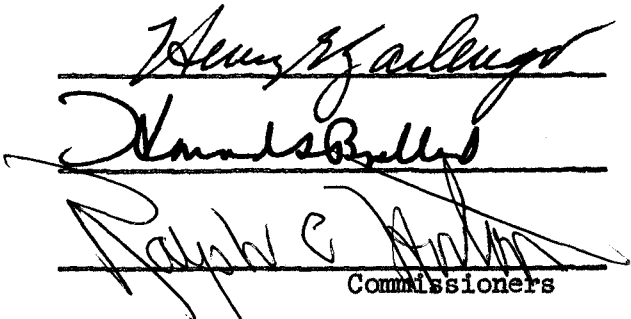
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 9, 1966 to and including May 9, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of November 1966
et

Original

(Decision No. 68537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN POWER & GAS COMPANY, INC.,)
A CORPORATION, 115 WEST SECOND STREET,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
ISSUE 50,000 SHARES OF ITS PREFERRED)
STOCK WITHOUT PAR VALUE AND UP TO)
70,086 SHARES OF ITS COMMON STOCK.)
-----)

APPLICATION NO. 22287
SECURITIES

November 10, 1966

S T A T E M E N T

BY THE COMMISSION:

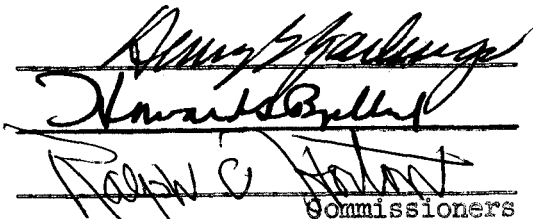
Upon consideration of the application filed November 9, 1966 by
Western Power & Gas Company, Inc. in the above styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on November 25, 1966 at
10:00 o'clock A. M., 532 State Services Building, Denver, Colorado, respecting
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 proceeding. Intervention peti-
tions should be filed with the Commission on or before November 18, 1966,
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 10th day of November, 1966.
gs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

MARTIN E. STUTHEIT
Idalia, Colorado 80735

AUTHORITY NO. PUC 1150 and I

CASE NO. 139-H-Ins.

November 16, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

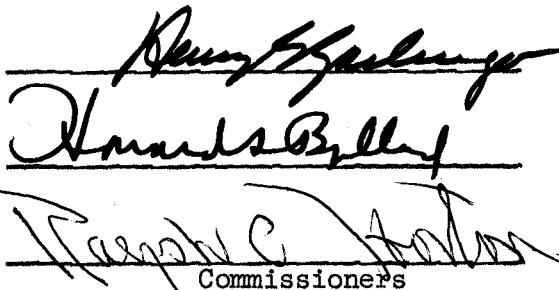
ORDER

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BROOMFIELD TRANSPORTATION CO., A
COLORADO CORPORATION, 1225 WESTERN
DRIVE, BOULDER, COLORADO. } PUC NO. 4748

November 17, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

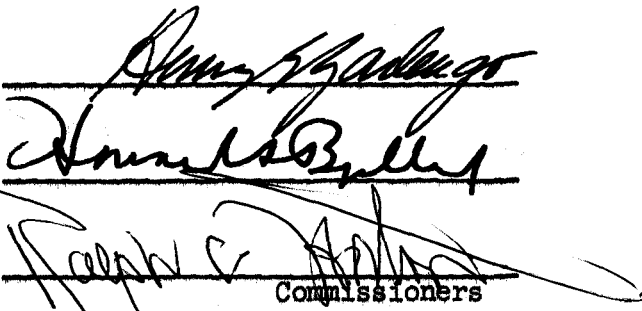
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of November 17, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 17th day of November 1966.
gh

* * *

MARTIN E. STUTHEIT
Idalia, Colorado 80735

CASE NO. 476-M-Ins

November 18, 1966




BY THE COMMISSION:

The records of the Commission now disclose that proper insurance filing has been made.

O R D E R

That the herein 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




 Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WESTERN COLORADO SWINE GROWERS ASSOCIA-
TION, ROUTE 2, HOTCHKISS, COLORADO.

PUC NO. 6253-I

November 18, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

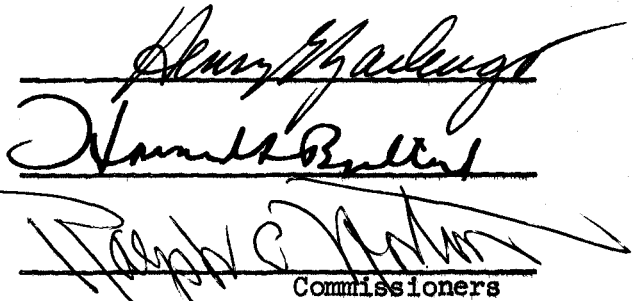
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 12, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November 1966

gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM E. HOLLETT
400 WEST 5TH, BOX 803
PALISADE, COLORADO

PUC NO. 6547-I

November 18, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

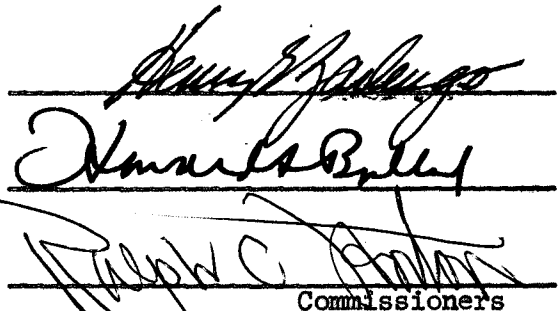
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 23, 1966, to and including April 23, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November 1966

gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
GERAD M. MAGEE
816 SOUTH GREELEY HIGHWAY
CHEYENNE, LARAMIE COUNTY, WYOMING

PERMIT NO. B-6439

November 18, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

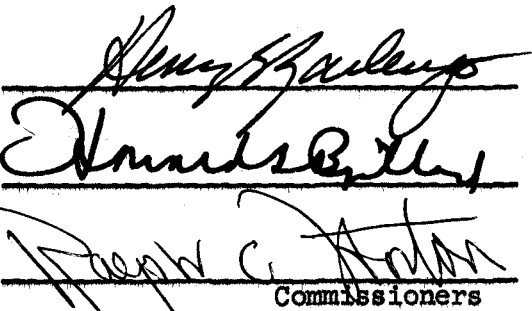
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of November 16, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November 1966.

gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
FRANK KUTA
630 McINTYRE
GOLDEN, COLORADO 80401

PERMIT NO. B-6899

November 18, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER

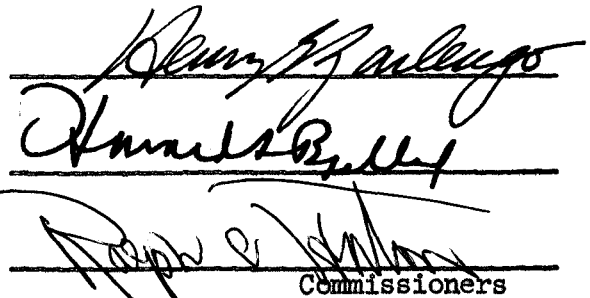
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 20, 1966, to and including April 20, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November 1966
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
RODNEY R. RITTHALER
231 SOUTH MADISON
CORTEZ, COLORADO 81321

PUC NO. 6471-I

November 18, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

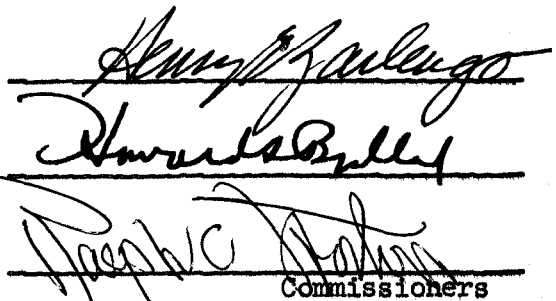
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 24, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November 1966

gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE NATIONAL MOTOR FREIGHT
CLASSIFICATION A-9, COLORADO
PUC No. 6, SUPPLEMENT No. 2

CASE No. 1585

November 21, 1966

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 12, 1966, the National Motor Freight Traffic Association, Inc., Agent, by F. G. Freund, Issuing Officer, 1616 P Street, N.W., Washington, D. C. 20036, filed Supplement No. 2 to its NMFC A-9, Colorado PUC No. 6, scheduled to become effective November 22, 1966, except as otherwise provided. As provided for in Decision No. 68180 dated September 14, 1966, wherein the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended, the National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 2 of said classification, and which appear in Appendix "A". The changes as appearing in Supplement No. 2 are as set forth in Appendix "B". Both appendixes are attached hereto.

Since the proposed changes as set forth in Appendix B appear to represent just, fair and reasonable classes and rules, an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

ORDER

THE COMMISSION ORDERS, that, --

1. The Statement and Findings, and Appendixes "A" and "B" herein be, and they are hereby, made a part hereof.
2. The classes and rules set forth in supplement No. 2, as amending NMFC A-9, Colorado PUC No. 6, shall be the prescribed classes and rules of the Commission.

3. All motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-9, Colorado PUC No. 6, as amended, shall comply with the changes provided herein on November 22, 1966, except as otherwise provided.

4. On and after November 22, 1966, all motor vehicle common and private carriers having rates and/or charges on file which are governed by National Motor Freight Classification No. A-9, Colorado PUC No. 6, as amended, shall cease and desist from publishing, demanding or applying classes and rules which shall differ from the classes and rules published in National Motor Freight Classification A-9, as amended, except call and demand common carriers and Class B private carriers shall be subject to the penalty rule of twenty (20) per cent.

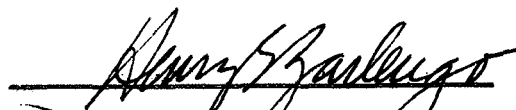

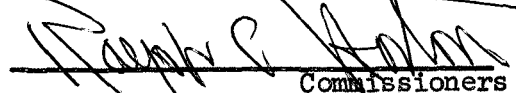
5. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. 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.

7. This order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of November, 1966 av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC, A-9, Colorado PUC No. 6
Supplement No. 2

Effective November 22, 1966, except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 2 - Amending
NMFC, A-9

CLASSES AND RULES
applying on:

Freight traffic covered by tariffs governed by this classification as such tariffs may provide.

* * * * *

APPENDIX "A"

Preface: Below is a summary list of changes being proposed in this Supplement. "*" indicates new item number. Following this summary list will be found a detailed explanation of the reasons for the proposed change ("D?S?" means Docket number and Subject number under which the National Classification Board handled this proposal.)

Rule 110	47514-A	86920-A	113040-A	*157342	186120-A
Rule 260	48392-A	86922-A	113550-A	*157344	190540-A
Rule 296	52750-A	89934-A	122340-A	*157348	190640-A
	52752-A	97860-A	122350-A	*157352	192300-A
Rule 535	69020-A	100292-A	122360-A	157442-A	193440-A
Rule 595	69022-A	*108130	149422-A	157444-A	Pkg. 210
9620-A	69024-A	110802-A	156600-A	157446-A	Pkg. 1363
9710-A	69026-A	111470-A	156602-A	157448-A	Pkg. 1431
20480-A	71002-A	111473-A	156604-A	157452-A	
20482-A	73840-A	112500-A	156606-A	*157460	
20483-A	77260-A	112700-A	156608-A	161852-A	
20484-A	79110-A	112720-A	157320-A	176452-A	

Rule 110 Sec. 8 - Density. New section (Section 8) added to provide (D-119-S170) for explanation of "Density", which explanation, being the same explanation as appears in connection with individual items (which now redundant explanations being cancelled from individual items as explained below) is a change in wording which results in neither increases nor reductions.

Rule 260 Specification table of Rule 260 (a) for steel barrels, drums, (D-123-S185) etc., of rated capacity over 35 gallons to and including 57 gallons capacity amended at request of shipper to refer also to new note 2. Amendment is in recognition of current shipping practices and will apply both to LTL and TL traffic. New note 2 permits the shipment of other than dry or solid articles in steel drums not previously authorized in the classification. Addition is in recognition of current shipping practices and will have application both to LTL and TL traffic, and results in a reduction. While reports resulting from tests of the drum permitted by new Note 2 appear to justify its inclusion in the classification, a 2-year expiration date is being provided merely as a precaution should later results, under conditions incident to day-to-day use, indicate otherwise.

Rule 296 Rule 296 Sec. 2, Note 3 amended at request of shipper to permit (D123-S186) the use of drums with full open head type plastic molded one-piece liner. Amendments will have application both to LTL and TL traffic. By restricting the present application this results in an increase and also by broadening the application as stated above thus resulting in a reduction.

Rule 535 Rule 535 amended to include the expiration provisions concern- (Memo) ing Note 2 of Rule 260 - as explained under "Rule 260" above. The expiration date formerly shown in connection with Note 4 of Rule 310 is extended for an additional 6 months.

Rule 595 (D119-S173)	Rule 595 amended in the interest of tariff clarification and simplification. Amendment will have application both to LTL and TL traffic, and results neither in increase nor a reduction.
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9620-A (D123-S60)	<u>Harrow attachments for riding plows.</u> Item being canceled in the interest of tariff simplification, since its provisions are obsolete. Cancellation will have application both to LTL and TL traffic. As the classification is being restricted to no longer apply on this commodity, per se, this results in a technical increase.
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9710-A (D123-S61)	<u>Hay Curing Trucks.</u> Item being canceled in the interest of tariff simplification, since its provisions are obsolete. Cancellation will have application both to LTL and TL traffic. Restriction of the classification to no longer apply to this commodity per se results in a technical increase.
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20480-A 20482-A 20483-A 20484-A (Memo)	<u>Bags, Envelopes, Pockets or Pouches.</u> Item 20480 brought forward to correct typographical error ("15 pounds, per cubic foot" to read "15 pounds per cubic foot") as appears in Sub 3 to eliminate any doubt that may arise as to the application and results neither in an increase or a reduction. Correction will have application both to LTL and TL traffic. Note items 20482, 20483 and 20484 brought forward without change in application.
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47514-A (Memo)	Note-Note item 47514-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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48392-A (Memo)	Note-Note item 48392-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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52750-A	<u>CONTAINERS GROUP</u> generic heading amended by adding thereto the qualifying word "SHEETSTEEL" to clarify more specifically what the group consists of. As the qualification already appears within the item, this additional word actually results in no change in application, but is flagged with the increase symbol merely because of the technical aspects of qualifying the "group" heading. Note item 52752 brought forward without change in application.
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69020-A 69022-A 69024-A 69026-A (D119-S170)	<u>Filtering discs.</u> Note item 69022 cancelled - as is reference thereto in item 69020 - as the explanation of "density" will now be found in Section 8 of Rule 110. This change in wording results in neither increases nor reductions in charges. Items 69024 and 69026 brought forward without change in application.
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- 71002-A
(Memo) Note-Note item 71002-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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- 73840-A
(Memo) Meat substitutes. It was never intended that the terminology "and/or be used in this classification since no explanation is given in the "rules". Therefore, this item is being amended for clarification by deleting that term and permitting only "or" to remain. In view of the application of Sec. 7 (b) of Rule 110, this change results in neither increases nor reductions.
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- 77260-A Peas. Item brought forward without change in application to place a capitol letter on the proper adjective (Canada) which change results in neither increases nor reductions in charges on LTL or TL traffic covered thereby.
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- 79110-A
(Memo) Blackboards. The present non-punctuation of "reversible on stands" implies an application of this item which was not intended. In Classification A-6 this item was properly punctuated, and republication here is to correct the subsequent error and restore the proper application, which change might be considered as resulting in both technical increases and reductions.
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- 86920-A
86922-A
(D123-S178) Glass, window, NOI. Item amended at request of shipper to provide an alternate package (Pkg 1363) for the shipment of this commodity. Amendment recognizes current shipping practices, and will have application both to LTL and TL traffic, and results in a reduction.
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- 89934-A
(Memo) Note-Note item 89934-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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- 97860-A
(D123-S76) Covers, horse, burlap. Item being cancelled in the interest of tariff simplification, since its provisions are obsolete. Cancellation will have application both to LTL and TL traffic. Restriction of the classification to not apply to this commodity per se results in a technical increase.
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- 100292-A
(Memo) Note-Note item 100292-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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- *108130
(D121-S49) Kits, highway emergency. New item added to classification to provide specifically for these highway emergency kits at classes reflective of their transportation characteristics. Addition will have application both to LTL and TL traffic. Articles previously classed as a mixed package under the provisions of Rule 110. These kits have a density of 25.71 pounds per cubic feet with a value of 88 cents per pound.
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110802-A Note-Note item 110802-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.

111470-A Liquors, Malt: Ale, Beers, Beer Tonic. Item amended at request of
111473-A shipper to provide an alternate package (Pkg. 1431) for the shipment
(D122-S78) of these commodities. Amendment recognizes current shipping practices, and will have application both to LTL and TL traffic, and broadened application results in a reduction. Note item 111473 brought forward without change.

112500-A- <u>Felloes</u>	(D123-S79)	Items being canceled in the interest of tariff simplification, since their provisions are obsolete. Cancellation will have application both to LTL and TL traffic. Restriction of the classification to not apply to these commodities per se results in a technical increase.
112700-A- <u>Hounds</u>	(D123-S81)	
112720-A- <u>Hub Blocks</u>	(D123-S82)	
113040-A- <u>Poles, vehicle</u>	(D123-S83)	
113550-A- <u>Wheel Rims</u>	(D123-S88)	

122340-A Scrapers, NOI, drag, horse or tractor drawn, not wheeled. Item
122350-A amended in the interest of tariff clarification and simplification
122360-A and embraces the provisions formerly published in items 122350 and
(D123-S90) 122360. Amendment will apply both to LTL and TL traffic. Items 122350 and 122360 canceled with reference made in lieu thereof to item 122340 in the interest of tariff clarification and simplification. Cancellation will have application both to LTL and TL traffic. Revision results in both increases and reductions.

149422-A Note-Note item 149422-A being republished to incorporate reference
(Memo) to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.

156600-A Rubber or Rubber Articles. Note item 156604 being canceled - as
156602-A is reference thereto in item 156600 - as the explanation of "density"
156604-A will now be found in Section 8 of Rule 110. This change in wording
156606-A results in neither increases nor reductions in charges. Items
156608-A 156602, 156606 and 156608 brought forward without change in appli-
(D119-S170) cation.

157320-A Plastic or Rubber Articles. Note item 157446 being cancelled - as
*157342 is reference thereto in item 157320- as explanation of "density"
*157344 will now be found in Section 8 of Rule 110. This change in wording
*157348 results in neither increases nor reductions. Items 157442, 157444,
*157352 157448, 157452 canceled, and renumbered as items 157342, 157344,
157442-A 157348 and 157352, with identical wording and no change in applica-
157444-A tion, merely to place them in closer numerical proximity to item
157446-A 157320.
157448-A
157452-A
(D119-S170)

*157460 (Memo)	<u>Clippings or Scraps.</u> This item was omitted from the reissue, NMFC A-9, through error, and publication here is to restore its application.
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161852-A (Memo)	Note-Note item 161852-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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176452-A (Memo)	Note-Note item 176452-A being republished to incorporate reference to amendments to concerned ICC released rate order, which broadened application resulting from amendments results in a reduction.
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186120-A- <u>Sprags, wooden</u>	(D123-S119)	Items being canceled in the interest
190540-A- <u>Axle Beds</u>	(D123-S113)	of tariff simplification, since their
190640-A- <u>Axles, NOI, wooden</u>	(D123-S112)	provisions are obsolete. Cancellation
		will have application both to LTL and
		TL traffic. Restriction of the classi-
		fication to not apply to these commodi-
		ties per se results in a technical
		increase.

192300-A (Memo)	<u>Motorcycle Wheel Rims.</u> "in plugs" being corrected to "in package" as was originally intended. As the present wording is incapable of proper application, the correction this is merely a change in wording resulting in neither increases nor reductions in charges.
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193440-A (D-23-S105)	<u>Whip Sockets.</u> Item being canceled in the interest of tariff simplification, since its provisions are obsolete. Cancellation will have application both to LTL and TL traffic. Restriction of the classification to not apply to its commodities per se results in a technical increase.
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Pkg. 210 (D123-S183)	Package 210 amended at request of shipper to permit the use of fibre cans, which broadened application results in a reduction. Amendment recognizes current shipping practices, and will have application both to LTL and TL traffic.
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Pkg. 1363 (D123-S178)	New package 1363 added to classification at request of shipper to permit the shipment of this commodity (Item 86920) in a package not previously authorized in the classification. Addition will apply both to LTL and TL traffic.
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Pkg. 1431 (D122-S78)	New package 1431 added to classification at request of shipper to permit the shipment of these commodities (Item 111470) in a package not previously authorized in the classification. Addition will apply both to LTL and TL traffic, and results in a reduction.
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APPENDIX "B"
INDEX TO ARTICLES

Cumulative index of additions, changes and eliminations in original index, pages 128 to 212 of classification, and as amended. For list of amended items, together with their current letter suffix, see above.

ARTICLE	ITEM	ARTICLE	ITEM
<u>A</u>		<u>G</u>	
② Anhydrous	Eliminate	Globes:	
① Anhydrous, sodium	46220	② Gas	Eliminate
Attachments:		<u>H</u>	
③ Harrow, for riding		② Hounds, wooden	Eliminate
plows	v10500	<u>J</u>	
<u>B</u>		Jackets:	
Beans:		② Can	Eliminate
① Tahiti	72120	<u>K</u>	
① Vanilla	72120	Kit(s):	
Beds:		① Highway emergency	108130
② Axle, vehicle	Eliminate	<u>M</u>	
Blackboards:		Mortar(s):	
① Reversible	79110	② Pyrotechnic bomb	Eliminate
① Revolving	79110	<u>P</u>	
Block(s):		Pads:	
② Hub, wooden	Eliminate	② Upholstering,	
Boots:		macerated paper	Eliminate
② Buggy	Eliminate	Paper:	
② Buggies, lumber	Eliminate	② Fibreboard, NOI	Eliminate
<u>C</u>		② Pulpboard, NOI	Eliminate
Cabinets:		Partitions:	
② Oil, with glass globe		② Packing, NOI	Eliminate
signs	Eliminate	① Packing 54800, 54830,	68920
Chalkboards:		Parts:	
① Reversible	79110	② Carpet sweeper case	Eliminate
① Revolving	79110	Peel(s)	
Cleaner(s):		② Grapefruit	Eliminate
② Vacuum, and carpet		① Grapefruit	77300
sweepers combined	Eliminate	Plows:	
Covers:		③ Snow	190400
② Horse, burlap	Eliminate	② Snow, and motor tractor	
③ Ice Can, wooden	v123560	combined	Eliminate
<u>F</u>		Poles:	
Felloes:		② Farm Wagon	Eliminate
② Wooden	Eliminate	③ Vehicle, wooden	192520 192530
① Fibreboard, NOI	151310	① Pulpboard, NOI	151310
Frames:			
② Ice tank, wooden	Eliminate		
② Sink, wooden	Eliminate		

APPENDIX "B" - Index to Articles (concluded)

ARTICLE	ITEM	ARTICLE	ITEM
<u>R</u>		<u>T</u>	
Rails:		Tanks:	
ⓑ Arm, vehicle	Eliminate	ⓑ Refrigerator	Eliminate
Ⓒ Reaches, vehicle	192570	ⓑ Water cooler	Eliminate
Reels:		Tires:	
ⓑ Wire, military field	Eliminate	ⓑ Railway velocipede	Eliminate
Rims:		Tongues:	
ⓑ Sink	Eliminate	ⓑ Farm Wagon	Eliminate
ⓑ Tub	Eliminate	Ⓒ Vehicle, wooden	192520
ⓑ Wheel, wooden	Eliminate	Tractors:	
		ⓑ Motor, railway	Eliminate
		ⓑ Motor, and snow plow combined	Eliminate
<u>S</u>		Trays:	
Scrapers:		ⓑ Factory, incandescent lamp	Eliminate
Ⓒ Drag 122340, 125580, v125680		Trucks:	
Sockets:		Ⓒ Hay Curing	v10500
ⓑ Whip	Eliminate	ⓑ Rocking Chair	Eliminate
Ⓒ Sprags 186100			
ⓑ Sweepers, carpet and vacuum cleaners combined	Eliminate		
		<u>V</u>	
		ⓑ Vestibules, car, railway	Eliminate

RULES

RULE 110

DEFINITIONS AND EXPLANATION OF TERMS
PUNCTUATION AND REFERENCES

xxxxx •Sec. 8. "Density." Where classes are applicable according to the density of articles as tendered for shipment, the word "density" means "pounds per cubic foot." The cubage of loose articles or pieces, or packaged articles shall be determined by multiplying the greatest straight-line dimensions (not circumferential) of length, width and depth in inches, including all projections, and dividing by 1728 cubic inches (one cubic foot). The density shall be the result of the division of the weight per article, piece or package by the cubage ascertained.

RULE 260 - SPECIFICATIONS FOR ALUMINUM BARRELS OR DRUMS AND
STEEL BARRELS, DRUMS, BUCKETS, FIRKINS, KITS OR
PAILS

(a) Barrels, buckets, firkins, drums, kits or pails must comply with the following requirements, except single trip containers as provided in paragraph (b). Regulations of the ICC for the transportation of explosives and other dangerous articles (see DAT) by freight and the specifications for shipping containers thereof must be observed.

Rated (marked) capacity of steel barrels, drums, buckets, firkins, kits or pails	Minimum thickness of Steel U. S. Standard Gauge	
	For dry or solid articles other than single trip	For other than dry or solid articles Note 1
See Note 5	Note 1	
Under 5 gallons capacity	28 gauge	26 gauge (Note 7)
5 gallons to and including 7 gallons capacity (Note 2, Rule 255)	26 gauge	26 gauge (Note 7)
Over 7 gallons to and including 10 gallons capacity	26 gauge	22 gauge
Over 10 gallons to and including 20 gallons capacity	24 gauge	20 gauge
Over 20 gallons to and including 25 gallons capacity	23 gauge	20 gauge
Over 35 gallons to and including 57 gallons capacity	22 gauge	18 gauge (Notes 2, 3 and 4)
Over 57 gallons to and including 75 gallons capacity	20 gauge	16 gauge
Over 75 gallons to and including 110 gallons capacity	20 gauge	14 gauge
Over 110 gallons but not exceeding 165 gallons capacity	18 gauge	12 gauge
All steel drums, buckets, firkins, kits, or pails for other than dry or solid articles must have side seams welded.		
Capacity of aluminum barrels or drums, with or without steel jackets	Minimum thickness of aluminum B & S Gauge	
	Sides	Ends
To and including 10 gallons capacity	16 gauge	16 gauge
Over 10 gallons to and including 35 gallons capacity	14 gauge	14 gauge
Over 35 gallons to and including 55 gallons capacity	10 gauge	10 gauge
Over 55 gallons to and including 110 gallons capacity	8 gauge	8 gauge

(Continued)

XXXXX

② Note 2 - Steel drums over 30 gallons to and including 57 gallons rated (marked) capacity, see Note 5, other than full open head type, manufactured from steel not less than .0239 inch in thickness may be used providing that contiguous, parallel, geometrically similar, circumferential beads are so expanded in the entire height of the sidewall that the surface length of the steel in the axial direction does not change more than 1 percent. Heads and bottoms must be without corrugation or beading and without convexity. Each chime must be reinforced with an 18 gauge steel band that is an integral part of the double seam, resulting in a chime cross section containing eight layers of steel. The reinforcing band shall follow and support the knuckle radius of the head and bottom with the inside edge upturned so that it does not contact the adjacent portions of the head or bottom.

RULE 296 - FIBRE DRUMS FOR LIQUIDS OR ARTICLES IN LIQUIDS

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Note 3 - Type A drum must have rubber or resilient gasketed steel cover and locking band, with or without metal or plastic bung closures, and must be equipped with a plastic liner of semi-rigid nature conforming to the drum contour and meeting the following requirements as to minimum thickness at points indicated:

Minimum thickness of plastic liner (inches)		
Location in liner	For size not over 35 gallons	For size over 35 gallons but not over 55 gallons
Top chime	.012	.015
Bottom	.018	.025
Sidewall, except 2 3/4 inches at top and 4 1/2 inches at bottom	.005	...
Sidewall, 2 3/4 inches from top and 4 1/2 inches from bottom	.015	...
Sidewall, except 3 1/2 inches at top and 5 1/4 inches at bottom	...	.007
Sidewall, 3 1/2 inches from top and 5 1/4 inches from bottom	...	.021

♦ OR

Drum must have permanently secured steel cover, or full removable steel cover secured by locking band, with or without metal or plastic bung closures and must be equipped with a plastic liner conforming to the drum contour and meeting the following requirements.

A semi-rigid plastic molded one-piece liquid-tight liner having minimum thickness of not less than .015 inch, or semi-rigid plastic molded one-piece full open head liner having a minimum thickness of not less than .015 inch.

When used with full open head type plastic liner, covers must be equipped with rubber or resilient plastic gasket to effect a liquid-tight seal. When used with liquid-tight plastic liner, cover gasket may be omitted.

8 RULE 535

EXPIRATION DATES

Rules, items, or other provisions, making reference hereto, expire with the date indicated below, unless sooner cancelled, changed or extended.

Rule, Item or Package	Provisions which expire	Date expiring
Rule 260	8 Provisions of Note 2	November 22, 1968
Rule 310	Provisions of Note 4	8 April 18, 1967
Item 134215	All provisions of item	December 18, 1966
Item 134216	All provisions of note	December 18, 1966
Item 134217	All provisions of note	December 18, 1966
Package 500	All provisions of package	July 31, 1969

(cancels Rule 595, page 235 of classification)

• RULE 595

MAXIMUM CHARGE

In no case shall the charge for any shipment from and to the same points, via the same route of movement, be greater than the charge for a greater quantity of the same commodity in the same shipping form and subject to the same packing provisions at the rate and weight applicable to such greater quantity of freight.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
	AGRICULTURAL IMPLEMENTS, OTHER THAN HAND, GROUP, subject to Item 8900:			
9620-A	Harrow attachments for riding plows. ♦ Cancel. Obsolete.			
9710-A	Hay Curing Trucks. ♦ Cancel. Obsolete.			
20480-A	Bags, Envelopes, Packets or Pouches, see Note, Item 20483, or Wrappers, see Note, Item 20484, flat, folded flat, or in rolls requiring separa- tion into individual units, with or without complement of bag ties:			
Sub.1	Laminated construction NOI, see Note, Item 20482, in boxes	70	37½	30.2
Sub.2	Cellulose or plastic film, separate or combined, or combined with paper, with or without coating of wax, plastic, lacquer or similar materials:			
Sub.3	In individually packaged retail sales units, in boxes, having a density of less than 15 *pounds per cubic foot	85	50	20.2
Sub.4	NOI, in boxes, crates or wrapped bundles	60	37½	30.2
Δ 20482-A	Note - Applies only when composed of the follow- ing materials, with or without coatings of wax, plastic, lacquer or similar materials: Paper and foil and cellulose or plastic film; or foil and cellulose or plastic film.			
Δ 20483-A	Note - Not applicable to traveling or carrying bags or cases, brief cases, portfolios or en- velope-type carrying pouches.			
Δ 20484-A	Note - Wrappers of cellulose or plastic film, combined or not combined with paper, not printed, not further processed than cut to size, will be classed as plastic film or sheeting not printed, or as the case may be.			

CHINA GROUP, subject to item 47490:

Chinaware, Earthenware, Porcelainware or Stoneware, NOI, subject
to item 47500:

- 47514-A Note - The released value must be entered on shipping order and
bill of lading in the following form:
"The agreed or declared value of the property is hereby speci-
fically stated by the shipped to be not exceeding \$20.00 per
100 pounds."
(Classes herein based on released value have been authorized by
the Interstate Commerce Commission in Released Rates Orders
MC No. 1 of January 16, 1936, as amended October 20, 1948,
and August 9, 1966, and FF No. 2 of January 19, 1943, subject
to complaint or suspension.)

CLAY GROUP, subject to item 47900:

Ore, NOI, subject to item 48390:

- 48392-A Note - The value declared in writing by the shipper, or agreed upon
in writing as the released value of the property, as the case may
be, must be entered on shipping order and bill of lading as follows:
"The agreed or declared value of the property is hereby specifically
stated by the shipper to be not exceedingper pound."
(Classes herein based on released value have been authorized by the
Interstate Commerce Commission in Released Rates Orders MC No. 1
of January 16, 1936, as amended October 20, 1948, and August 9,
1966, and FF No. 2 of January 19, 1943, subject to complaint or
suspension.)

Item	ARTICLES	CLASSES		
		LTL	TL	NW
52750-A	CONTAINERS, ♦ SHEETSTEEL, GROUP: Articles consist of Containers, sheet iron or steel, set up (with or without their equipment of bails, handles, covers, bungs or nozzles), See Note, item 52752, as described in items subject to this grouping.			
▲ 52752-A	<u>Note</u> - The term "liquid capacity" refers to those known as rated (marked) capacity.			
69020-A	Filtering Discs, cotton, cotton and rayon, or cellulose, in packages compressed to, or having a density of:			
Sub. 1	Less than 6 pounds per cubic foot,▲see Notes, items 69024 and 69026	200	110	10.1
Sub. 2	6 pounds or over per cubic foot, but less than 12 pounds per cubic foot, see Notes, items 69024 and 69026.	100	85	20.1
Sub. 3	12 pounds or over per cubic foot, but less than 15 pounds per cubic foot, see Notes, items 69024 and 69026.	85	70	24.1
Sub. 4	15 pounds or over per cubic foot, see Note, item 69024	70	50	24.2
69022-A	<u>Note</u> - ▲Cancel. See Sec. 8 of Rule 110.			
▲ 69024-A	<u>Note</u> - Shipper must certify on shipping order and bill of lading as follows: "The density of the filtering discs, cotton and rayon, or cellulose is hereby stated to be 'less than 6 pounds', '6 pounds but less than 12 pounds,' '12 pounds but less than 15 pounds,' or '15 pounds or over'(as the case may be)."			
▲ 69026-A	<u>Note</u> - The charge for a package or piece of a lesser density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the weight which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances the following certification must be shown on shipping orders and bills of lading at time of shipment: "The cubage of the individual packages or pieces in this shipment which are subject to classes applicable to a specific density group is _____ (Insert cubage in feet)---and the declared density is _____ (Insert declared density).... and a resultant weight of _____ (Insert weight for billing purposes)"			
FLOOR COVERINGS OR RELATED ARTICLES, subject to item 70500:				
Rugs, NOI, subject to item 71000:				
71002-A	<u>Note</u> -The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading, as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per 100 pounds." (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint of suspension.)			

Item	ARTICLES	CLASSES		
		LTL	TL	MW
FOODSTUFFS GROUP, subject to item 72000:				
73840-A	Meat Substitutes, processed from vegetables, soya bean products, peanuts, grain products or seasoning, in glass or metal cans in barrels or boxes, or in metal cans in crates, or in Package 500.	60	35	36.2
FRUITS OR VEGETABLES, DRIED, GROUP, subject to item 77000:				
77260-A	Peas, *Canada field, dried, in bags	60	35	36.2
FURNITURE GROUP, subject to item 79000:				
79110-A	Blackboards (Chalkboards), portagle, revolving or reversible, on stands:			
Sub.1	SU, in Packages 1F, 2F, 3F, 5F, 21F, 28F, 30F, or 37F	100	See item 82700	
Sub.2	KD or folded flat, in Packages 1F, 2F, 3F, 5F, 21F, 25F, or 30F	85	See item 82700	
GLASS, subject to item 86500:				
86920-A	Glass, window, NOI, other than plate glass, not framed, not leaded, see Note, item 86752, not laminated nor silvered for mirrors:			
Sub.1	Plain, colored, chipped, decorated, etched, ground, sandblasted or tempered:			
Sub.2	Bent NOI, or circular or oval and convex, in boxes	85	55	30.2
Sub.3	Not bent, in boxes or crates, see Note, item 86922, or in package 195: also TL, in packages 227,300, 301,398, 1339 or 1363	65	35	40.2
A 86922-A	Note - TL provisions will also apply when glass is shipped on its flat surface in wooden boxes on pallets.			
GRAPHITE ARTICLES GROUP, subject to item 89850:				
Crucibles, subject to item 89930:				
89934-A	Note - The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ cents per pounds." If consignor declines to declare value or agree to released value in writing of crucibles packed in excelsior, hay, straw or similar packing material, but not braced, the shipment will not be accepted. (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint or suspension.)			
HARNESS OR SADDLERY GROUP, subject to item 97740:				
97860-A	Covers, horse, burlap. *Cancel. Obsolete.			

Item	ARTICLES	CLASSES		
		LTL	TL	MW
	HOUSEHOLD GOODS GROUP, subject to item 100200: Household Goods, subject to item 100260:			
100292-A	Note - If consignor declines to release each article in the shipment to a value not exceeding \$5.00 per pound, the shipment will not be accepted. The release, which shall be deemed to relate to each article separately and not to the shipment as a whole, must be entered on shipping order and bill of lading in the following form: "The agreed or declared value of each article in this shipment is hereby specifically stated by the shipper to be not exceeding _____ per pound." (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-314, as amended April 23, 1952, and August 9, 1966, FF-56, of September 14, 1950, subject to complaint or suspension.)			
*108130	KITS, highway emergency, consisting of fire extinguisher, pressurized tire puncture sealant, electric fuses, fireworks fuzes or flares, and signal flag, in boxes	70	40	24.2
	LEATHER OR LEATHERBOARD, subject to item 110600: Leather Scrap, NOI, subject to item 110800:			
110802-A	Note - The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ cents per pound." If consignor declines to declare value or agree to released value in writing, the shipment will not be accepted. (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint or suspension.)			
	LIQUORS, BEVERAGE, subject to item 111400:			
111470-A	Liquors, Malt: Ale, Beers, Beer Tonic, Porter, Stout or non-intoxicating Cereal Beverage, in glass in bottle carriers with tops securely fastened, see Note, item 111473, in glass or metal cans in barrels or boxes, in metal dispensing containers less than 5 gallons capacity in carriers made of 500-pound test solid fibreboard, in boxes enclosed in crates, or in bulk in barrels; also TL, in open top carriers, or in metal cans in fibre boxes, not sealed, or in Packages 174, 186, 238, 788, 966, 1145, 1155, 1162, 1257, 1261, 1360, 1376 or 1431	65	35	50.2
Δ 111473-A	Note - Bottle carrier containers made of fibreboard need not meet the certificate requirements of Rule 220 and Rule 290 but must be equipped with partitions full shoulder height of the bottles loaded therein. Such partitions must touch all four sides of the carrier. Inner packaging must comply with Rule 290 or Package 174.			

Item	ARTICLES	CLASSES		
		LTL	TL	MW
LUMBER GROUP, subject to item 112000:				
112500-A	Felloes, wooden. ♦ Cancel. Obsolete			
112700-A	Hounds, wooden. ♦ Cancel. Obsolete			
112720-A	Hub Blocks, wooden. ♦ Cancel. Obsolete.			
113040-A	Poles, vehicle. ♦ Cancel. Obsolete.			
113550-A	Wheel Rims. ♦ Cancel. Obsolete.			
MACHINERY GROUP, subject to item 114000:				
Grading or Road Making Implements,				
subject to item 122000:				
122340-A	♦ Scrapers, NOI, drag, horse or tractor drawn, not wheeled	77½	45	24.2
122350-A	Horse drawn. ♦ Cancel. See item 122340.			
122360-A	Tractor drawn. ♦ Cancel. See item 122340.			
PAINTINGS OR PICTURES, NOI, subject to item 149420:				
149422-A	<u>Note</u> - The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding -----per pound." (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint or suspension)			
PLASTIC OR RUBBER ARTICLES, OTHER THAN EXPANDED, GROUP, subject to item 156500:				
156600-A	Articles NOI, in barrels, boxes or crates, see Note, item 156602:			
Sub 1	LTL, having a density of:			
Sub 2	Less than 2 pounds per cubic foot, see Notes. ♦ items 156606 and 156608	300		
Sub 3	2 pounds per cubic foot, but less than 4 pounds, see Notes, ♦ items 156606 and 156608	250		
Sub 4	4 pounds per cubic foot, but less than 6 pounds, see Notes, ♦ items 156606 and 156608	150		
Sub 5	6 pounds per cubic foot, but less than 12 pounds, see Notes, ♦ items 156606 and 156608	100		
Sub 6	12 pounds or greater per cubic foot, see ♦ Note, item 156606	85		
Sub 7	TL		(100 (70 (60 (45	10.2 16.2 21.2 30.2
△ 156602-A	<u>Note</u> -Empty carboys may be shipped in barrels, boxes, or crates with carboy necks projecting. Plastic drums of 15 gallon capacity or greater may be shipped loose.			
156604-A	<u>Note</u> -Cancel. See Sec. 8 of Rule 110.			
△ 156606-A	<u>Note</u> - Shipper must certify on shipping order and bill of lading as follows: 'The density of the plastic or rubber articles NOI, other than foam, cellular, expanded or sponge, is hereby stated to be 'Less than 2 pounds,' '2 pounds but less than 4 pounds,' '4 pounds but less than 6 pounds,' '6 pounds but less than 12 pounds,' or '12 pounds or greater' (as the case may be)." (concluded on page 10b)			

Item	ARTICLES	CLASSES		MW
		LTL	TL	
Δ 156608-A	Note - The charge for a package or piece of a lesser density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the rate which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances the following certification must be shown on shipping orders and bills of lading at time of shipment: "The cubage of the individual packages or pieces in this shipment which are subject to classes applicable to a specific density group is _____ (insert cubage in feet) _____ and the declared density is _____ (insert declared density) _____ at a resultant weight of _____ (Insert weight for billing purposes)-----"			
PLASTIC OR RUBBER ARTICLES OR MATERIALS, EXPANDED GROUP, subject to item 157300:				
•157320-A	Articles, NOI, see Note, item 157344; Clippings or Scraps, other than in machine compressed bales: Insulation, see Notes, items 157342 and 157344; Pads or Padding, upholstering or other than upholstering, NOI, see Note, item 157344; Forms, other than articles, viz., Beads. Blocks, other than sponge rubber, see Notes, items 157342 and 157344, Flakes or granules, Floats, Ground, Plates, with or without binder, see Notes, items 157342 and 157344, Rods, see Note, item 157342, Sheets, other than sponge rubber, with or without binder, see Notes, items 157342 and 157344. Shredded. Slabs, other than sponge rubber, with or without binder, see Notes, items 157342 and 157344. Tubes or tubing, see Note, item 157342, Forms or shapes, NOI, with or without binder, see Notes, items 157342 and 157344;			
Sub 1	LTL, in barrels, boxes or bags or paper bags having a density of:			
Sub 2	Less than 2 pounds per cubic foot, see Notes, Items 157348 and 157352 300			
Sub 3	2 pounds per cubic foot, but less than 4 pounds, see Notes, items 157348 and 157352 250			
Sub 4	4 pounds per cubic foot, but less than 6 pounds, see Notes, items 157348 and 157352 150			
Sub 5	6 pounds per cubic foot, but less than 12 pounds, see Notes, items 157348 and 157352 100			
Sub 6	12 pounds or greater per cubic foot, see Note, Item 157348 85			
Sub 7	TL	(100	10.2	
		(70	16.2	
		(60	21.2	
		(45	30.2	

(concluded on Page 11b)

Item	ARTICLES	CLASSES		
		LTL	TL	MW
* 157342	<p><u>Note</u> - Blocks, plates, sheets, rods, tubes or other shapes may be shipped in bales; boards, logs, planks, plates, sheets or slabs constituting a shipment of 1300 cubic feet or greater may be shipped loose. Logs or slabs constituting a shipment of 600 cubic feet or greater may be shipped loose when each piece contains at least 18 cubic feet. Expanded foam plastic, when density does not exceed one pound per cubic foot, may be shipped in four-mil plastic bags.</p>			
* 157344	<p><u>Note</u> - Also applies when faced one or both sides with other materials.</p>			
* 157348	<p><u>Note</u> - Shipper must certify on shipping order and bill of lading as follows:</p> <p>"The density of the foam, cellular, expanded or sponge plastic or rubber articles or materials is hereby stated to be 'Less than 2 pounds,' '2 pounds, but less than 4 pounds,' '4 pounds, but less than 6 pounds,' '6 pounds, but less than 12 pounds,' or '12 pounds or over' (as the case may be)."</p>			
* 157352	<p><u>Note</u> -The charge for a package or piece of a lessor density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the weight which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances the following certification must be shown on shipping orders and bills of lading at time of shipment:</p> <p>"The cubage of the individual packages or pieces in this shipment which are subject to classes applicable to a specific density group is _____ (Insert cubage in feet) _____ and the declared density is _____ (Insert declared density) _____ at a resultant weight of _____ (Insert weight for billing purposes.) _____"</p>			
157442-A	<u>Note</u> - ▲ Cancel. See item 157342.			
157441-A	<u>Note</u> - ▲ Cancel. See item 157344.			
157446-A	<u>Note</u> - ▲ Cancel. See Sec. 8 of Rule 110.			
157448-A	<u>Note</u> - ▲ Cancel. See item 157348.			
157452-A	<u>Note</u> - ▲ Cancel. See item 157352.			
* 157460	Clippings or Scraps, in machine compressed bales	50	35	30.2

PRINTED MATTER GROUP, subject to item 161500:

Printed Matter, subject to item 161850:

161852-A Note - The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading, as follows:

"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per pound."

(Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rate Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint or suspension.)

Item	ARTICLES	CLASSES		MW
		LTL	TL	
176452-A	SILK, subject to item 176450: <u>Note</u> - The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on shipping order and bill of lading, as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per pound." (Classes herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Orders MC No. 1 of January 16, 1936, as amended October 20, 1948, and August 9, 1966, and FF No. 2 of January 19, 1943, subject to complaint or suspension.)			

186120-A	<p>TOOLS, OR PARTS NAMED, subject to item 183550:</p> <p>Sprags, wooden. ♦ Cancel. Obsolete</p>			
190540-A	<p>VEHICLE PARTS, subject to item 190500:</p> <p>Axle Beds. ♦ Cancel. Obsolete.</p> <p>Axles, NOI, subject to item 190600:</p>			
190640-A	<p>Wooden, in the white. ♦ Cancel. Obsolete.</p>			
192300-A	<p>Motorcycle Wheel Rims:</p>			
Sub 1	Unfinished. in ♦ packages; also TL, loose	100	55	20.2
Sub 2	Finished, LTL, in boxes or crates;			
	TL, loose or in packages	150	55	20.2
193440-A	<p>Whip Sockets. ♦ Cancel. Obsolete.</p>			

SPECIFICATIONS FOR NUMBERED PACKAGES

Miscellaneous

(Cancels "Package 210," page 578 of classification)

Package 210

In six 1-gallon fibre or metal cans in corrugated fibreboard boxes testing not less than 200 pounds with top flaps not more than three inches apart and bottom flaps meeting. All flaps must be glued to entire area of contact. Weight of the box and contents must not exceed 55 pounds.

(Add Package 1363 to page 608 of classification.)

Package 1363

TL shipments of window glass not exceeding 80 united inches may be shipped in corrugated fibreboard boxes testing not less than 275 pounds. All edges of glass to be protected inside the box with 3/4-inch fibreboard wallboard around the entire perimeter.

Corners of glass to be further protected with corrugated corner caps. Gross weight not to exceed 100 pounds.

(Add "Package 1431" to page 608 of classification)

Package 1431

In glass bottles, not exceeding 12 ounces net weight capacity, enclosed in 6-pack inner cartons made of solid paperboard not less than .024 inch thick; OR in glass bottles exceeding 12 but not exceeding 16 ounces net weight capacity in 6-pack inner cartons made of solid paperboard not less than .028 inch thick. Inner cartons must have die-cut holes or area through which bottle necks are firmly positioned. Inner cartons must be inserted in tray, full height of bottle, made of corrugated fibreboard testing not less than 175 pounds, but not more than four 6-pack cartons per tray.

EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

Abbreviation	EXPLANATION	Reference Mark	EXPLANATION
AQ	Any quantity.	⋮	Indicates reduction.
Avdp.	Avoirdupois.	⬆	Indicates increase
B&SG	Browne & Sharpe gauge.	⬆	Indicates change in wording which results in neither increases nor reductions.
BWG	Birmingham wire gauge.		
COD	Collect on delivery.		
Cont.	Continued.	*	Indicates new item.
Cu.ft.	Cubic foot.	o	degree
DAT	Dangerous Articles Tariff, as defined in Rule 540.	∅	Applicable only on traffic having origin, destination and entire transportation in the following territory, viz.: Points in Illinois, Louisiana, (west of Mississippi Riv. only), upper peninsula of Michigan, Minnesota, Wisconsin, and all points west of the Mississippi River. All other traffic is subject to rates and regulations of individual carriers.
d/b/a	Doing business as.		
etc.	Et cetera (and other things, or the rest; and so forth).		
F	Fahrenheit.		
ICC	Interstate Commerce Commission		
incl.	Inclusive.		
KD	Knocked down.		
LTL	Less than truckload.		
Min.wt.	Minimum weight.		
NMFC	National Motor Freight Classification.	%	Indicates percent.
NOI	Not more specifically described herein.	v	Indicates mixed articles entry.
Oz.	Ounces.	(a)	Except as noted.
RSorL	Classed the same or lower.	(E)	Subject to expiration date shown in Rule 530.
r.p.m.	Revolutions per minute.	(F)	Indicates water carrier operating under ICC jurisdiction.
(S)	Applies only as "South" class (See Rule 420.)	(H)	Indicates railroad.
Sec.	Section.	(K)	Indicates freight forwarder.
sq.	Square.	(MW)	Minimum weight factor, see Rule 997.
sq. ft.	Square foot.	(S)	Under Suspension
sq. in.	Square inch.	XXXXX	Indicates portions applicable but not shown here as not pertaining to this decision.
SU	Set up.		
TL	Truckload.		
t/d/b/a	Trading and doing business as.		
U.S.	United States.		
U.S.S.G.	United States Standard Gauge.		
viz.	namely.		
Vol.	Volume.		
vs.	versus.		

⋮ Effective October 17, 1966

⋮ Effective October 21, 1966

- ☐ Matter in this item is brought forward without change in application from item being cancelled.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAN KAWCAK, 445 RANNEY, CRAIG, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22167-PP

November 22, 1966

Appearances: Dan Kawcak, Craig, 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.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of the application, stating that if authority herein sought is granted, special carriage contracts will be entered into to provide needed and specialized service with certain shippers who have requested the herein proposed service; that he has ample and suitable equipment, sufficient net worth and operating experience with which to conduct said proposed operation.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

ORDER

THE COMMISSION ORDERS:

That Dan Kawcak, Craig, 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, provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; also, coal, from Colowyo Coal Mine located near Axial, Colorado, to Craig, Colorado, and a 50-mile radius thereof; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

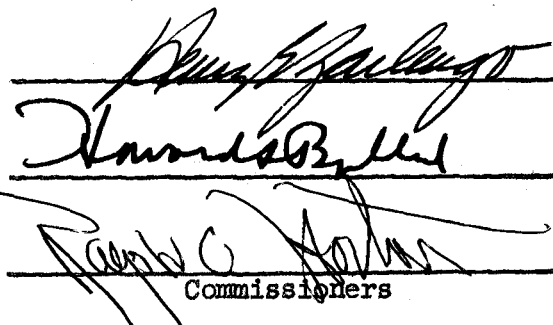
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1966.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DUANE C. VINEY, 131 HARTMAN, FORT)
COLLINS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22242-PP

November 22, 1966

Appearances: Duane C. Viney, 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.

Said application was regularly set for hearing before the Commission, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of the application, stating that if authority herein sought is granted, special carriage contracts will be entered into to provide needed and specialized service with certain shippers who have requested the herein proposed service; that he has ample and suitable equipment, sufficient net worth and operating experience with which to conduct said proposed operation.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Duane C. Viney, 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 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, provided, however, that transportation of road-surfacing materials shall be restricted against the use of tank vehicles; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

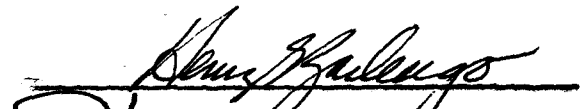
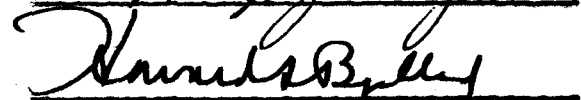
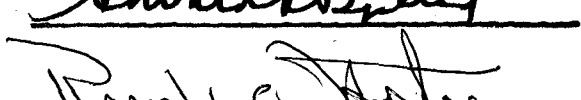
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966.

et

(Decision No. 68549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAROLD E. WATSON, JR., DOING BUSINESS)
AS "WATSON TRANSPORT COMPANY," 816 WEST)
6TH AVENUE, LOVELAND, COLORADO.)

CASE NO. 5328

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1966, the Commission entered Decision No. 68172 continuing the above-entitled case for hearing to December 6, 1966, at ten o'clock A.M., at 532 State Services Building, Denver, Colorado.

The Commission has received a written request from Raymond B. Danks, Attorney for Respondent, requesting that said case be continued until January 6, 1967.

The Commission states and finds that said request is compatible with the public interest and should be granted and that the above-entitled case should be continued and reset for hearing on January 6, 1967, as set forth in the Order following.

ORDER

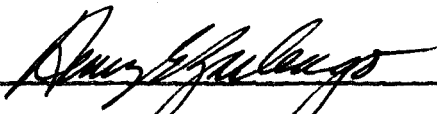
THE COMMISSION ORDERS:


That hearing on the above-entitled case presently set for December 6, 1966, be, and the same hereby is, vacated.


That said case be, and the same hereby is, continued and reset for hearing on January 6, 1967, at 10:00 o'clock A.M., at 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT GARTNER, DOING BUSINESS AS)
"RANCH & FARM SUPPLY," GRAND ISLAND,)
NEBRASKA, FOR AUTHORITY TO TRANSFER) PUC NO. 5652-I-Transfer
INTERSTATE OPERATING RIGHTS TO RANCH &)
FARM LINES, INC., MUNICIPAL AIRPORT,)
GRAND ISLAND, NEBRASKA.)

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Robert Gartner, doing business as "Ranch & Farm Supply," Grand Island, Nebraska, was granted a certificate to operate as a common carrier by motor vehicle for hire, PUC No. 5652-I, authorizing:

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 certificate-holder now seeks authority to transfer PUC No. 5652-I to Ranch & Farm Lines, Inc., Grand Island, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and 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


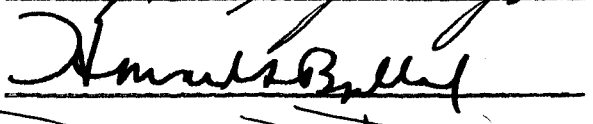
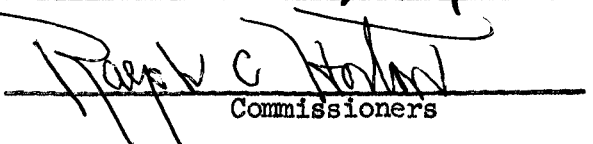
THE COMMISSION ORDERS:

That Robert Gartner, doing business as "Ranch & Farm Supply," Grand Island, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 5652-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to

Ranch & Farm Lines, Inc., Grand Island, Nebraska, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to encumbrances, if any, against said certificate approved by this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966
et

(Decision No. 68551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE JOINT HOURLY AND DISTANCE COMMODITY)
RATES FOR THE TRANSPORTATION OF UNCRATED)
AND UNPACKED MIXED SHIPMENTS OF USED,)
SECONDHAND PERSONAL EFFECTS AND PROPERTY)
BETWEEN POINTS IN THE STATE OF COLORADO)
AND POINTS IN THE CITY AND COUNTY OF)
DENVER, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 579

November 22, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 24, 1966, the Commission entered Decision No. 68411 in the above-styled matter, which, among other things, set the herein matter for hearing on December 1, 1966, at 10:00 o'clock A.M., at 532 State Services Building, Denver, Colorado.

The Commission is in receipt of a communication from Joseph F. Nigro, Attorney at Law, requesting that the hearing presently set for December 1, 1966, be continued and reset for hearing at a future date to be determined by the Commission.

The Commission states and finds that the hearing date on the above-styled matter presently set for December 1, 1966, as specified by Decision No. 68411, should be vacated and that said hearing be held on December 6, 1966, as set forth in the Order following.

O R D E R

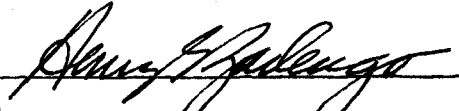
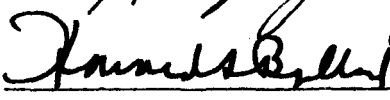

THE COMMISSION ORDERS:

That the hearing on the above-styled matter presently set for December 1, 1966, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, reset for hearing on December 6, 1966, at 2:00 o'clock P.M., at 532 State Services Building, Denver, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1966.
gh

(Decision No. 68552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
GEORGE E. WOLFE, DOING BUSINESS AS }
"WOLFE TRUCKING CO.," 916 EAST 2ND }
STREET, FLORENCE, COLORADO, FOR }
AUTHORITY TO EXTEND OPERATIONS }
UNDER PERMIT NO. B-5482. }

APPLICATION NO. 22131-PP-Extension

November 22, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 19, 1966, the Commission entered Decision No. 68377 in the above-styled matter dismissing Application No. 22131-PP-Extension unless a written request for hearing was filed with the Commission by the applicant on or before November 19, 1966.

On November 19, 1966, Leland M. Coulter, Attorney for the applicant, filed a written request for hearing at the Commission's convenience.

The Commission states and finds that said request should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 68377, dated October 19, 1966, be, and the same hereby is, vacated, set aside and held for naught.

That Application No. 22131-PP-Extension be, and the same hereby is, reset for hearing before the Commission at 10:00 o'clock A.M.,

December 5, 1966, at the Bankruptcy Court Room, 315 Post Office Building,
Pueblo, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Galloway
Harold B. Miller
Ralph C. Baker
Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1966.
gh

(Decision No. 68553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE }
ACTIONS INSTITUTED BEFORE THE COMMISSION }
FOR AUTHORITY TO OPERATE AS COMMERCIAL }
CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE) }
OVER THE PUBLIC HIGHWAYS OF THE STATE OF }
COLORADO. }

November 22, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the herein-
after stated corporations, partnerships, and/or persons as specifically set
forth in the Order part of this Decision have paid to the Commission the
required filing fee for authority to operate as a Commercial Carrier by Motor
Vehicle (not for hire) over the public highways of the State of Colorado but
have either (1) failed to file an application requesting such authority or
(2) have failed, after filing an application for such authority, to file
either a request for identification cards or the required certificate of
insurance -- all of which is required by law and the Commission's Rules and
Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the
above -- further disclose that all of said corporations, partnerships, and/or
persons have previously been duly notified by the Commission of their failure
to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore
instituted before the Commission by the corporations, partnerships, and/or
persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

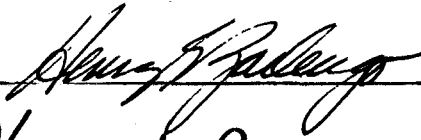
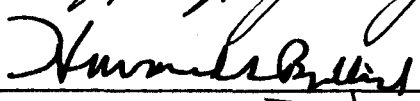

The Anaconda Company c/o Hollan & Hart, Esqs.	Equitable Building Denver, Colorado 80202
John Aragon	P. O. Box 133 Olney Springs, Colorado 81062
Aspen Consolidated Mining Company	Box 1943 Aspen, Colorado 81611
Richard V. & George W. Belt dba Belt Salvage Company	Box 1015 Cortez, Colorado 81326
Jake Bettger Cecil Bettger	Steamboat Springs, Colorado 80477
Robert D. Crawell dba Bob's Truck Service	309 Oak Burlington, Colorado 80807
Cash Trucking Company	1109 - 18th Street Pueblo, Colorado 81001
Celanese Plastic Company A Division of Celanese Corp.	142 Parsons Avenue Columbus, Ohio 43215
George Chapo dba Chapo's Salvage & Used Auto	3707 East 8th Pueblo, Colorado 81001
Chemical Service Inc.	P. O. Box 43 Farmington, New Mexico 87401
Bill Combs	P. O. Box 261 Lamar, Missouri 64759
Com-Tel Construction Inc.	1721 West Monroe Decatur, Indiana 46733
Bobby Cook dba Cook's Produce	General Delivery Eagleville, Missouri
John & Arlie Curry dba Curry Brothers	1523 East Admiral Place Tulsa, Oklahoma 74102
W. C. Dellis	Goldhwaite, Texas
Doskocil Sausage Inc.	9 North Main Street Hutchinson, Kansas 67501
Taylor & Evans Inc. dba Golden Acres Fertilizer Company	Box 127 Tulia, Texas

Grand Trucking Co. Inc. dba Grand Piano Company Inc.	P. O. Box 842 Morgantown, North Carolina 82655
Tony Guarjaro	2709 - 66th Lubbock, Texas 79408
Robert B. Hall dba H & W Trailer Sales	259 Overland Avenue Bruley, Idaho 83318
Joe Hall	5317 - 23rd Lubbock, Texas 79408
R. J. Helfrich Enterprizes Inc.	29 Niblick Lane Littleton, Colorado 80120
John Harrera	526 Corona Pueblo, Colorado 81005
Pat & Dean Holly dba Holley Company Ltd.	5019 - 48th Street Lubbock, Texas 79408
J. T. Hull	1811 - 5th Lubbock, Texas 79408
International Commercial Sales	10 S W First Galva, Illinois 61432
Leo Jacoby	1295 Stuart Street Denver, Colorado 80204
John S. & John D. Johnson dba Johnson Construction Company	Nylen Acres Leadville, Colorado 80461
Ray A. King	1118 West Gregory Phoenix, Arizona 85041
Lorence I. Larson	917 Blake Avenue Glenwood Springs, Colorado 81601
George E. Livingston	828 Broadside Drive Cortez, Colorado 81321
Loyal Tee Corp.	1635 Cassopolis Street Elkhart, Indiana 46514
Marvin & Melvin Foster dba M & M Foster	Box 717 Sterling, Texas 76951
Cecil W. Mason	26½ - 25th Street Oklahoma City, Oklahoma 73102
Denver Donut Inc. dba Mister Donut	89 Providence Highway Westwood, Massachusetts 02090
Richard M. Morris	Box 362 Chickasha, Oklahoma 73018
Marcus D. Muirheid	Route 2 Yuma, Colorado 80759
H. M. Oaks	1023 East Fifth Street Ada Oklahoma

J. K. Johnston & James R. McDonald dba Oasis Company	Box 2024 Farmington, New Mexico 87041
Plain Foods Inc.	Box 516 Plainview, Texas 79072
James Wilford Rains	Route 1, Box 213A Brighton, Colorado 80601
Raton Tire Service	1125 South Second Street Raton, New Mexico 87740
Erwin Reinert dba Reinert Truck Line	111 West Lincoln Avenue Lincoln, Kansas
Elmer Rose dba Rose Alignment	Box 295 Uton, Wyoming 82830
Southern Wire Inc.	P. O. Box 979 Quincy, Florida 32351
Sprial Pipe Mfg. Co. Inc.	P. O. Box 247 Farmington, New Mexico 87401
J. Stafos dba J. Stafos Produce	Bethel, Kansas 66009
Stanley Gordon Coal Company Inc.	P. O. Box 936 Rangely, Colorado 81648
Stern Jacob & Sons Inc.	Box 9359 Houston, Texas 77011
Kenneth Stout	Route 5 Guthrie, Oklahoma
Otis Stout	Route 5 Guthrie, Oklahoma
D. B. Clark & Paul Riebold dba T-Bird Mining Company	Box 24 Ridgway, Colorado 81432
Myles Taladay dba Taladay Wrecking	710 North 8th Avenue Sterling, Colorado 80751
Lloyd Suedekum dba Welders Supply Company	West Highway South Garden City, Kansas
Western Foundries Inc.	2000 East 40th Avenue Denver, Colorado 80205
Cleve Whitehurst	P. O. Box 7114 Fort Worth, Texas 76101
Whittichum Chemical Company	202 South 16th Birmingham, Alabama 35233
Billy M. Vance & Irma R. Vance dba Wiggins Hardware & Impl. Co.	24 Main Street Wiggins, Colorado 80654
World of Sleep	75 South Sheridan Denver, Colorado 80226
Eli Worley	1719 Yuma Phoenix, Arizona 85034

This Order shall become effective ten days from the date
hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of November, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING THE PURCHASE)
OF THE GAS DISTRIBUTION SYSTEM AND RE-)
LATED FACILITIES OF LEADVILLE UTILITIES)
COMPANY IN THE CITY OF LEADVILLE, COLO-)
RADO AND IN THE COMMUNITIES OF STRING)
TOWN AND BUCK TOWN, LAKE COUNTY, COLO-)
RADO: AUTHORIZING THE ASSIGNMENT OF)
THE CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY OF SAID LEADVILLE UTILI-)
TIES COMPANY WITH RESPECT TO SERVICE)
IN SAID CITY AND COMMUNITIES: AND THE)
PURCHASE, MANUFACTURE, TRANSMISSION,)
DISTRIBUTION AND SALE OF GAS, EITHER)
NATURAL, ARTIFICIAL OR MIXED, IN SAID)
CITY AND COMMUNITIES, IN THE AREAS)
ADJACENT THERETO AND ALONG THE GAS)
TRANSMISSION LINE THERETO.)

APPLICATION NO. 21718-Amended
SUPPLEMENTAL ORDER

November 23, 1966

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by
E. A. Stansfield, Esq., for Applicant;
J. M. McNulty, Denver, Colorado
and
E. R. Thompson, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By Decision No. 66605 of January 12, 1966 and Decision No. 67590 of June 21, 1966, Application No. 21718-Amended, the Commission approved the purchase by the Public Service Company of Colorado of the gas distribution system and related facilities of the Leadville Utilities Company in the City of Leadville, Colorado. As part of the Order in the above matter, Public Service was required to submit to the Commission for approval within one hundred twenty (120) days after the consummation of the aforesaid acquisition of the facilities, the

proposed entries to be made on its books to reflect such acquisition, the date such acquisition was effected and the final acquisition cost to Public Service of said facilities.

On June 17, 1966, Public Service petitioned the Commission for an extension of time within which to submit proposed entries to be made on its books to reflect the acquisition of facilities of Leadville Utilities Company located in Leadville, Colorado. Such petition was granted and the time was extended to August 23, 1966 by Decision No. 67590, Application No. 21718-Amended Supplemental Order.

On August 22, 1966, Public Service did file with the Commission the final purchase price and total payment to Leadville Utilities Company for its physical properties, accounts receivable from customers, franchises, agreements, operating rights and other facilities. It also reported the estimated original cost of the property, the estimated accumulated depreciation and the resulting plant acquisition adjustment amount for which journal entries reflecting these transactions were presented. Also included was a schedule of plant investment as of July 31, 1965 prepared by Public Service accountants which showed total utility plant after adjustments to be \$285,058.76 and non-utility plant of \$25,396.18 for a total of \$310,454.94.

After Public Service filed its proposed journal entries August 22, 1966, in response to the Commission's Decision No. 66605, for the acquisition of the Leadville Utilities Company's physical properties and other assets, the Public Utilities Commission's accounting staff reviewed the analytical work papers made by Public Service accountants of the books of record of the Leadville Utilities Company as well as the annual reports of Leadville Utilities Company on file with the Commission; at the same time the Commission's engineering staff proceeded to investigate the procedures and methods

by which Public Service had arrived at the estimated original costs of plant and depreciation reserve. The staff concluded that the analysis of the books and records of Leadville Utilities Company was thorough and resulted in the adjusted utility and non-utility original cost plant noted above; and that there is no certainty as to the accuracy of a number of the unsupported entries on Leadville's books. The Staff therefore recommends to the Commission that the estimates, original cost, accumulated depreciation and plant acquisition adjustment as set forth in the proposed journal entries submitted by Public Service be entered on the books of Public Service representing acquisition of the Leadville Utilities Company's properties.

Case No. 4693, instituted by the Commission in 1938 has to do with the original cost of Class A and B electric and gas utilities operating in Colorado under Commission jurisdiction. By Decision No. 41682 of December 9, 1953, the Commission approved the original cost of the Public Service Company of Colorado as of December 31, 1938. All additions and retirements since 1938 were required to be in accordance with the Uniform System of Accounts and therefore the books of the Company reflect original cost. By Decision No. 41682, the Commission prescribed a method for the handling of Acquisition Adjustment cost for acquired properties from non-affiliated owners. The Public Service Company in proposing the journal entries for the Leadville Utilities Company property has followed the same accounting procedure as prescribed by the Commission in its previous order.

Inasmuch as the Company is following the mandate of this Commission as a result of a prior hearing, we see no need at this time to set this matter of the original cost of the Leadville Utilities Company properties for hearing. Accordingly, we will issue an Order in this matter based upon the filing of acquisition figures by Public Service Company, August 22, 1966.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Public Service Company of Colorado, and of the subject matter herein.

That the Commission is fully advised in the premises.

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

That the Public Service Company of Colorado should be permitted to book the accounting entries set forth in our Order following, reflecting the purchase by said Company of the Leadville Utilities Company.

That the amount shown charged to Account 114, Utility Plant Acquisition Adjustments, be charged off to earned surplus in the current year.

O R D E R

THE COMMISSION ORDERS:

That the Public Service Company of Colorado be, and it hereby is, authorized to book journal entries set out below to reflect the purchase of the Leadville Utilities Company.

<u>Account Number</u>	<u>Account Name</u>	<u>Debits</u>	<u>Credits</u>
<u>Cost of Acquisition</u>			
102	Utility Plant Purchased or Sold	\$353,264.52	
131	Cash		\$353,264.52
<u>Original Cost</u>			
101	Utility Plant in Service	354,618.17	
121	Non-Utility Plant	25,396.18	
102	Utility Plant Purchased or Sold		380,014.35
<u>Depreciation</u>			
102	Utility Plant Purchased or Sold	30,197.03	
108	Depreciation of Utility Plant in Service		27,350.08
122	Depreciation of Non-Utility Property		2,846.95
<u>Adjustment</u>			
114	Utility Plant Acquisition Adjustment	3,216.71	
121	Non-Utility Property	230.49	
102	Utility Plant Purchased or Sold		3,447.20

That the amount shown charged to Account 114, Utility Plant Acquisition Adjustments, be charged off to earned surplus in the current year.

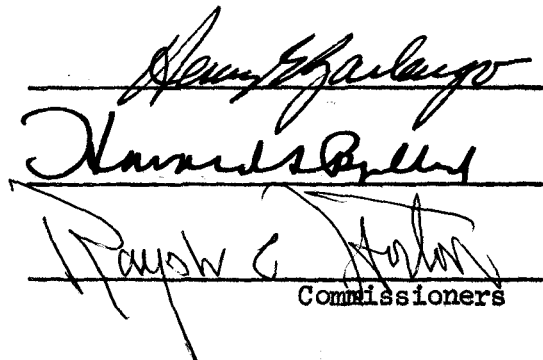
That Public Service Company of Colorado shall continue to keep its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That a copy of this Order be filed in Application No. 21718 in the matter of the purchase by Public Service Company of Colorado of the gas distribution system of the Leadville Utilities Company.

That jurisdiction of this matter be, and it hereby is, retained to the end that the Commission may make such Order or Orders in the premises as it may deem to be proper and desirable.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE INTERMOUNTAIN RURAL ELECTRIC)
ASSOCIATION, LITTLETON, COLORADO,)
FOR AN ORDER AUTHORIZING THE ISSUANCE)
OF SECURITIES, AND THE APPLICATION)
OF THE PROCEEDS THEREFROM TO CERTAIN)
LAWFUL PURPOSES.)

APPLICATION NO. 22261-SECURITIES

November 23, 1966

Appearances: Cecil R. Ditsch, Esq., Littleton,
Colorado, for Applicant;
J. M. McNulty, Denver, Colorado
and
E. R. Thompson, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By this application, filed October 25, 1966, The Intermountain Rural Electric Association (later herein referred to as "Intermountain") seeks authority to borrow from the Rural Electrification Administration \$2,137,000 to be evidenced by a mortgage note identified as "REA Project Designation: Colorado 16-AB Jefferson", maturing over a period of thirty-five (35) years and bearing interest at two per cent (2%) per annum, to authorize a certain mortgage securing payment of said note; and to approve an amending loan contract dated as of June 1, 1966 between The Intermountain Rural Electric Association and the United States of America and to authorize Intermountain to use the proceeds therefrom for specified purposes.

The matter was set for hearing after due notice to all interested parties on November 7, 1966 at 2:00 o'clock P.M. in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was there heard by the Commission and at the conclusion thereof taken under advisement.

No protests were filed with the Commission with regard to the application and no one appeared at the hearing in opposition to the granting of the authority sought.

Intermountain is a Colorado corporation and is engaged in the business of purchasing and acquiring electric energy for distribution and sale to its members and to non-members in the Counties of Adams, Arapahoe, Clear Creek, Douglas, Elbert, El Paso, Jefferson, Park and Teller all in the State of Colorado. Parts of the above areas of service were acquired by Applicant by transfer from public utilities after application to this Commission.

Testimony of Intermountain's witnesses and exhibits introduced at the hearing reveal that Intermountain has an electric system consisting of properties acquired as heretofore noted together with additional properties it has constructed to serve member and non-member consumers. To finance both the acquisition of the aforesaid utility properties and their rehabilitation, and the construction of the new lines and facilities to serve members and non-members, Intermountain has from time to time borrowed money from the United States of America through the Rural Electrification Administration. At this time Intermountain proposes to borrow \$2,137,000 from the Rural Electrification Administration for the construction, completion, extension and improvement of its facilities and the improvement and maintenance of its electric service to its consumers.

The proposed construction and installation of facilities are summarized as follows:

Distribution:

174.15 miles of single phase, 2 wire lines	\$563,255
17 miles of three phase, 4 wire lines	67,250
5 miles new tie lines in Douglas and Elbert Counties	15,100
198.5 miles conversion and line changes	330,448
New substations and switching equipment 44-7.2/12.5 KV at Green Mountain Park, Larkspur and Kiowa	128,600
Increase substation capacity 1500 to 3750 at Conifer and Deer Trail	72,000
1,155 transformers and 1,745 meters to serve new consumers	362,750
200 new transformers, 200 new meters, 200 sets of service wires to increase capacity of existing consumer services	79,250
Sectionalizing equipment and regulators	111,675
Engineering Fees	91,322
Reimbursement of general funds for construction completed	<u>152,000</u>
Total distribution	\$1,973,650

Transmission:

New transmission line, 23 miles of 44 KV - Franktown to Kiowa	126,500
New substation and switching equipment, 44 KV Kiowa line located at Goab Switch	5,000
Right-of-way procurement	23,000
Engineering Fees	<u>8,850</u>
Total transmission	<u>163,350</u>
GRAND TOTAL	\$2,137,000

The above estimate of construction and installation of electric equipment proposed to be installed within the next two years was prepared by a consulting engineering firm, C. H. Guernsey & Company in collaboration with Intermountain's engineers and was set forth in a Statement of Cost Estimates and Loan Budget for Electric Borrowers introduced into evidence as Exhibit 1. Also as part of Exhibit 1 there was included a Loan Feasibility Study whereby it is estimated that in the year 1968 after the proposed borrowing and expenditures for additional electrical facilities, the margins of receipts over total annual expenditures will amount to approximately \$470,000.

As evidence of Intermountain's financial position there were introduced into evidence its Balance Sheet as of September 30, 1966 and its Statement of Income for the nine months ending

September 30, 1966. These statements indicate that Intermountain is in a reasonably strong financial position. As of this date, total margins and equities stood at \$2,535,254 and long term debt at \$6,677,400. This total amount of debt is after advance payments unapplied of \$1,058,305. Total equity in relation to total capitalization is 27.5%. As of September 30, 1966, Intermountain had funds available for contingencies of approximately \$900,000 not including the cushion of credit made available by the advance payments to the Rural Electrification Administration unapplied.

Operating revenues for the nine months ending September 30, 1966 amounted to \$408,348 and non-operating margins amounted to \$10,841 for a total of patronage capital and margins of \$419,189. It is estimated that the total net margins for the year 1966 will exceed the net operating margins for the year 1965.

In view of the steady growth of the territory served by Intermountain and the increasing amount of operating revenues and resulting net income, the service costs of the additional debt of \$2,137,000 will not be an undue burden upon Intermountain.

F I N D I N G S

THE COMMISSION FINDS:

That The Intermountain Rural Electric Association is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

That this Commission is fully advised in the premises.

That the above and foregoing Statement is incorporated in these Findings by reference.

That the proposed issuance of a mortgage note in the principal amount of \$2,137,000, essentially in the same form as

introduced in Exhibit 5, is reasonably required and necessary for its proper long term debt financing and should be authorized and approved.

That the entering into by Applicant of amending loan contract dated as of June 1, 1966 between The Intermountain Rural Electric Association and the United States of America, Exhibit 3 herein, should be authorized and approved.

That the mortgage in essentially the same form as Exhibit 4 necessary for the securing of this and other notes issued by Applicant, should be authorized and approved.

That the issuance of the mortgage note of \$2,137,000 for the purposes set forth in the foregoing Statement is permitted by and consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one conformed executed copy of each of such instruments.

That the Order sought herein should be issued and made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issuance by The Intermountain Rural Electric Association of the mortgage note in the principal amount of \$2,137,000 essentially in the same form as Exhibit 5 introduced in this proceeding, be, and the same hereby is, authorized and approved.

That the entering into by Applicant of amending loan contract dated as of June 1, 1966 between The Intermountain Rural Electric Association and the United States of America, Exhibit 3 herein, should be, and the same is hereby, authorized and approved.

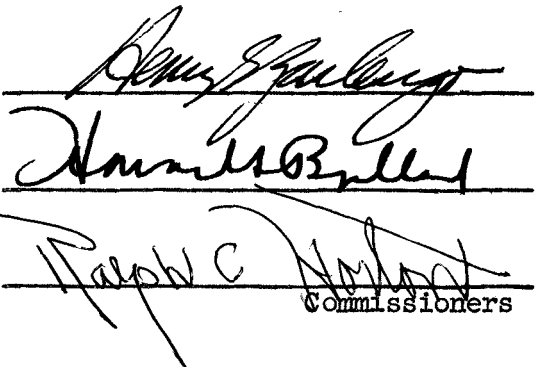
That the mortgage in essentially the same form as Exhibit 4, necessary for the securing of this and other notes issued by Applicant, should be, and the same is hereby, authorized and approved.

That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant shall file with the Commission one conformed executed copy of each of said instruments.

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 proper and desirable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966.
ls

(Decision No. 68556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORWOOD TRUCK LINE, INC., P. O. BOX)
455, NORWOOD, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING OPERATION AS)
A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE FOR THE TRANSPORTATION OF)
HEAVY EQUIPMENT AS FOLLOWS: ROAD)
CONSTRUCTION EQUIPMENT AND MACHIN-)
ERY, MINING MACHINERY AND EQUIPMENT,)
FARM MACHINERY AND EQUIPMENT, LOG-)
GING MACHINERY AND EQUIPMENT, AND)
DITCHING MACHINERY AND EQUIPMENT,)
FROM POINT TO POINT IN AN AREA)
WITHIN A RADIUS OF FIFTY MILES OF)
NORWOOD, COLORADO, AND TO AND FROM)
POINTS IN SAID AREA, FROM AND TO)
POINTS WITHIN THE STATE OF COLORADO;)
PROVIDED NO SERVICE SHALL BE REN-)
DERED IN COMPETITION WITH ANY LINE-)
HAUL COMMON CARRIER SERVING SAID)
AREA.)

APPLICATION NO. 22154

November 23, 1966

Appearances: John J. Conway, Esq., Denver,
Colorado, for Applicant;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
Telluride Transfer;
Orville Dunlap, Montrose,
Colorado, for Orville Dunlap
and Son.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By application filed September 1, 1966, Norwood Truck Line, Inc. sought authority to conduct those motor vehicle common carrier operations as set forth in the caption hereof.

The Commission thereupon gave notice as provided by law, and Protests were filed by Telluride Transfer and by Orville Dunlap and Son. Pursuant to such notice, public hearing on the application was held in the County Court Room of the Montrose County Courthouse on November 10, 1966, Commissioner Howard S. Bjelland presiding.

After the call of the application but prior to the taking of evidence, Applicant moved to amend its application to read as follows:

"4. That Applicant requests a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire, for the transportation of heavy equipment as follows; Road construction equipment and machinery, mining machinery and equipment, farm machinery and equipment, logging machinery and equipment, and ditching machinery and equipment, from point to point in an area within a radius of twenty-five miles of Norwood, Colorado, and to and from points in said area, from and to points within the State of Colorado; provided no service shall be rendered in competition with any line-haul common carrier serving said area; and further restricted against movements of mining machinery and equipment between points located within the eastern one-half of said twenty-five mile radius on the one hand, and on the other, points in Colorado."

It is the amended portion of the application which is underlined above. Both Telluride Transfer and Orville Dunlap and Son indicated they had no objection to the proposed amendment, and accordingly, the same was accepted by the presiding Commissioner. Both Protestants thereupon withdrew their protests, and the taking of testimony commenced.

Douglas M. Garner, President, Director, and a stockholder of Applicant, testified that Norwood Truck Line, Inc., is a Colorado corporation, and that its articles of incorporation are on file with the Commission. He also testified generally concerning the existing authority of the Applicant, such being Certificate No. 943 & I, and Permit No. B-6636. The former authorizes, generally, the transportation of ore, livestock, lumber, grain, hay and general farm products within a radius of fifty miles of Norwood, and from points in said area from and to points in the State of Colorado, and the latter authorizes, generally, the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways from supply-points in the State of Colorado to road jobs, etc., within a radius of seventy-five miles of the supply points. He also indicated that these authorities had been obtained by the Applicant approximately six months ago by way of transfer.

Mr. Garner also testified that the Applicant presently owns adequate equipment with which to render the proposed service, and that the Applicant

presently has five drivers who are experienced in the transportation of heavy equipment. He also testified that the Applicant would add such additional equipment and personnel as might be necessary to meet the demands of the public should the application be granted.

Mr. Garner also testified generally concerning the financial condition of the Applicant, and indicated that the company has a net worth of approximately \$25,000.00. He also testified that he has had approximately 10 to 12 calls for service seeking the transportation of heavy equipment within the past six months (even though he is personally present only about half the time), that most of these calls were from within a radius of twenty-five miles of Norwood, and that he received a letter from a County Commissioner of San Miguel County to the Commission in support of the application.

Mr. Garner also testified that if the application is granted, the Applicant would generally station its equipment at Norwood, where it has shop and office facilities, that its personnel would be on call 24-hours each day, and that he is not aware of any line-haul common carrier serving in the area covered by the amended application. He concluded his testimony by stating that if the application is granted, the Applicant would comply with all of the rules and regulations of the Commission.

Ray Davis, a rancher located about five miles from Norwood, testified that he is associated with the Farmers Water Development Company, and that both he personally and the Company have certain heavy equipment which requires moving in the area described in the application. He also testified that he has never used any common carrier, other than Orville Dunlap and Son, for the movement of this equipment, and that the time-lag and dead-head mileage charges involved in Dunlap's service generally precluded its use. He also testified that he was not aware of any common carriers affording the type of service proposed by Applicant in the immediate Norwood area, that no common carrier would lose any business, insofar as he was concerned, by the grant of the authority requested, and that he and the development company would use the services of the Applicant if the application is granted.

Gail Oliver, who is in the construction business in the Norwood area, testified that he has certain heavy equipment that requires moving in the vicinity of Norwood. He also testified that the time-lag and dead-head mileage charges involved in obtaining service from either of the Protestants would generally preclude the use of their services, and that he had never been solicited by either of the Protestants for the transportation of heavy equipment. He also testified that he was not aware of any common carrier operating in the immediate Norwood area, that no common carrier would lose any business if the application is granted, and that he would use the services of the Applicant if the application is granted.

Charles P. Hughes, of Olathe, Colorado, testified that he is an officer, director, and stockholder in the Applicant, and that he is also associated with Hughes Brothers, a ranching operation in the vicinity of Norwood. He also testified generally along the same lines and to the same effect as did Mr. Oliver, as indicated above.

Neither of the original Protestants, nor any other person, testified in opposition to the granting of the application as amended.

On the basis of the foregoing, the Commission finds and concludes that the present and future public convenience and necessity requires and will require the granting of the authority sought in the amended application, and the Commission specifically finds that as to the commodity and territory involved in such applicaiton, there is a public need for the service proposed by Applicant, and existing common carrier service is inadequate.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Norwood Truck Line, Inc., is hereby granted authority as sought in its application, as amended, as follows:

"For the transportation of heavy equipment as follows:
Road construction equipment and machinery, mining
machinery and equipment, farm machinery and equipment,
logging machinery and equipment, and ditching machinery
and equipment, from point to point in an area within a
radius of twenty-five miles of Norwood, Colorado, and
to and from points in said area, from and to points

within the State of Colorado; provided no service shall be rendered in competition with any line-haul common carrier serving said area; and further restricted against movements of mining machinery and equipment between points located within the eastern one-half of said twenty-five mile radius on the one hand, and on the other, points in Colorado."

And this ORDER shall be the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

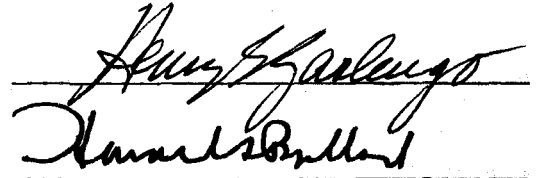
That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

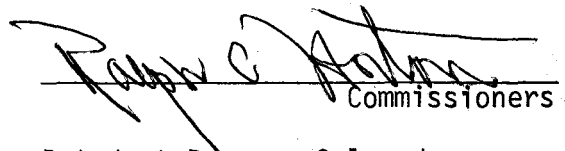
That Applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by the 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


Stanley G. Gadsden


Ralph C. Hottel
Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LINK TRUCK LINES, INC., BOX 151,)
GENOA, COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 400.)

APPLICATION NO. 22171-Extension

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 13, 1966, the above-styled application was filed with the Commission seeking a certificate of public convenience and necessity authorizing extension of operations under PUC No. 400.

Said matter was regularly set for hearing before the Commission on October 7, 1966, at Limon, Colorado. On September 29, 1966, said hearing was vacated and the application was to be later reset for hearing before the Commission.

Since that time said matter has been pending with no request for hearing.

As the Commission is desirous of closing its docket on long-pending matters, the Commission states and finds that unless written request for setting of the above entitled matter for hearing shall be received by the Commission before the effective date of this Order, the application should be dismissed for want of prosecution.


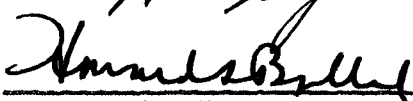

ORDER

THE COMMISSION ORDERS:

That the application herein filed be, and hereby is, dismissed, unless written request for hearing shall be received by the Commission before the effective date of this Order.

This Order shall become effective thirty (30) days from the
date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JAMES E. EGGERING
4003 VALLEY DRIVE
PUEBLO, COLORADO 81001

PUC NO. 5806-I

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

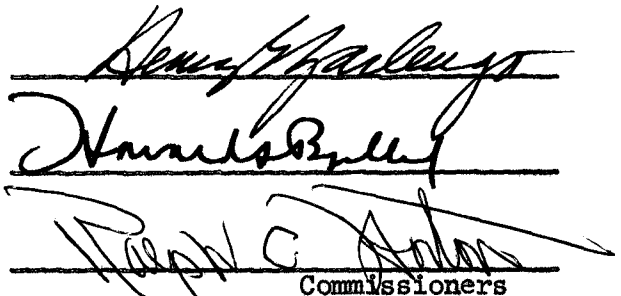
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 9, 1966 to and including June 9, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November 19 66

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
RECREATION ENTERPRISES INC., dba
COLORADO CANYON CRUISES
1st & GRAND
GRAND JUNCTION, COLORADO 81501

PUC NO. 6047

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request of suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER

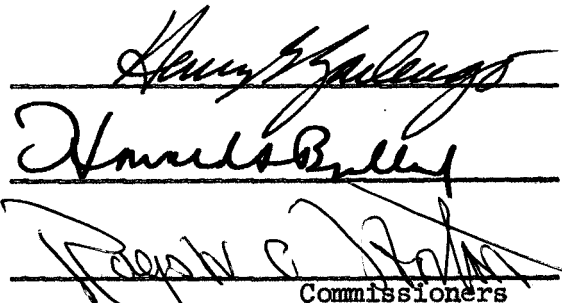
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 20, 1966 to and including May 20, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November 1966

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORWOOD TRUCK LINE, INC., P.O. BOX 455,)
NORWOOD, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE, FOR TRANS-)
PORTATION OF GASOLINE AND DIESEL FUELS,)
IN BULK, FOR CONN SUPPLY CO. ONLY, FROM)
THE PHILLIPS PETROLEUM COMPANY PLANT)
NEAR DENVER, COLORADO, TO CONN SUPPLY)
CO., NORWOOD, COLORADO, AND TO CUS-)
TOMERS OF CONN SUPPLY CO. LOCATED WITHIN)
A RADIUS OF 25 MILES OF NORWOOD,)
COLORADO.)

APPLICATION NO. 22153-PP

November 23, 1966

Appearances: John J. Conway, Esq., Denver,
Colorado, for Norwood Truck
Line, Inc., Applicant;
Truman A. Stockton, Esq., Denver,
Colorado, for Telluride
Transfer, Protestant;
T. Peter Craven, Esq., Denver,
Colorado, for Ward Transport,
Inc. and Ruan Transport
Corporation, Protestants;
Orville Dunlap, Montrose, Colorado,
for Orville Dunlap and Son,
Protestant.

PROCEDURE AND RECORD

On September 2, 1966, Norwood Truck Line, Inc., hereinafter referred to either by full corporate name or as Applicant, filed the instant application (No. 22153) seeking a Class "B" permit authorizing it to operate as a private carrier by motor vehicle for hire in intra-state commerce for the transportation of:

"gasoline and diesel fuels, in bulk, for Conn Supply Co. only, from the Phillips Petroleum Company plant near Denver, Colorado, to Conn Supply Co., Norwood, Colorado, and to customers of Conn Supply Co. located within a radius of 25 miles of Norwood, Colorado."

On September 24, 1966, Orville Dunlap and Son filed a letter protest.

On October 3, 1966, Telluride Transfer filed a letter protest. On

October 11, 1966, Ward Transport, Inc. and Ruan Transport Corporation filed a protest. On October 17, 1966, Norwood Truck Line, Inc. served interrogatories on the protestants. On October 25, 1966, Ward Transport, Inc. and Ruan Transport Corporation filed objections to the interrogatories. These objections were heard by the Commission, and on November 3, 1966, the Commission entered Decision No. 68481 sustaining the objections to the interrogatories.

After due and proper notice to all interested parties, the application was heard by Commissioner Howard S. Bjelland in the County Court Room, Montrose, Colorado, on Thursday, November 10, 1966 at 1:00 o'clock P.M. Douglas Garner, the President and Manager of Applicant, and Marion Conn, the owner of Conn Supply Co., testified in support of the application. Applicant's Exhibit No. A and No. B were admitted in evidence. Paul Hare, Ruan Denver District Manager, and D. S. Smith, Sales and Traffic Manager for Ward, testified in support of the protests. Protestants' Exhibits No. 1 to 7, inclusive, were admitted in evidence. Upon conclusion of the hearing, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds, as fact, from such record that:

1. Norwood Truck Line, Inc., the Applicant herein, is presently engaged in the business of motor carrier transportation for hire under PUC No. 941 & I and Permit No. B-6636. It presently operates a total of fifteen pieces of equipment, consisting of five tractors and ten trailers. Applicant has entered into a contract to purchase a tractor and tanker to render service to Conn Supply Co. if the instant application is granted. Applicant has a net financial worth of about \$20,000.

2. Conn Supply Co. is a retail and wholesale petroleum business located in Norwood, Colorado, and owned by Marion Conn. For the past eleven years, Conn Supply Co. has hauled its own petroleum products from the Denver area to Norwood. Conn wishes to use the proposed service of Applicant. If the application is denied, Conn will continue to do its own hauling, as it has done for the past eleven years. Conn has certain volume customers for petroleum products located within a twenty-five mile radius of Norwood who have storage tank facilities large enough to warrant direct delivery from a tanker.

3. Applicant has entered into an agreement with Conn Supply Co. to haul the petroleum products needs of Conn from the Phillips Petroleum Company plant near Denver, Colorado, to Conn Supply Co., Norwood, Colorado, and to customers of Conn Supply Co. located within a radius of twenty-five miles of Norwood. Conn desires and will utilize this service.

4. Applicant has adequate finances, equipment and experience to render the proposed service. The proposed operation of Applicant will not impair the efficient public service of any authorized motor vehicle common carrier.

5. The application should be granted.

ORDER

THE COMMISSION ORDERS:

That Norwood Truck Line, Inc., Norwood, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of gasoline and diesel fuels, in bulk, for Conn Supply Co. only, from the Phillips Petroleum Company plant near Denver, Colorado, to Conn Supply Co., Norwood, Colorado, and to customers of Conn Supply Co., located within a radius of 25 miles of Norwood, Colorado, and this ORDER shall be deemed to be, and be, 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 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

COMMISSIONER RALPH C. HORTON
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 23rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED CHARTER COACH CHARGES,)
RULES AND REGULATIONS: NATIONAL BUS)
TRAFFIC ASSOCIATION, INC., AGENT,)
CHARTER COACH TARIFF NO. A-405,)
COLORADO P.U.C. NO. 145.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 577
SUPPLEMENTAL ORDER

November 23, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 17, 1966, the Commission entered Devision No. 68353 in the above-styled matter, which, among other things, set the herein matter for hearing on November 30, 1966, at 10:00 A.M., at 532 State Services Building, Denver, Colorado.

The Commission is in receipt of a communication from John R. Barry, Attorney for National Bus Traffic Association, requesting that the hearing presently set for November 30, 1966, be continued and reset for hearing at a future date to be determined by the Commission.

The Commission states and finds that the hearing date on the above-styled matter presently set for November 30, 1966, as specified by Decision No. 68353, should be vacated and that said hearing be held on January 4, 1967, as set forth in the Order following.

O R D E R

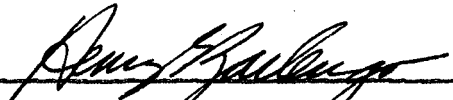

THE COMMISSION ORDERS:

That the hearing on the above-styled matter presently set for November 30, 1966, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, reset for hearing on January 4, 1967, at 10:00 o'clock A.M., at 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER RALPH C. HORTON NECESSARILY
ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 23rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM BRANSON AND MARILYN BRANSON, 464)
GRAND AVENUE, DELTA, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE, FOR THE TRANSPORTATION OF APPLE)
PUMICE FROM SPEAS VINEGAR, DELTA,)
COLORADO, TO RANCHES WITHIN A 10-MILE)
RADIUS OF DELTA, COLORADO.)

APPLICATION NO. 22189-PP

November 23, 1966

Appearances: Marilyn Branson, Delta,
Colorado, for Applicants.

PROCEDURE AND RECORD

On September 22, 1966, Tom Branson and Marilyn Branson, Delta, Colorado, hereinafter referred to by their full names or as Applicants, filed the instant application (No. 22189-PP) seeking authority to operate as a Class "B" private carrier by motor vehicle for hire in intrastate commerce for the:

"Transportation of apple pumice from Speas Vinegar, Delta, Colorado, to ranches within a 10-mile radius of Delta, Colorado."

After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland on Thursday, November 10, 1966 at 1:00 o'clock P.M. in the District Court Room, Court House, Montrose, Colorado.

Marilyn Branson, one of the Applicants, testified in support of the application. No one appeared in opposition to the granting of the authority sought. After hearing the evidence presented, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the record in this proceeding, the Commission finds as fact from such record that:

1. Marilyn Branson, wife of Tom Branson, and Tom Branson are the Applicants in this proceeding. Marilyn Branson has had thirteen years' experience in driving a truck. Tom Branson has had eighteen years' experience in the operation of trucks. The Applicants have a 1951 White two-and-one-half ton dump truck which they plan to use if the authority sought herein is granted.

2. Applicants have a net financial worth of \$5,000. Temporary authority to operate was issued by this Commission to the Applicants on September 28, 1966. Since that time Applicants have been rendering service under such temporary authority.

3. Applicants are familiar with the rules and regulations of this Commission and the statutes of the State of Colorado and will comply therewith if the authority sought herein be granted.

4. The operating experience and financial responsibility of the Applicants have been established to the satisfaction of the Commission.

5. It did not appear that the proposed service of Applicants would impair the efficient public service of any common carrier operating in the territory which Applicants seek to serve.

6. The authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Tom Branson and Marilyn Branson, Delta, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of apple pumice from Speas Vinegar, Delta, Colorado, to ranches within a ten-mile radius of Delta, Colorado, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

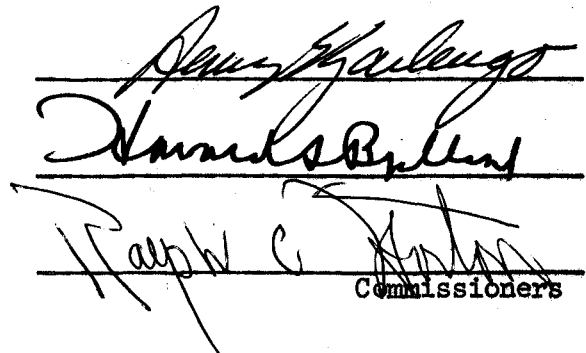
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLIN V. WELTON, 101 VISTA VIEW,)
MONTROSE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE, FOR THE)
TRANSPORTATION OF LOGS, POLES AND)
TIMBER PRODUCTS, FROM FORESTS TO SAW-)
MILLS, PLACES OF STORAGE AND LOADING)
POINTS WITHIN A RADIUS OF 100 MILES OF)
SAID FORESTS; ROUGH LUMBER, FROM SAW-)
MILLS IN SAID 100 MILE RADIUS TO MARKETS)
IN THE STATE OF COLORADO, PROVIDED,)
HOWEVER, THAT NO TOWN-TO-TOWN SERVICE)
SHALL BE RENDERED.)

APPLICATION NO. 22272-PP

November 23, 1966

Appearances: Mrs. Merlin V. Welton, Montrose,
Colorado, for Merlin V.
Welton, Applicant.

PROCEDURE AND RECORD

On October 31, 1966, Merlin V. Welton, Montrose, Colorado,
hereinafter referred to by full name or as Applicant, filed the instant
application (No. 22272-PP) seeking authority to operate as a Class
"B" private carrier by motor vehicle for hire in intrastate commerce
for the:

"Transportation of logs, poles and timber products,
from forests to sawmills, places of storage and
loading points within a radius of 100 miles of said
forests; rough lumber, from sawmills in said 100-mile
radius to markets in the State of Colorado; provided,
however, that no town-to-town service shall be
rendered."

After due and proper notice to all interested parties, the matter
was heard by Commissioner Howard S. Bjelland on Thursday, November
10, 1966 at 1:00 o'clock P.M. in the District Court Room, Court House,
Montrose, Colorado.

Mrs. Merlin V. Welton, wife of Applicant, testified in
support of the application. No one appeared in opposition to the

granting of the authority sought. After hearing the evidence presented, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the record in this proceeding, the Commission finds as fact from such record that:

1. Merlin V. Welton is the Applicant in this proceeding. He has had eighteen years' experience in the operation of trucks and is the owner of a log truck and trailer. If the authority sought herein is granted, Applicant intends to drive this truck himself and plans to enter into contracts for the rendition of service with various contractors and individuals.

2. Applicant has a net financial worth of \$33,000. Temporary authority to operate was issued by this Commission to the Applicant, and he has been rendering service under such temporary authority.

3. Applicant is familiar with the rules and regulations of this Commission and the statutes of the State of Colorado and will comply therewith if the authority sought herein be granted.

4. The operating experience and financial responsibility of the Applicant have been established to the satisfaction of the Commission.

5. It did not appear that the proposed service of Applicant would impair the efficient public service of any common carrier operating in the territory which Applicant seeks to serve.

6. The authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Merlin V. Welton, Montrose, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles and timber

products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

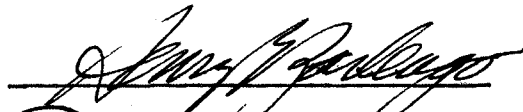
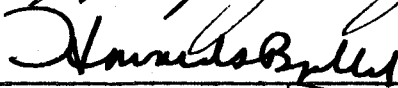
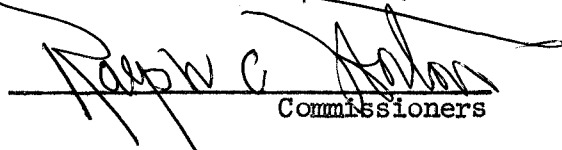
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

Dated at Denver, Colorado,
this 23rd day of November, 1966.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LAWRENCE R. WHITE, 317 PINE VIEW,
MONTROSE, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE CARRIER
BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 22158-PP

November 23, 1966

Appearances: Lawrence R. White, Montrose,
Colorado, pro se.

PROCEDURE AND RECORD

On September 6, 1966, Lawrence R. White, Montrose, Colorado,
hereinafter referred to by full name or as Applicant, filed the instant
application (No. 22158-PP) seeking authority to operate as a Class "B"
private carrier by motor vehicle for hire in intrastate commerce for the:

"Transportation of logs, poles and timber
products, from forests to sawmills, 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; provided, however,
that no town-to-town service shall be rendered."

After due and proper notice to all interested parties, the matter was heard
by Commissioner Howard S. Bjelland on Thursday, November 10, 1966 at 1:00
o'clock P.M. in the District Court Room, Court House, Montrose, Colorado.

Lawrence R. White testified in support of the application. No
one appeared in opposition to the granting of the authority sought. After
hearing the evidence presented, the Presiding Commissioner took the matter
under advisement.

FINDINGS OF FACT

After due and careful consideration of the record in this pro-
ceeding, the Commission finds as fact from such record that:

1. Lawrence R. White is the Applicant in this proceeding. He
has had nineteen years' experience in the operation of trucks and is the

owner of a 1956 logging truck. If the authority sought herein is granted, Applicant intends to drive this truck himself and plans to enter into contracts for the rendition of service with various contractors and individuals.

2. Applicant has a net financial worth of \$5,000. Temporary authority to operate was issued by this Commission to the Applicant on September 9, 1966. Since that time Applicant has been rendering service under such temporary authority.

3. Applicant is familiar with the rules and regulations of this Commission and the statutes of the State of Colorado and will comply therewith if the authority sought herein be granted.

4. The operating experience and financial responsibility of the Applicant have been established to the satisfaction of the Commission.

5. It did not appear that the proposed service of Applicant would impair the efficient public service of any common carrier operating in the territory which Applicant seeks to serve.

6. The authority sought herein should be granted.

ORDER

THE COMMISSION ORDERS:

That Lawrence R. White, Montrose, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

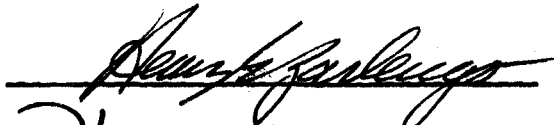
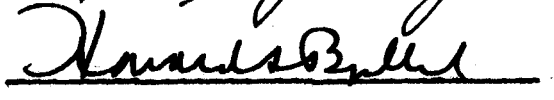

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD D. SNIFF AND VIRGINIA L. SNIFF.)
DOING BUSINESS AS "SNIFF TRUCK LINE,")
610 SOUTH 13TH STREET, LAMAR, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-2971 AND PERMIT NO.)
B-2971-I.)

APPLICATION NO. 21995-PP-Extension
SUPPLEMENTAL ORDER

November 22, 1966

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants;
A. J. Meiklejohn, Jr., Esq., Denver,
Colorado, for T. L. Tucker,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1966, the Commission entered Decision No. 68424
in the above-entitled matter.

On November 14, 1966, "Petition For Reconsideration," was filed
with the Commission by the Applicants herein.

The Commission has carefully considered said Petition For Re-
consideration filed herein, and each and every allegation thereof, and is
of the opinion, and finds that said Petition should be denied.

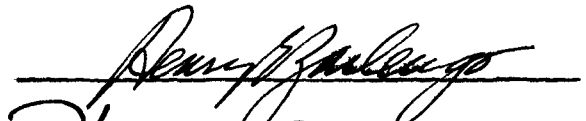
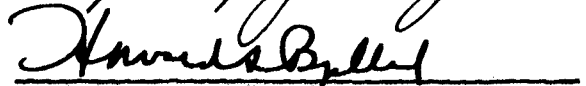
O R D E R

THE COMMISSION ORDERS:

That "Petition For Reconsideration" filed with the Commission by
the Applicants herein, Leonard D. Sniff and Virginia L. Sniff, doing busi-
ness as "Sniff Truck Line," and each and every allegation thereof, be,
and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER RALPH C. HORTON
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 22nd day of November, 1966
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LARRY A. SEBRING, DOING BUSINESS AS)
"GUNNISON CAB CO.," P. O. BOX 328,)
GUNNISON, COLORADO, TO TRANSFER PUC NO.)
6610 FROM LARRY A. SEBRING, DOING BUSI-)
NESS AS "GUNNISON CAB CO.," GUNNISON,)
COLORADO, TO G. L. SEBRING, DOING)
BUSINESS AS "GUNNISON CAB CO.," 606)
WEST NEW YORK, GUNNISON, COLORADO.)

APPLICATION NO. 22243-Transfer

November 25, 1966

Appearances: Orville Sebring, Gunnison, Colorado,
for Larry A. Sebring, doing business
as "Gunnison Cab Co." and G. L.
Sebring, doing business as "Gunnison
Cab Co."

PROCEDURE AND RECORD

On October 4, 1966, Larry A. Sebring, doing business as
"Gunnison Cab Co." and G. L. Sebring, doing business as "Gunnison Cab
Co." filed the instant joint application (No. 22243) with this Commission
seeking Commission approval of the transfer of PUC No. 6610 from Larry A.
Sebring to G. L. Sebring. After due and proper notice to all interested
parties, the matter was heard by Commissioner Howard S. Bjelland in the
District Court Room at Montrose, Colorado, on Thursday, November 10,
1966 at 1:00 o'clock P.M.

Orville Sebring and G. L. Sebring testified in support of the
application. No one appeared to protest the granting of the transfer.
After the conclusion of the hearing the Presiding Commissioner took the
matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in
this proceeding, the Commission finds as fact from such record that:

1. Larry A. Sebring, doing business as "Gunnison Cab Co." is the owner and operator of PUC No. 6610. Orville Sebring and G. L. Sebring are the parents of Larry A. Sebring.

2. Larry A. Sebring has found employment in Durango, Colorado and has decided to turn over the operation of the Gunnison Cab Company to his mother, G. L. Sebring. A copy of the agreement between Larry A. Sebring and G. L. Sebring is attached to the application for transfer.

3. If the authority to transfer is granted, G. L. Sebring will continue to render service under PUC No. 6610 with the same equipment, with the same personnel and in the same manner as Larry A. Sebring has rendered such service.

4. G. L. Sebring will have sufficient equipment and experience to properly carry on the operation. The financial standing of G. L. Sebring has been established to the satisfaction of the Commission. There is no outstanding indebtedness against the operation. The proposed transfer is compatible with the public interest and should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Larry A. Sebring, doing business as "Gunnison Cab Co.," Gunnison, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 6610 to G. L. Sebring, doing business as "Gunnison Cab Co.," Gunnison, Colorado, subject to encumbrances, if any, approved by this Commission.

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,

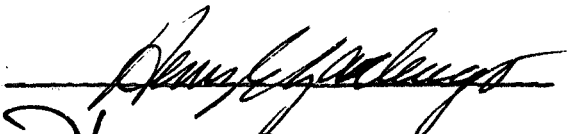
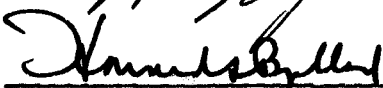
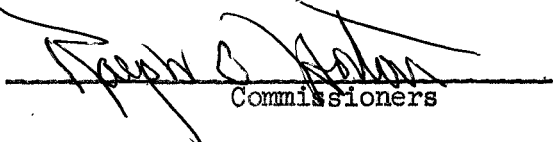
without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 her 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 certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of November, 1966

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

ROBERT L. CURTIS
DBA BOB CURTIS TRUCKING
930 West 1st
Winner, South Dakota 57580

AUTHORITY NO. M-12694

CASE NO. 645-M-Ins.

November 25, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1966 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

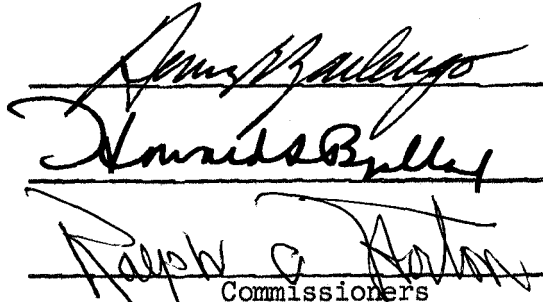
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of November

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

ALFRED G. SCHRITTER
DEA AL'S TERRAZZO
2624 Minnequa
Pueblo, Colorado 81001

AUTHORITY NO. M-13784

CASE NO. 593-M-Ins.

November 25, 1966

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

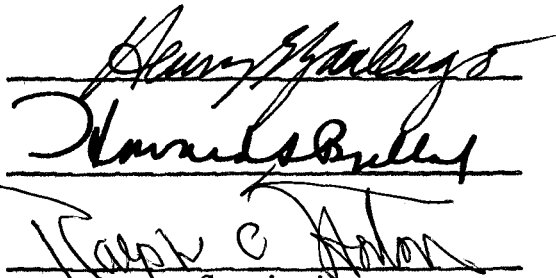
O R D E R

THE COMMISSION ORDERS:

That the herein 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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of November

