

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY TO CLOSE ITS AGENCY)
STATION AT MOSCA, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 203

January 16, 1934

S T A T E M E N T

By the Commission:

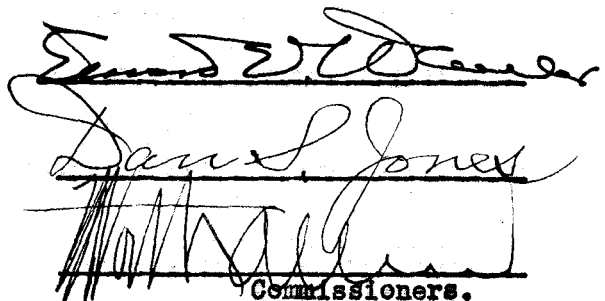
The Commission is in receipt of a letter from the General Attorney for The Denver and Rio Grande Western Railroad Company, requesting that said application be dismissed without prejudice.

After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOLANDER BROTHERS.)

CASE NO. 1305

January 16, 1934

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 20, 1933, the Commission entered its order requiring the above named respondents to show cause why their certificate of public convenience and necessity, heretofore issued to them in Application No. 1921, should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

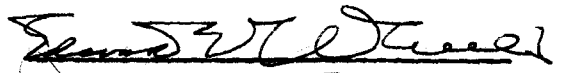
A hearing on said matter was held on January 12, 1934, at which respondents did not appear. The evidence disclosed that respondents' insurance had been cancelled and never renewed.


After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1921, should be revoked for their failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Molander Brothers in Application No. 1921, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel S. Jones


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. COURTRIGHT.)

CASE NO. 1303

January 16, 1934.

S T A T E M E N T

By the Commission:

The Commission has heretofore issued to the respondent, C. E. Courtright, two certificates of public convenience and necessity, one in Application No. 1037, the other in Application No. 1530. In Application No. 1740 there was issued to him an interstate motor vehicle permit authorizing the transportation of freight and express in interstate commerce only between Sterling, Colorado, and the Colorado-Nebraska state line.

It appearing to the Commission that the said C. E. Courtright was carrying no insurance and that he was indebted to the State of Colorado for highway compensation tax for the months of June to December, inclusive, 1932, and for the months of March, April and October, 1933, the Commission made its order requiring the respondent to show cause why his said certificates and permit should not be revoked by filing a written answer within ten days from the date of the order, which was December 13, 1933. The Commission set the matter down for hearing on December 29, 1933, at ten o'clock A.M. in the Hearing Room of the Commission in Denver. The respondent filed no answer and made no appearance at the hearing.

The evidence introduced at the hearing showed that he has had on file no public liability and property damage insurance since October 22, 1932, and no cargo insurance since October, 1932. The evidence further showed that he was indebted to the State for taxes for the months stated.


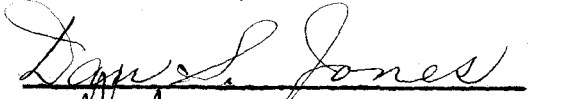

The law and rules and regulations require public liability and property damage insurance to be carried on both intrastate and interstate operations and cargo insurance on intrastate operations. The Commission

has, in view of conditions generally, permitted this operator to continue for a long time, although he has been in default in paying his said taxes and in not having in effect the necessary insurance. We find that we cannot longer permit him to operate and that his two said certificates and permit should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the two said certificates of public convenience and necessity issued to C. E. Courtright in Applications Nos. 1037 and 1530, and the said permit issued to him in Application No. 1740 be, and they are hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. T. HORN.)

CASE NO. 1308

January 17, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 28, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-343, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

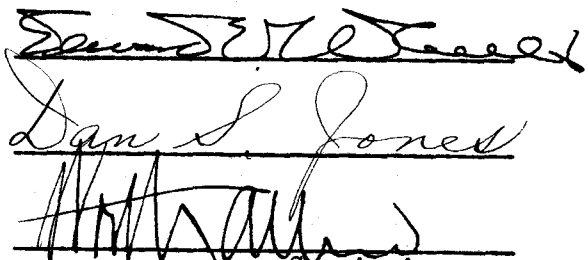
A hearing was held on said matter on January 12, 1934, at which respondent did not appear, although given due notice of the time and place of said hearing. The evidence disclosed that respondent's insurance expired September 17, 1933, and had not been renewed.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-343, heretofore issued to O. T. Horn, should be revoked for his failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-343, heretofore issued to O. T. Horn, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKELSON BROTHERS AND WOODWORTH,)
DOING BUSINESS AS FRANKTOWN)
TRUCK LINE.)

CASE NO. 1312

January 16, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 28, 1933, the Commission entered its order requiring the above named respondents to show cause why their certificate of public convenience and necessity, heretofore issued to them in Application No. 727-A, should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held on said matter on January 12, 1934, at which respondents did not appear. The evidence disclosed that respondents' public liability and property damage insurance expired October 26, 1933, and has never been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 727-A, should be revoked for their failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 727-A, to Mikelson Brothers and Woodworth, doing business as Franktown Truck Line, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Sam S. Jones
W. A. Jones
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PALMER REFRIGERATOR COMPANY.)

CASE NO. 1309

January 17, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 28, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-404, heretofore issued to said respondent company, should not be suspended or revoked for its failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

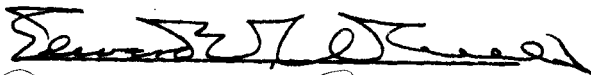


A hearing was held on said matter, at which respondent made no appearance. The evidence disclosed that respondent's insurance expired October 27, 1933, and had never been renewed.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-404, heretofore issued to the above named respondent, should be revoked for failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-404, heretofore issued to Palmer Refrigerator Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1934.

(Decision No. 5541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST SUMMERFIELD.)

CASE NO. 1311

January 17, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 28, 1933, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. A-535, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing on said matter was held on January 12, 1934, at which respondent made no appearance. The evidence disclosed that respondent's insurance expired November 13, 1933, and had never been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-535, heretofore issued to respondent, should be revoked for his failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-535, heretofore issued to Ernest Summerfield, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. C. Decker
Don S. Jones
Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. BARTH.)

CASE NO. 1302

January 17, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. A-512 heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing on said matter was held on January 12, 1934, at which respondent did not appear although he was given due notice of the time and place of said hearing. The evidence disclosed that respondent's insurance was cancelled August 25, 1933, and never renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-512, heretofore issued to respondent, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-512, heretofore issued to O. C. Barth, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Sam L. Jones

Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. KING.)

CASE NO. 1310

January 17, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 28, 1933, the Commission entered its order requiring the above named respondent to show cause why private motor vehicle permit No. A-496, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.




A hearing was held on said matter, at which respondent did not appear. The evidence disclosed that respondent's insurance was cancelled September 28, 1933, and never renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-496, heretofore issued to respondent, should be revoked for his failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-496, heretofore issued to J. C. King, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. A. HARSCH AND H. O. STOCKTON.)

CASE NO. 1325

MAKE NO

COPY

January 18, 1934

S T A T E M E N T

By the Commission:

Information has repeatedly come to the Commission that said M. A. Harsch is transporting livestock to and from points not authorized by his certificate to be served and that the said H. O. Stockton is aiding and abetting in such conduct.

The Commission has heretofore warned the respondents with respect to such conduct, without, according to its present information, any avail.

M. A. Harsch is operating under a certificate of public convenience and necessity heretofore issued by the Commission to him. H. O. Stockton formerly had a certificate of public convenience and necessity which this Commission issued to him, and which was revoked for causes shown on June 16, 1933, in Case No. 1117.

The Commission is of the opinion, and so finds, that an order should be made requiring the respondent, M. A. Harsch, to show cause by written statement to be filed with the Commission within ten days from this date why his certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1609, should not be revoked because of such conduct.

The Commission is further of the opinion, and so finds, that an order should be made requiring the respondent, H. O. Stockton, to show cause by written statement to be filed with the Commission within ten days from this date, why he should not be required by an order of this Commission to cease and desist from aiding and abetting the said M. A. Harsch in his alleged unlawful operations.

O R D E R


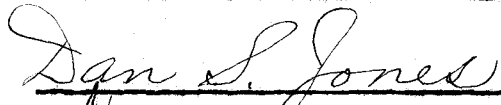
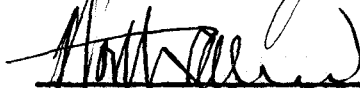
IT IS THEREFORE ORDERED, That a general investigation of the acts and doings of the respondents, M. A. Harsch and H. O. Stockton, be, and the same is hereby, instituted.

IT IS FURTHER ORDERED, That said respondent, M. A. Harsch, show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking the certificate of public convenience and necessity heretofore issued to said respondent on account of such conduct.

IT IS FURTHER ORDERED, That said respondent, H. O. Stockton, show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring respondent to cease and desist from aiding and abetting the said M. A. Harsch in his alleged unlawful operations, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on Thursday, February 1, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES G. BUNTING.)

APPLICATION NO. 1612

January 18, 1934.

S T A T E M E N T

By the Commission:

In the above matter the Commission has received a letter from James G. Bunting, in which he states that he "would like to discontinue until spring."

After careful consideration of said request, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to James G. Bunting in Application No. 1612, should be suspended for a period of six months; provided, however, that the said James G. Bunting may resume operations under said certificate at any time during the said suspension period by fully complying with all of our laws and rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to James G. Bunting in Application No. 1612, be, and the same is hereby, suspended for a period of six months from this date.

IT IS FURTHER ORDERED, That the said James G. Bunting may resume operations under said certificate at any time during said period of suspension by fully complying with all of our laws and rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of January, 1934.

E. S. V. Lee
Sam S. Jones
W. H. H. H.
Commissioners.

At a General Session of The Public
Utilities Commission of The State
of Colorado, held in its office
at Denver, Colorado, January 19, 1934.

INVESTIGATION AND SUSPENSION DOCKET NO. 205

IT APPEARING, That on December 19, 1933, the Ideldale Water Works by its owner, Carl D. Messenger, filed with the Commission a proposed rate for irrigation of lawns of twenty cents per front foot of lawns when water was available.

IT APPEARING FURTHER, That on January 16, 1934, a petition was filed with the Commission signed by A. R. Nichols and eight other water customers of said Ideldale Water Works protesting aforesaid irrigation rate, the payment for installation of cast iron curb boxes and cocks, the brief notice of payment of water rentals, apparent increase of rates, the sufficiency of water supply and the sanitary condition of water.


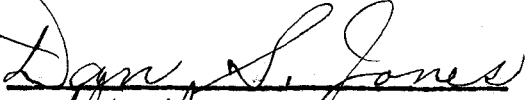

IT APPEARING FURTHER, That the Commission finds that proposed irrigation rate and service of said water works might injuriously affect the rights and interests of the water consumers of the Ideldale Water Works,

IT IS THEREFORE ORDERED, That the effective date of the proposed irrigation rate for the Ideldale Water Works be suspended for one hundred twenty days from February 1, 1934, or until June 1, 1934, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed irrigation rate and service for lawns of the Ideldale Water Works as well as the rates, charges, practices and condition of said water works be made a subject of investigation and determination by the Commission within said period of time or such further time as the same might be lawfully suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid proposed irrigation rate schedule and copies hereof be forthwith served on the Ideldale Water Works, Mr. Carl D. Messenger, owner at Idledale, Colorado, the applicant, and Mr. A. R. Nichols, 3030 W. 41st Ave., , Denver, Colorado, and Mr. William A. Vickers, Idledale, Colorado, the protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1934.

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(Decision No. 5548)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. W. HOOVER, DOING BUSINESS AS) PRIVATE PERMIT NO. A-483
THE WESTERN SLOPE TRUCK SERVICE.)

January 19, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the above named
L. W. Hoover, in which he states that he discontinued all hauling on
November 1, 1933, and desires his permit cancelled.

After careful consideration of said request, the Commission
is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-483, hereto-
fore issued to L. W. Hoover, doing business as The Western Slope Truck
Service, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele
Samuel Jones
Arthur A. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM SHUPE.)

CASE NO. 1087

January 22, 1934.

S T A T E M E N T

By the Commission:

On February 2, 1933, the Commission entered its order suspending private permit No. A-82, heretofore issued to the above named respondent, for his failure to make highway compensation tax reports and file the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports and filed such insurance as is required by law and the rules and regulations of the Commission, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension expired August 2, 1933, and respondent failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-82, heretofore issued to respondent, should be revoked for his failure to make reports and file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-82, heretofore issued to Sam Shupe, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien

Don S. Jones

Arthur
Commissioners.

Dated at Denver, Colorado,
this 22nd day of January, 1934.

* * *

January 23, 1934.

By the Commission:

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said permit would be revoked without further notice.

Said period of suspension expired August 2, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-191, heretofore issued to respondent, should be revoked for his failure to make reports, pay highway compensation taxes and file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-191, heretofore issued to Elmer Defenbaugh, be, and the same is hereby, revoked.

Edward B. Turner
Lynn S. Jones
- W. W. Turner
Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KIRK ALBRIGHT.)

CASE NO. 1057

January 23, 1934.

S T A T E M E N T

By the Commission:

On January 16, 1933, the Commission entered its order suspending private permit No. A-274, heretofore issued to the above named respondent, for a period of six months from the date of said order for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said permit would be revoked without further notice.

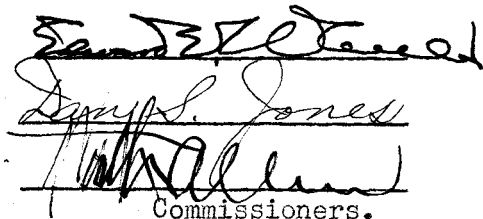
Said suspension period expired July 16, 1933, and respondent has failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-274, heretofore issued to respondent, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-274, heretofore issued to Kirk Albright, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. P. ARNOLD, DOING BUSINESS AS) CASE NO. 1079
ARNOLD TRANSFER COMPANY.)

January 23, 1934.

S T A T E M E N T

By the Commission:

On January 14, 1933, the Commission issued its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1794, for his failure to file reports, pay highway compensation taxes and file the necessary insurance required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports, paid all such taxes and filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.

Said suspension period expired July 14, 1933, and respondent has failed to comply with the above requirements.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1794, should be revoked for his failure to make reports, pay taxes and file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to C. P. Arnold, doing business as Arnold.

Transfer Company, in Application No. 1794, be, and the same is hereby,
revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel H. Jones

Dan S. Jones

H. M. Rice

Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WARING AND TUCKER.)

PRIVATE PERMIT NO. A-439

January 23, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the above named Waring and Tucker, stating: "We have quit freighting and we will not freight any more."

In consideration of this statement, the Commission is of the opinion, and so finds, that the private permit heretofore issued to the said Waring and Tucker, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-439, heretofore issued to Waring and Tucker, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Dan S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TATE KETTLER.)

APPLICATION NO. 1706

January 23, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter requesting a temporary suspension for a period of six months of the certificate heretofore issued to Tate Kettler in Application No. 1706, based upon the ground of poor business conditions.

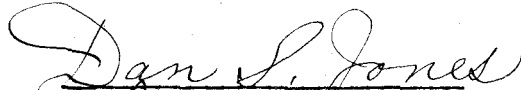
After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Tate Kettler in Application No. 1706, be, and the same is hereby, suspended for a period of six months from the date hereof, provided that during said period of suspension said certificate will be automatically reinstated if the said Tate Kettler files the necessary insurance and otherwise complies with the law and the Commission's Rules and Regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. PERRY, DOING BUSINESS AS) CASE NO. 1326
PERRY TRUCK LINE.)

January 20, 1934.

S T A T E M E N T

By the Commission:

The Commission is informed that on or about July 25, 1933, International Harvester Company of America made a C.O.D. shipment of certain repair parts over the line of the respondent, J. D. Perry, doing business as Perry Truck Line. We are further informed that the amount of the charges to be collected by said Perry Truck Line was \$255.78; that said amount was collected by respondent within a day or two after July 25 from Electric Garage in Pecos, New Mexico, to which the parts were consigned; that the consignor of said shipment had made repeated attempts to collect from said truck line but with no avail.

The Commission has had other complaints of a similar nature against the respondent and views with some alarm the treatment which said Perry is according his said customers.

The Commission is of the opinion, and so finds, that an investigation should be instituted on the Commission's own motion to determine whether or not the said Perry has collected said amount of money and has failed to turn the same over to the consignor, and that said Perry should be required to show cause why his said permit should not be revoked because of such conduct.

O R D E R

IT IS THEREFORE ORDERED, That on the Commission's own motion an investigation should be instituted to determine whether or not the said J. D. Perry has failed to turn over to International Harvester Company of America some \$255.78 collected by the respondent on a shipment

of repair parts made by said Harvester Company to Electric Garage in Pecos, New Mexico.

IT IS FURTHER ORDERED, That the respondent show cause by written statement to be filed with the Commission within ten days from this date why his motor vehicle permit No. A-1, heretofore issued by the Commission to him, should not be revoked and cancelled.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Thursday, February 1, 1934, at 2:00 o'clock p. m.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 20th day of January, 1934.

* * *

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407</
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1990 1991 1992 1993 1994 1995 1996 1997 1998

By the Commission:

It was provided in said suspension order that unless respondent filed the necessary insurance, together with a written statement that he had not operated for hire during said period of suspension, said permit would be revoked without further notice.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-292 should be revoked for failure of respondent to file proper insurance.

IT IS THEREFORE ORDERED, That private permit No. A-292, heretofore issued to George Zobel, be, and the same is hereby, revoked.

W. C. Coney

Don L. Jones

Commissioners.

Dated at Denver, Colorado,
this 25th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. KNOTTS.)

CASE NO. 1219

January 25, 1934.

S T A T E M E N T

By the Commission:

On September 21, 1933, the Commission entered its order revoking the certificate of public convenience and necessity heretofore issued to R. E. Knotts in Application No. 1840, for his failure to pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

Thereafter, respondent made a certain agreement with the Commission, whereby said certificate was to be reinstated upon his payment of said highway compensation taxes and the filing of proper insurance.

It now appears that respondent desires to transfer said certificate to E. E. Wyatt, who is to assume and pay all back highway compensation taxes owed by respondent.

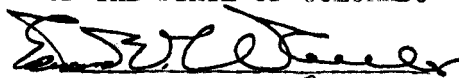


After careful consideration of said matter the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1840 and revoked September 21, 1933, Decision No. 5257, should be reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to R. E. Knotts in Application No. 1840 and revoked on September 21, 1933, be, and the same is hereby, reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of January, 1934.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN E. THOMPSON.) CASE NO. 1094

January 25, 1934.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending private permit No. A-242, originally issued to Joe Martinelli and thereafter transferred to the above named respondent, for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent monthly reports, paid the highway compensation taxes due and filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said permit would be revoked without further notice.

Said suspension period expired August 6, 1933, and respondent has failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-242, originally issued to Joe Martinelli, and thereafter transferred to John E. Thompson, should be revoked for his failure to file reports, pay highway compensation taxes and file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-242, originally issued to Joe Martinelli, and thereafter transferred to John E. Thompson,

be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

Dan S. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 25th day January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. E. KNOTTS FOR AUTHORITY TO)
SELL, ASSIGN AND TRANSFER TO) APPLICATION NO. 1840-A
E. E. WYATT CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

January 26, 1934.

Appearances: Mr. E. E. Wyatt, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by R. E. Knotts and E. E. Wyatt for authority to transfer a certain portion of the certificate of public convenience and necessity heretofore issued to R. E. Knotts in Application No. 1840.

The evidence disclosed that the consideration paid for said transfer is the sum of \$200.00, of which amount the transferee has paid \$75.00 and is to pay the balance in monthly installments.

The evidence further disclosed that no debts exist against the operation of said R. E. Knotts save and except highway compensation taxes in the amount of \$44.35. This amount the transferee assumes and agrees to pay at the rate of not less than \$15.00 per month, said payments to be made on or before the 10th of each and every month in addition to the regular taxes which would be due from the transferee.

The financial standing of the transferee was established to the satisfaction of the Commission.

After careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to the said R. E. Knotts to transfer to the said E. E. Wyatt that portion of

the certificate of public convenience and necessity heretofore issued to the transferor in Application No. 1840, covering all that territory lying within one and one-half miles of the following route or routes:

"Beginning at a point on the Airline Highway, thence east on said Airline Highway to a point midway on the south line of Section 5, Township 5 South, Range 65 West; thence south four miles to a point midway in the south line of Section 29, Township 5 South, Range 65 West, thence in a southwest direction to a point in the north half of Section 6, Township 6 South, Range 65 West, thence northeast to the Smoky Hill road; thence northwest along said road to the place of beginning, a point 1 mile east of the Denver-Parker Highway; provided, however, said territory shall include no territory west of points on the Airline and Smoky Hill Highways one mile east of the Denver-Parker Highway, and shall include no territory in Douglas County lying in Range 66 West."

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to R. E. Knotts to transfer to E. E. Wyatt the above described portion of the certificate of public convenience and necessity, heretofore issued to the said R. E. Knotts in Application No. 1840.

IT IS FURTHER ORDERED, That the authority herein granted shall not become effective until such time as the transferee shall have on file with the Commission the necessary insurance policy or a surety bond as required by law and our Rules and Regulations.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Jones

Dan S. Jones

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF HARRY J. SEEREY AND H. B. WAGNER) APPLICATION NO. 1971-A
FOR AUTHORITY TO TRANSFER MOTOR)
VEHICLE PERMIT.)

January 26, 1934.

Appearances: Harry J. Seerey, Denver, Colorado,
pro se;
E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company
and Interstate Transit Lines;
D. Edgar Wilson, Esq., Denver, Colorado,
for Chicago, Rock Island & Pacific
Railway Company;
C. Villeneuve, Denver, Colorado,
for H. B. Wagner.

S T A T E M E N T

By the Commission:

This is an application by Harry J. Seerey, doing business as Rainbow Stages, for authority to transfer to H. B. Wagner, doing business as Great Western Stages, a corporation, the motor vehicle permit heretofore issued by the Commission in Application No. 1971, said permit being an interstate one.

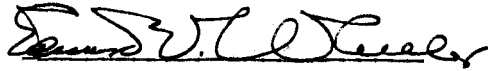
At the hearing it developed that Great Western Stages is a foreign corporation, and two weeks time was allowed for the purpose of submitting evidence to show that the proposed transferee was authorized to do business within the State of Colorado. Said period of two weeks elapsed January 10, 1934, and so far said authority has not been filed nor has any reason been given the Commission why the same has not been furnished. It further develops that since said hearing, the insurance under which the proposed transferee was operating has been cancelled and has not been renewed.

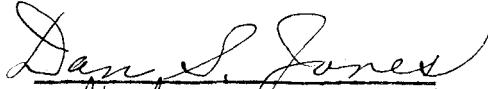
After careful consideration of the record, the Commission is of the opinion, and so finds, that the said application should be dismissed for the reasons above stated.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LLOYD T. MOUNTS.)

CASE NO. 1101

January 27, 1934.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending private permit No. A-341, heretofore issued to the above named respondent, for his failure to make reports and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent highway compensation tax reports and filed the necessary insurance policy or surety bond, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension has expired and respondent has failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-341, heretofore issued to respondent, should be revoked for his failure to make reports and file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-341, heretofore issued to Lloyd T. Mounts, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Dan L. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1106
RICHARD AND RIDGWAY.)

January 27, 1934.

S T A T E M E N T

By the Commission:

On February 3, 1933, the Commission entered its order suspending private permit No. A-358, heretofore issued to the above named respondents, for their failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondents filed all highway compensation tax reports due, paid all such taxes, and filed the necessary insurance policy or surety bond, together with a written statement to the effect that they had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension expired August 3, 1933, and respondents failed to comply with the above requirements.

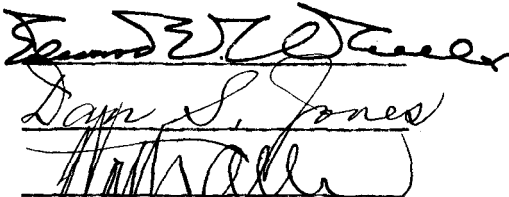
After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-358, heretofore issued to respondents, should be revoked for their failure to file reports, pay highway compensation taxes and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-358, heretofore issued to Richard and Ridgway, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 27th day of January, 1934.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1100
L. E. POWELL.)

January 27, 1934.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending the private permit No. A-334, heretofore issued to the above named respondent for his failure to pay highway compensation taxes and file the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent paid all highway compensation taxes due and filed the necessary insurance policy or surety bond, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension expired August 6, 1933, and respondent has failed to comply with the above requirements.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-334, heretofore issued to respondent, should be revoked for his failure to pay highway compensation taxes and file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-334, heretofore issued to L. E. Powell, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel E. Jones
John S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BYRON K. GOODWIN FOR AUTHORITY)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
A. G. GOODWIN.)

APPLICATION NO. 1916-A.

January 27, 1934.

Appearances: Mr. A. G. Goodwin, Loveland, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Byron K. Goodwin seeks authority to transfer to A. G. Goodwin that certain certificate of public convenience and necessity heretofore issued to him in Application No. 1916.

The evidence disclosed that Byron K. Goodwin has removed his residence from Loveland, Colorado, to Leadville, Colorado, and desires to transfer the operation of his certificate to A. G. Goodwin, who is his father and who has been operating the line for him since his removal to Leadville.

The consideration to be paid for the transfer is the balance due on the purchase price of a one-ton G. M. C. 1929 truck, amounting to the sum of \$190.00.

The standing and reliability of the transferee were established to the satisfaction of the Commission. All monthly reports have been filed and all highway compensation taxes have been paid.

After a careful consideration of the matter the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R


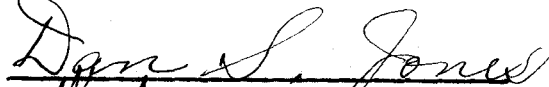

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Byron K. Goodwin to transfer the certificate of public convenience

and necessity, heretofore issued to him in Application No. 1916, to
A. G. Goodwin.

IT IS FURTHER ORDERED, That the authority herein granted shall
not become effective until such time as the transferee shall have on file
with the Commission the necessary insurance policy or surety bond as re-
quired by law and our Rules and Regulations.

IT IS FURTHER ORDERED, That the tariff of rates and rules and
regulations of the transferor herein shall become and remain those of the
transferee herein until changed according to law and the Rules and Regula-
tions of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ELECTRIC RATES OF THE GLENWOOD)
LIGHT AND WATER COMPANY.)

CASE NO. 1138

January 27, 1934

S T A T E M E N T

By the Commission:

In our order of December 9, 1933, we stated that the Commission had been advised orally by The Glenwood Light and Water Company that negotiations with Public Service Company of Colorado have resulted in a saving of some \$1200 annually to the Light Company not shown in our figures in said order. Since then copies of three contracts entered into between the two said companies have been filed with the Commission which show that the net amount which will be paid by the Light Company to Public Service Company annually will be reduced by approximately the amount stated.

In said order of December 9, 1933, we required the Light Company to file with the Commission within thirty days from said date, "a schedule of rates, of the same general form as the one now in use, which will effect a net reduction in net income from the customers in Glenwood Springs of \$1,932.00, plus one-half of the amount of the increase of net revenue resulting from said recent negotiations with the Public Service Company."

In said order the Commission further required the Light Company to submit "an alternative one which will accomplish the same result so far as reducing income is concerned but which shall be constructed without the use of a demand rate or similar factor applicable to domestic and business lighting customers."

In compliance with this order, the Light Company did submit schedules of rates.

Two of the rates proposed are for domestic lighting and combination service. One is a block type of rate and the other is a room type rate,

the latter being the same form of rate as is now in effect. The Commission is of the opinion, and so finds, that the room type rate is reasonable and should be made effective. Said rate is as follows:

Domestic Lighting and Combination Service Rate:-

First 3 KWH per active room, but at least 12 KWH	\$.09 $\frac{1}{2}$
Next 3 KWH per active room, but at least 12 KWH	.05 $\frac{1}{2}$
Excess KWH	.03
Minimum: - Lighting only	1.25 net
Combination	2.50 net
Discount - Within 15 days	10%
Maximum of 10 active rooms and minimum of 4 active rooms.	

Likewise two business lighting rates were submitted, one being a block type of rate, the other an hours use of connected load type of rate. The latter type of rate is now in effect. The proposed block type rate is as follows:

Business Lighting Rate per Meter:-

First 50 KWH per month, per KWH	\$.08
Next 100 KWH per month, per KWH	.06 $\frac{1}{2}$
Next 100 KWH per month, per KWH	.05 $\frac{1}{2}$
Next 250 KWH per month, per KWH	.04 $\frac{1}{2}$
Excess KWH	.03

Minimum Monthly Charge:

Net monthly bill shall in no event be less per month than	1.25 net
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Prompt Payment Discount:

On above charges for payment within 15 days from date of bill, a discount will be allowed of	10%
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The other type of business lighting rate submitted is as follows:

Business Lighting Rate Per Meter:-

First 20 Hours use per month of connected load per KWH	\$.09 $\frac{1}{2}$
Next 40 hours use per month of connected load per KWH	.06 $\frac{1}{2}$
Next 80 hours use per month of connected load, per KWH	.04 $\frac{1}{2}$
Additional KWH per month, per KWH	.03

Determination of Connected Load for Billing Purposes
Same as present

Minimum Monthly Charge:

Net monthly bill shall in no event be less
per month than 1.25 net

Prompt Payment Discount:

On above charges for payment within 15 days
from date of bill, a discount will be allowed of 10%

After conferences with the engineers for the Light Company and the Town of Glenwood Springs, the Commission has had some careful studies made by its own engineer. As a result of said conferences and said studies, the Commission is of the opinion, and so finds, that the present hours use of connected load rate should be modified, and that the block type rate as modified, should be made optional, and that the two rates should be as follows:

Business Lighting Rate per Meter:-

First 20 hours use per month of connected load per KWH	.09 $\frac{1}{2}$
Next 40 hours use per month of connected load per KWH	.06 $\frac{1}{2}$
Excess KWH per month, per KWH	.04 $\frac{1}{2}$

Determination of Connected Load for Billing Purposes
Same as present

Minimum Monthly Charge:

Net monthly bill shall in no event be less
per month than 1.25 net

Prompt Payment Discount:

On above charges for payment within 15 days
from date of bill, a discount will be allowed of 10%

Business Lighting Rate per Meter:-

First 50 KWH per month, per KWH	\$.09
Next 100 KWH per month, per KWH	.07
Next 100 KWH per month, per KWH	.06
Next 250 KWH per month, per KWH	.04 $\frac{1}{2}$
Excess KWH	.03

Minimum Monthly Charge:

Net monthly bill shall in no event be
less per month than 1.25 net

Prompt Payment Discount:

On above charges for payment within
15 days from date of bill, a discount
will be allowed of 10%

The rate for commercial power submitted by the company is, in the
opinion of the Commission, and it so finds, a fair and proper rate to be
charged. Said rate is as follows:

Commercial Power:-

First 40 KWH per month per H.P. of demand, per KWH - - - - -	\$.07 $\frac{1}{2}$
Excess KWH - - - - -	.03
Minimum month per H.P. of maximum demand	1.25 net

Determination of maximum demand:

If connected load is less than 10 H.P.,
maximum demand equals combined name
plate rating.

If more than 10 H.P., maximum demand
equals meter measurement.

Discount: Within 15 days - - - - - 10%

The rate for municipal street lighting submitted by the company
is, in the opinion of the Commission, and it so finds, a fair and proper
rate to be charged. Said rate is as follows:

Municipal Street Lighting:-

60 c. p. Lamps

100 Lamps or less - each, per yr.	\$21.00
More than 100, but less than 175, each, per year	20.00
More than 175, each, per year	17.00

100 c. p. Lamps

100 Lamps or less, each, per yr.	25.00
----------------------------------	-------

250 c. p. Lamps

100 Lamps or less, each, per yr.	45.00
More than 100, each, per year	40.00

Minimum Monthly Guarantee	300.00
---------------------------	--------

Service all night

No discount

The Commission is of the opinion, and so finds, that business lighting customers should have the privilege at any time of being placed upon the optional block type rate and that they should have the privilege of changing back and forth upon demand, provided, however, that a customer shall not be permitted to make more than one change in a year.

The engineer for the Light Company estimated that the new domestic lighting rate would effect a saving to the customers of some \$933 per year; that the new commercial power rate would effect a saving of \$360 per year; that the new street lighting rate would effect a saving of \$357 per year. He estimated also that the block type business lighting rate submitted by him would, if it wholly superseded the present business lighting rate, result in a saving to the customers of \$1358 per year.

The Commission is of the opinion, and so finds, that the use of the two business lighting rates which we have found reasonable will effect a saving to business lighting customers of approximately \$850 a year.

This means a total saving to the various types of customers of approximately \$2500 per year.

The Commission is of the opinion, and so finds, that the new rates herein found reasonable should be made and become effective on February 1, 1934.

The Light Company will be permitted to file its tariff of rates within fifteen days from this date, making the said rates effective on the date stated, February 1, 1934.

Of course, no finding is made herein with respect to classes of service not herein mentioned.

It is possible, of course, that the savings to the public may be more or less than the estimates made by the engineers and the Commission. Time only will tell. We are therefore, of the opinion, and so find, that either the Light Company or the City should, after a reasonable length of time, be permitted to make a showing to the Commission that the savings effected may have been either less or more than our estimate, so that the Commission may make an appropriate order in view of such evidence.

The Commission's attention has been called to the fact that the title of the case in the order dated December 9, 1933, contains the word "Power" which should have been "Water." The same error was likewise inadvertently made in the first paragraph in the order proper on page 32.

We are of the opinion, and so find, that the said order of December 9, 1933, should be corrected at this time.

O R D E R

IT IS THEREFORE ORDERED, That beginning February 1, 1934, The Glenwood Light and Water Company shall charge its various customers the rates which we have hereinbefore found fair and reasonable.

IT IS FURTHER ORDERED, That the Light Company shall charge no other rates to its customers than those herein found fair and reasonable, except for classes of service of which no mention is made herein.

IT IS FURTHER ORDERED, That business lighting customers shall have the option of being placed upon the block type rate which we have found fair and reasonable upon demand to the Light Company, and that such customers shall have the right to be changed back and forth from one type to the other, provided, however, that not more than one change shall be made within one year.

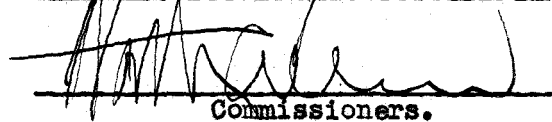
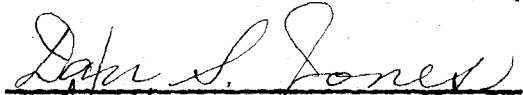
IT IS FURTHER ORDERED, That The Glenwood Light and Water Company shall file with the Commission within fifteen days from this date, its tariff of rates which the Commission has hereinbefore found fair and reasonable, which shall be made effective as of February 1, 1934.

IT IS FURTHER ORDERED, That all tariff rules, regulations and provisions now in effect with respect to rates and service, and which are not herein specifically changed, shall remain in full force and effect, and shall be made a part of the new tariff of rates to be filed.

IT IS FURTHER ORDERED, That since all business lighting customers have been on the hours use of connected load type of rate, they shall continue on that type until and unless they request to be put on the other type of rate.

IT IS FURTHER ORDERED, That where the name of the respondent company, The Glenwood Light and Water Company contains the word "Power" instead of "Water" in the order of December 9, 1933, the said order be, and the same is hereby, amended by striking the word "Power" and inserting the word "Water."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESS KENNER, DOING BUSINESS AS THE)
WHITE TRUCK LINES, AND WEICKER TRANS-)
PORTATION COMPANY, A CORPORATION, TO)
TRANSFER CERTAIN CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 607-AAAA
APPLICATION NO. 700-A
APPLICATION NO. 1589-A

January 27, 1934.

S T A T E M E N T

By the Commission:

On May 2, 1933, the Commission entered its order in the above entitled matters, wherein, inter alia, Jack Garrett Scott was appointed as trustee for the creditors of the White Truck Line; and

WHEREAS, it now appears that the said Jack Garrett Scott has moved from Denver and taken up his residence at Washington, D. C., and is desirous of being relieved of the above trusteeship; and

WHEREAS, it further appears to the Commission that Richard E. Conour, attorney for the Commission, would be a suitable person to be appointed to said trusteeship to succeed the said Jack Garrett Scott.

O R D E R

IT IS THEREFORE ORDERED, That Richard E. Conour, of Denver, Colorado, be, and he is hereby, appointed as trustee for the various creditors of Jess Kenner, doing business as The White Truck Line, to succeed the said Jack Garrett Scott as outlined and detailed in said order of May 2, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Samuel S. Jones
William H. Jones
Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. R. GERARD.) CASE NO. 1105

January 27, 1934.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending private permit No. A-372, heretofore issued to the above named respondent, for his failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed the necessary insurance policy or surety bond, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension expired August 6, 1933, and respondent has failed to comply with the above requirements.

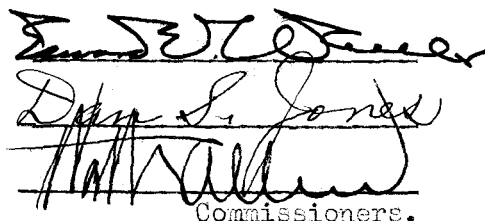
After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-372, heretofore issued to respondent, should be revoked for his failure to file reports, pay highway compensation taxes and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-372, heretofore issued to B. R. Gerard, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 27th day of January, 1934.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES H. O'BRIEN, DOING BUSINESS)
AS PARKER-DENVER TRUCK LINE, AND)
ALBERT MIKELSON, MARTIN MIKELSON AND)
ROY E. WOODWORTH, DOING BUSINESS AS)
FRANKTOWN TRUCK LINE, FOR TRANSFER OF)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 307-AAAA

January 27, 1934.

S T A T E M E N T

By the Commission:

On April 12, 1933, the Commission entered an order wherein, inter alia, it appointed Jack Garrett Scott trustee for the creditors of the above named Charles H. O'Brien; and

WHEREAS, it now appears that the said Jack Garrett Scott has removed from Denver and taken up his residence in Washington, D. C., and is desirous of being relieved of said trusteeship; and

WHEREAS, it further appears to the Commission that Richard E. Conour, attorney for the Commission, is a suitable person to be appointed to the said trusteeship to succeed the said Jack Garrett Scott.

O R D E R

IT IS THEREFORE ORDERED, That Richard E. Conour, of Denver, Colorado, be, and he is hereby, appointed as trustee for the various creditors of Charles H. O'Brien, to succeed the said Jack Garrett Scott, as outlined and detailed in said order of April 12, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE JOINT)
APPLICATION OF FAST FREIGHT LINES,)
INC., AND CONSOLIDATED FAST FREIGHT,) APPLICATION NO. 1554-AA
INC., TO TRANSFER AN INTERSTATE)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

January 27, 1934.

S T A T E M E N T

By the Commission:

On June 10, 1933, the Commission entered its order in the above entitled matter wherein, inter alia, Jack Garrett Scott was appointed as trustee for the various creditors of Fast Freight Lines, Inc.; and

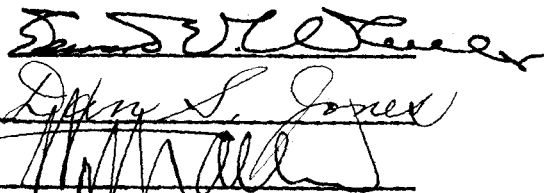
WHEREAS, it now appears that the said Jack Garrett Scott has removed from Denver and taken up his residence in Washington, D. C., and is desirous of being relieved of said trusteeship; and

WHEREAS, it further appears to the Commission that Richard E. Conour, attorney for the Commission, is a suitable person to succeed the said Jack Garrett Scott as such trustee.

O R D E R

IT IS THEREFORE ORDERED, That Richard E. Conour, of Denver, Colorado, be, and he is hereby, appointed as trustee for the various creditors of Fast Freight Lines, Inc. (exclusive of any equipment creditors), to succeed the said Jack Garrett Scott as outlined and detailed in said order of June 10, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of January, 1934.

MAKE NO COPY
102

(Decision No. 5570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
P. M. STEWART.) CASE NO. 1320

February 1, 1934

Appearances: Bert Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, P. M. Stewart, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1911, should not be revoked for his failure to file the necessary insurance with the Commission.

Since the order was made the respondent has filed his public liability and property damage insurance with the Commission, and also a personal bond covering cargo insurance.

The Commission is of the opinion, and so finds, that this case should be dismissed. However, we wish to warn the respondent we must expect him in the future to keep his insurance in force and effect and on file with the Commission, otherwise we will be warranted in revoking his certificate.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Sam S. Jones
W. H. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1934.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RE-LOCATION OR ALTERATION OF)
HIGHWAY CROSSING UNDER THE RAIL-)
ROAD TRACK OF UNION PACIFIC RAIL-) CASE NO. 1327
ROAD COMPANY, IN THE SOUTHWEST)
QUARTER OF SECTION 36, TOWNSHIP 3,)
SOUTH, RANGE 65 WEST, OF THE 6TH)
P.M.)
-----)

February 1, 1934

S T A T E M E N T

By the Commission:

The Commission had filed with it in August of last year an application in which the Board of County Commissioners of Adams County, Colorado, requested a grade crossing across the tracks and right-of-way of Union Pacific Railroad Company at a point where said track and right-of-way intersect the line between Sections 35 and 36 in Township 3 South, Range 65, West of the 6th P. M. As the parties were unable to agree, the Commission held one formal hearing and a number of informal conferences.

It developed at the hearing that the people desiring the construction of said grade crossing are now passing under the railroad track at a point about one-quarter of a mile east of the site of the proposed crossing; that the underpass now existing at that point was constructed for the purpose of permitting the water in what is known as Terrapin Creek to flow underneath the track. As the country developed the public began to and have for a number of years been using the underpass for ordinary highway traffic. It further developed that the crossing under the railroad track at said point is dangerous and that it might be much more preferable to order a re-location or alteration of the crossing thereunder than to require the construction of a grade crossing to the west thereof.

The said crossing under the railroad track is in Adams County.

The Commission is therefore, of the opinion, and so finds, that

it should on its own motion make an investigation and hold a hearing for the purpose of determining whether or not the public convenience and necessity require the re-location or alteration of the crossing under said railroad track at said point, and for the purpose of determining the proportion in which the expense of the re-location or alteration of said crossing should be divided between Union Pacific Railroad Company and the County of Adams.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that it enter upon an investigation and hold a public hearing for the purpose of determining whether or not the public convenience and necessity require the re-location or alteration of the public crossing now existing under the railroad track of Union Pacific Railroad Company at the point hereinbefore described, and for the purpose of determining the proportion in which the expense of the re-location or alteration of said crossing should be divided between Union Pacific Railroad Company and the County of Adams.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on February 13, 1934, at 2 o'clock P. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. C. Jones

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EAGLE RIVER ELECTRIC COMPANY,)
A CORPORATION, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS IN THE)
TOWN OF EAGLE, COLORADO.)

APPLICATION NO. 2135

February 3, 1934

Appearances: Morrison Shafroth, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by the Eagle River Electric Company, a Colorado corporation, seeking authority to exercise the rights and privileges granted to it under Ordinance No. 71, passed by the Board of Trustees and approved by the Mayor of the Town of Eagle, Colorado, on September 5, 1933.

The applicant has heretofore been distributing electric energy in said town. It desires to continue to serve therein under and subject to the terms of said ordinance which was passed, adopted, signed and approved on September 5, 1933.

The franchise granted by the ordinance is to be in effect for a period of twenty-five years from the date of the passage of the ordinance.

According to the balance sheet of the applicant company, the capital investment is \$59,000. However, the Commission in a hearing in which the question of the reasonableness of rates is in issue, will not be bound by the figure stated.


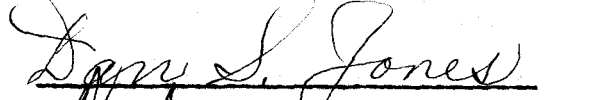

After careful consideration of the evidence introduced at the hearing had on said application, the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights and privileges granted in and by virtue of said Ordinance No. 71, passed by the Board of Trustees of the Town

of Eagle, Colorado, and approved by the Mayor thereof on September 5, 1933.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by the applicant of the franchise rights and privileges granted in and by virtue of said Ordinance No. 71, passed by the Board of Trustees of the Town of Eagle, Colorado, and approved by the Mayor thereof on September 5, 1933, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EVERETT DAVIS AND NEIL HERRON)
FOR AUTHORITY TO TRANSFER AND)
ASSIGN CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1085-AAA

February 5, 1934.

Appearances: Everett Davis, Flagler, Colorado,
 pro se;
 Neil Herron, Deertrail, Colorado,
 pro se.

S T A T E M E N T

By the Commission:

This is an application by Everett Davis and Neil Herron for authority to the former to transfer to the latter the certificate of public convenience and necessity originally issued by the Commission in Application No. 1085.

The evidence disclosed that no indebtedness exists against the present operations of Everett Davis. The evidence further disclosed that the transferee has had considerable experience in the operation of trucks and his financial standing and reputation were established to the satisfaction of the Commission.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R



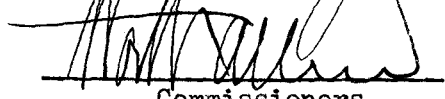
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Everett Davis to transfer to Neil Herron the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1085.

IT IS FURTHER ORDERED, That the transfer herein authorized shall

not become operative until the transferee has on file with the Commission the necessary insurance policy or surety bond required by law and our Rules and Regulations.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK O. EHMAN.)

CASE NO. 1111

February 5, 1934.

S T A T E M E N T

By the Commission:

On February 18, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1391-A, for his failure to make monthly highway compensation reports and file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent monthly reports and filed the necessary insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said certificate would be revoked without further notice.

Said period of suspension expired August 18, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1391-A, should be revoked for his failure to make monthly reports and file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Frank O. Ehman in Application No. 1391-A, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Dan L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS M. WEST.)

CASE NO. 1112.

February 5, 1934.

S T A T E M E N T

By the Commission:

On February 21, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1433, for his failure to file monthly highway compensation tax reports and file the necessary insurance policy or surety bond required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed his report for the month of January, 1932, and such insurance as is required by law and the rules and regulations of the Commission, together with a written statement to the effect that he had not operated for hire during said suspension period, said certificate would be revoked without further notice.

Said period of suspension expired August 21, 1933, and respondent failed to comply with the above requirements.

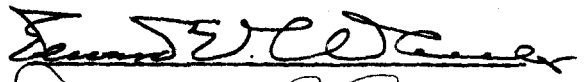


After careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1433, should be revoked for his failure to file reports and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued to Thomas M. West in Application No. 1433,
be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

* * *

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By the Commission:

After careful consideration of the record, the Commission is of the opinion, and so finds, that the said certificate of public convenience and necessity should be reinstated and said suspension order cancelled.

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Severin Pedersen in Application No. 1827, and suspended by order of the Commission dated February 24, 1933, be, and the same is hereby, reinstated, and said order of suspension entered on February 24, 1933, cancelled.

Sam S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKELSON BROTHERS AND WOODWORTH,)
DOING BUSINESS AS FRANKTOWN TRUCK)
LINE.)

CASE NO. 1312

February 5, 1934

S T A T E M E N T

By the Commission:

On January 16, 1934, the Commission entered an order revoking the certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 727-A, for their failure to file public liability and property damage insurance policies or a surety bond as required by law and the rules and regulations of the Commission.

Thereafter, on January 24, 1934, respondents filed policies covering public liability and property damage and requested reinstatement of their certificate.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said request should be granted, with a warning to respondents, however, that they must be more prompt in the future in complying with the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 727-A to Mikelson Brothers and Woodworth, doing business as Franktown Truck Line, and thereafter revoked by order of the Commission dated January 16, 1934, be, and the same is hereby, reinstated, effective January 16, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James E. [Signature]
Samuel L. Jones
Harry Allen
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS J. PETERSON.) CASE NO. 1026.

February 5, 1934.

S T A T E M E N T

By the Commission:

On January 11, 1934, the Commission entered its order revoking the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1947, for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

Thereafter, on January 26, 1934, respondent filed all necessary and proper insurance and requested reinstatement of his certificate.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Lewis J. Peterson in Application No. 1947, should be reinstated, with a warning to respondent, however, that in the future he must be more prompt in complying with the Commission's rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Lewis J. Peterson in Application No. 1947 and thereafter revoked on January 11, 1934, be, and the same is hereby, reinstated, effective January 11, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connor
Spencer Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. HAMMEL.)

CASE NO. 945

February 5, 1934.

S T A T E M E N T

By the Commission:

On January 11, 1934, the Commission entered its order revoking private permit No. A-220, heretofore issued to the above named respondent, for his failure to file the proper and necessary insurance policies or a surety bond as required by law and the rules and regulations of the Commission.


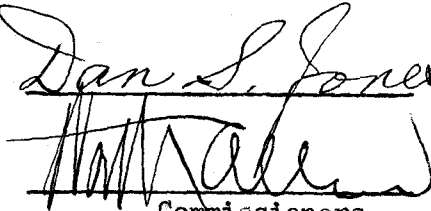
On January 20, 1934, the respondent filed a policy covering public liability and property damage insurance, and requested reinstatement of his permit.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that private permit No. A-220, heretofore issued to R. A. Hammel and thereafter revoked by order of the Commission, should be reinstated, with a warning to respondent, however, that in future he must be more prompt in complying with the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-220, heretofore issued to R. A. Hammel and thereafter revoked by order of the Commission, be, and the same is hereby, reinstated as of January 11, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. AND LAWRENCE CLYDE.)

CASE NO. 1114

February 5, 1934.

S T A T E M E N T

By the Commission:

On February 21, 1933, the Commission entered its order suspending the interstate permit heretofore issued to the above named respondents in Application No. 1980-I, for their failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondents filed said delinquent monthly reports, paid all highway compensation taxes due, and filed the necessary insurance policy or surety bond, together with a written statement to the effect that they had not operated for hire during said suspension period, said common carrier interstate permit would be revoked without further notice.

Said period of suspension expired August 21, 1933, and respondents failed to comply with the above requirements.

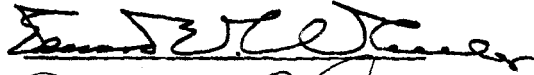
After careful consideration of the record the Commission is of the opinion, and so finds, that the common carrier interstate permit, heretofore issued to respondents in Application No. 1980-I, should be revoked for failure to make monthly reports, pay highway compensation taxes, and file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That the common carrier interstate permit, heretofore issued to Charles A. Clyde and Lawrence Clyde in

Application No. 1980-I, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK E. HAISLETT AND MRS. CLARA)
S. KELSO FOR AUTHORITY TO TRANSFER) APPLICATION NO. 1502-A
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

February 5, 1934.

Appearances: Mr. Frank E. Haislett, Yuma, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Clara S. Kelso seeks authority to transfer to Frank E. Haislett the certificate of public convenience and necessity heretofore issued to her in Application No. 1502.

The evidence disclosed that certain indebtedness exists for highway compensation taxes which the transferee agrees to assume and pay at the rate of ten per cent per month in addition to his regular taxes. ✓
Apparently, the only other claim against the operation of Mrs. Kelso consists of a bill for \$3.50 of the Cosner Candy Company, and the transferee also agrees to pay said account and deduct the same from the unpaid balance due the transferor on account of the purchase price of said certificate.

It was further disclosed that the total consideration to be paid by the transferee for said certificate is the sum of \$600.00, which is to be paid at the rate of \$50.00 per month. No equipment is involved in the transfer.

The financial standing and reliability of the transferee were established to the satisfaction of the Commission.

After a careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

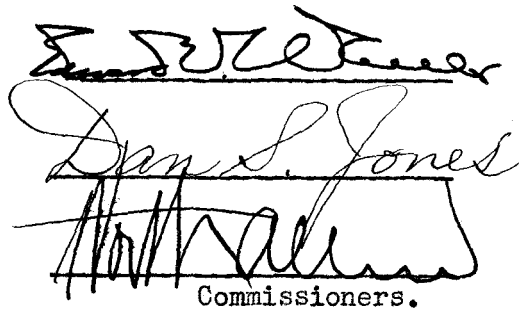
O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Clara S. Kelso to transfer to Frank E. Haislett the certificate of public convenience and necessity heretofore issued to her in Application No. 1502.

IT IS FURTHER ORDERED, That the authority herein granted is subject to the full compliance by the transferee with his agreement to pay the highway compensation taxes now due the State of Colorado from the operation of the transferor, and also subject to the payment of the account of the Cosner Candy Company if found to be correct, and the further provision that the transferee shall file all necessary insurance required by law and our rules and regulations.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. S. HARP AND THAD S. HARP,)
CO-PARTNERS, DOING BUSINESS AS)
HARP BROTHERS.)

CASE NO. 1328

(Meeker, Colo.)

February 5, 1934

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, in Application No. 1692, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

May to September, 1932, both inclusive, and
January to December, 1933, both inclusive,
Total amount \$233.73

The records of the Commission also disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers.

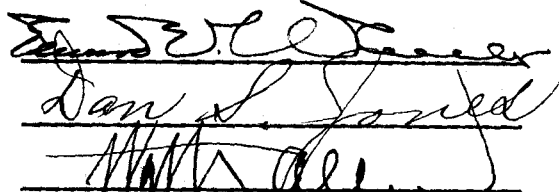
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission Governing Motor Vehicle Carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 23, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

504 ✓
(Decision No. 5585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. S. CHOATE.)

CASE NO. 1321

February 5, 1934

Appearances: Mr. Bert Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, R. S. Choate, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1266-A, should not be revoked for his failure to file the necessary insurance with the Commission.

It appeared at the hearing that since the order was made herein the respondent has filed the required insurance.

We have concluded to dismiss the case with a distinct understanding that the respondent shall hereafter keep in force and effect and on file with the Commission his insurance.

The Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 5th day of February, 1934.

Edward J. O'Brien
Dan S. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM A. CRUMB, DOING BUSINESS)
AS CRUMB TRANSFER COMPANY.)

CASE NO. 1317

February 5, 1934

Appearances: Mr. Bert Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, William A. Crumb, doing business as Crumb Transfer Company, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1423, should not be revoked for his failure to file the necessary insurance with the Commission.

It appeared at the hearing that since the order was made herein the respondent has filed the required insurance.

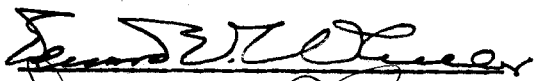

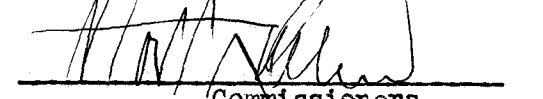
We have concluded to dismiss the case with a distinct understanding that the respondent shall hereafter keep in force and effect and on file with the Commission his insurance.

The Commission is of the opinion, and so finds, that this case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FOREST WOODARD.)

CASE NO. 1318

February 5, 1934

Appearances: Mr. Bert von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, Forest Woodard, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1016, should not be revoked for his failure to file the necessary insurance with the Commission.


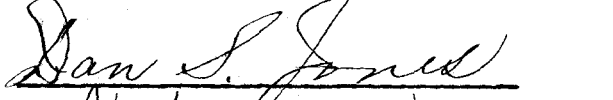

At the hearing it appeared that the public liability, property damage and cargo insurance of the respondent had expired without renewal; that there is now on file with the Commission no insurance whatever covering the operations of the respondent.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to Forest Woodard in Application No. 1016, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Forest Woodard in Application No. 1016, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HUSTON BELL.)

CASE NO. 1322

February 5, 1934

Appearances: Mr. Bert Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, Huston Bell, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1989, should not be revoked for his failure to file the necessary insurance with the Commission.

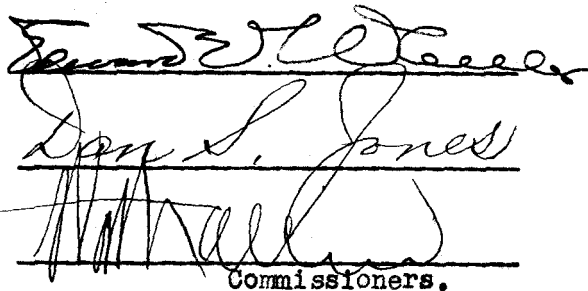
At the hearing it appeared that the respondent's insurance had all expired on October 1, 1933, and had not been renewed.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued in Application No. 1989, to Huston Bell, should be cancelled and revoked for failure to file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1989, to Huston Bell, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE AND JAMES MATTEDI.)

CASE NO. 1323

February 5, 1934

Appearances: Mr. Joe Mattedi, Ludlow, Colorado,
pro se;
Mr. Bert Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondents, Joe and James Mattedi, to show cause why their certificate of public convenience and necessity heretofore issued in Application No. 1981, should not be revoked for their failure to file the necessary insurance with the Commission.

At the hearing one of the respondents, Joe Mattedi, advised the Commission that at the present time he and his brother are not able to secure insurance, and has requested that the certificate be suspended for six months.

The Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1981, to Joe and James Mattedi, be, and the same is hereby, suspended for a period of six months from this date.

IT IS FURTHER ORDERED, That the respondents may at any time within six months file said insurance and be entitled to resume operations without further order.

IT IS FURTHER ORDERED, That if they do not file such insurance as is required by law and the rules and regulations of the Commission within a period of six months, an order will be made without further notice revoking

the certificate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Sam S. Jones
W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE GISI AND JOHN F. TOLBERT,) CASE NO. 1324
DOING BUSINESS AS YUMA TRANS-)
PORTATION COMPANY.)

February 5, 1934.

Appearances: Mr. Bert Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondents, Mike Gisi and John F. Tolbert, doing business as Yuma Transportation Company, to show cause why their certificate of public convenience and necessity heretofore issued in Application No. 2016, should not be revoked for their failure to file the necessary insurance with the Commission.


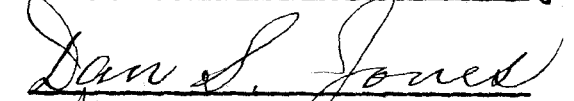

At the hearing it appeared that the public liability and property damage insurance of respondents expired on October 31, 1933, and that the cargo insurance expired on October 28, 1933, and has not been renewed.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued in Application No. 2016, to Mike Gisi and John F. Tolbert, doing business as Yuma Transportation Company, should be cancelled and revoked for failure to file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 2016, to Mike Gisi and John F. Tolbert, doing business as Yuma Transportation Company, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. A. HARSCH AND H. O. STOCKTON.) CASE NO. 1325

February 5, 1934

Appearances: M. A. Harsch, Greeley, Colorado,
pro se;
H. O. Stockton, Denver, Colorado,
pro se;
Charles P. Blakley, Denver, Colorado,
pro se;
George W. Stockton, Denver, Colorado,
pro se;

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, M. A. Harsch to show cause why his certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1609, should not be revoked on account of conducting operations not authorized by his certificate. The order further required H. O. Stockton to show cause why he should not be required to cease and desist from aiding and abetting said Harsch in the conduct of such operations.

A hearing was had at which it appeared that M. A. Harsch has been engaged in transporting livestock between Denver and points not authorized to be served by him; and that said H. O. Stockton aids and abets the said Harsch in his said conduct. This is clearly contrary to Harsch's certificate and the law. However, it rather appeared that their conduct had been in good faith, relying, as they stated, on advice given them in the offices of the Commission.

We have concluded not to revoke the certificate of M. A. Harsch, but must expect the respondents to refrain from such conduct in the future.

O R D E R

IT IS THEREFORE ORDERED, That M. A. Harsch wholly cease and desist from transporting livestock within the State of Colorado except between points authorized by his certificate of public convenience and necessity to be served.

IT IS FURTHER ORDERED, That said H. O. Stockton, cease and desist from aiding and abetting said Harsch in the conduct of such unauthorized and illegal operations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Brien

Samuel S. Jones

Arthur S. [Signature]

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

V. D. Pierce.)

CASE NO. 1329

(Bushnell, Nebr.)

February 10, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1930-I)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on February 24, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

Law S. Jones

XXXXXXXXXX

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. W. JAMES.) CASE NO. 1128

February 9, 1934.

S T A T E M E N T

By the Commission:

On January 28, 1933, the Commission made an order requiring the respondent, M. W. James, to show cause why his certificate of public convenience and necessity originally issued in Application No. 849, should not be revoked and cancelled for failure to file monthly highway compensation tax reports, and for failure to pay highway compensation taxes, and also for failure to file proper insurance with the Commission.

A hearing was had at which it appeared that at the time the order was made the respondent had not filed with the Commission any reports for the months of August, September, October, November and December, 1932, and that highway compensation taxes for the months of June and July, 1932, had not been paid. The evidence further showed that the respondent did not then have on file any insurance with the Commission.

Moreover, the said taxes for the months of June, July, August, September and October, 1932, and those for the months of June and July, 1933, are now in default. Also the respondent never filed any insurance during or for the sightseeing season of 1933.

The respondent wrote the Commission on September 4, 1933, suggesting that we suspend his certificate until such time as he may see fit to resume operations. However, since the respondent is in default in the payment of his taxes, and did at least some operating in the season of 1933 without any insurance, the Commission is of the opinion, and so finds, that it cannot suspend his certificate, but that the same should be revoked

and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 849, and now held by M. W. James, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones
W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF VIRGIL F. VANCE.)

CASE NO. 1290 ✓

CASE NO. 1291

February 5, 1934

S T A T E M E N T

By the Commission:

The Commission heretofore issued a certificate of public convenience and necessity to Virgil F. Vance in Application No. 1410. The Commission also issued him a private motor vehicle permit No. A-335.

Orders were made in the two above entitled cases on December 7, 1933, requiring the said Vance to show cause why his said certificate and private permit should not be revoked for failure to file proper insurance with the Commission.

The respondent is now seeking authority from the Commission to suspend operations under both said certificate and permit for a period of one year.

After careful consideration of his request for such authority, the Commission is of the opinion, and so finds, that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued by the Commission in Application No. 1410, and private permit No. A-335, issued to Virgil F. Vance, be, and the same are hereby, suspended for a period of one year from this date.

IT IS FURTHER ORDERED, That unless the period of suspension is extended within the period of one year, or the necessary insurance is filed within said time, the said certificate of public convenience and necessity issued in Application No. 1410, and private permit No. A-335, shall be revoked without further notice.

IT IS FURTHER ORDERED, That this order of suspension is without prejudice to the Commission taking such action as shall hereafter be deemed proper with respect to the matter of highway compensation taxes which have accrued to the State by reason of operations conducted under said certificate and permit.

IT IS FURTHER ORDERED, That operation hereunder may be resumed at any time within a year from this date upon filing the necessary insurance with the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. C. Jones

Dan S. Jones

W. H. Hall

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES H. O'BRIEN, DOING BUSINESS) CASE NO. 1126
AS PARKER-DENVER TRUCK LINE.)

February 9, 1934.

S T A T E M E N T

By the Commission:

An order was made on January 28, 1933, requiring the respondent, Charles H. O'Brien, doing business as Parker-Denver Truck Line, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file monthly highway compensation tax reports for the months of November and December, 1932, and for failure to pay highway compensation taxes for the month of October, 1932, and for failure to keep on file with the Commission proper insurance.

Since the order was made, the reports for the said months have been filed and the taxes for the said month of October paid. Moreover, the certificate of respondent has been transferred and he is no longer engaged in business.

The Commission is of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Don S. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. S. HARP AND THAD S. HARP,)
CO-PARTNERS, DOING BUSINESS AS) CASE NO. 1127
HARP BROTHERS.)

February 5, 1934

Appearances: Mr. Bert Von Egidy, Denver, Colorado,
and Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

The Commission on April 14, 1927, issued to the above named respondents a certificate of public convenience and necessity in Application No. 632, authorizing the transportation of passengers, express and freight by motor vehicle "between the town of Rifle, in Garfield County, Colorado, and the town of Meeker, Rio Blanco County, Colorado, and intermediate and adjacent territory thereto." While the law has required since August 1, 1927, the keeping on file with the Commission of public liability, property damage and cargo insurance, the respondents have never filed any such insurance.

The Commission therefore, on January 28, 1933, made an order requiring the respondents to show cause why said certificate should not be revoked on account of the failure to file such insurance. The order to show cause was also based on the failure of the respondents to file highway compensation tax reports for the months of May to December, 1932, both inclusive, and to pay highway compensation tax for the months of February, March and April, 1932.

At the time said order was made, it now appears, there were due and delinquent taxes for other months in 1932. Moreover, the respondents are the holders of another certificate of public convenience and necessity issued in Application No. 1692. We are therefore, making an order against respondents to show cause why the certificate issued in Application No. 1692 should not also be revoked.

At the hearing the evidence showed that the respondents have never filed any public liability, property damage and cargo insurance, and that they were then delinquent in the payment of their highway compensation tax.

We would have been warranted in revoking their certificate at that time. However, we have let the matter run along with the hope that the respondents would file their insurance and pay their taxes. We did receive from the respondents about November 16, 1933, their check for \$48.49 to be applied on account of their highway compensation taxes. There is still a substantial amount due from them. Moreover, they have never filed any insurance.




The Commission has revoked dozens of certificates issued to other operators on account of the failure to pay taxes and to carry insurance. We see open no other course in this case.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to H. S. Harp and Thad S. Harp, doing business as Harp Brothers, in Application No. 632, should be revoked and cancelled on account of the above mentioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to H. S. Harp and Thad S. Harp, doing business as Harp Brothers, in Application No. 632, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. J. McCREER.)

PRIVATE PERMIT NO. A-234.

February 14, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above named E. J. McCreer, that private permit No. A-234, heretofore issued to him, be suspended for a period ending June 13, 1934.

Said request is based upon the ground of lack of business at the present time.

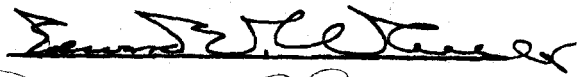
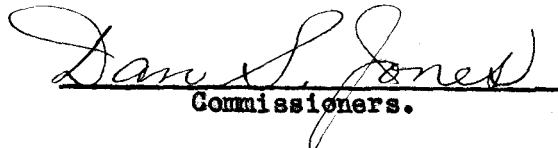
It appears that the said E. J. McCreer has filed his reports and paid all taxes due the Commission to date.

After a careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-234, heretofore issued to E. J. McCreer, be, and the same is hereby, suspended for a period expiring June 13, 1934, provided, however, that during said period of suspension said permit may be reinstated at any time by filing with the Commission the necessary insurance and otherwise complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 14th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. H. SCHARFER.)

CASE NO. 1055

February 5, 1934.

S T A T E M E N T

By the Commission:

On January 24, 1933, the Commission made an order suspending temporarily private motor vehicle permit No. 238-A, heretofore issued to E.H. Schaefer.

The holder of the permit has requested that the same be further suspended.

We are, therefore, suspending the same again until May 1, 1934. If the holder of the permit has not filed proper insurance with us on or before that day, the said permit will be cancelled without further notice.


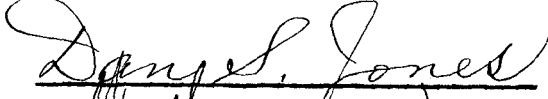

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 238-A, heretofore issued to E. H. Schaefer, be, and the same is hereby, suspended until May 1, 1934.

IT IS FURTHER ORDERED, That said respondent may resume operations at any time between this date and May 1, upon filing the proper insurance with this Commission.

IT IS FURTHER ORDERED, That unless the said respondent does file the proper insurance with the Commission between now and May 1, 1934, an order will be made immediately without further notice revoking his said permit.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE UNION ICE AND FUEL COMPANY.)

PRIVATE PERMIT NO. A-429.

February 19, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from The Union Ice and Fuel Company that its private permit No. A-429 be suspended until such time as said company desires again to operate thereunder.

After a careful consideration of said request the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-429, heretofore issued to The Union Ice and Fuel Company, be, and the same is hereby, suspended for a period of one year, provided, however, that during said period of suspension operations under said permit may be resumed at any time upon the filing with the Commission of the necessary insurance or surety bond required by law and otherwise complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Dan L. Jones
W. H. Jones
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY J. SEEREY, DOING BUSINESS AS)
RAINBOW STAGES, FOR AUTHORITY TO)
TRANSFER MOTOR VEHICLE PERMIT.)

APPLICATION NO. 1971-A

February 19, 1934.

S T A T E M E N T

By the Commission:

On January 26, 1934, the Commission denied authority to Harry J. Seerey, doing business as Rainbow Stages, to transfer his interstate permit to Great Western Stages on the ground that said transferee, a foreign corporation, was not qualified to transact business in the State of Colorado.

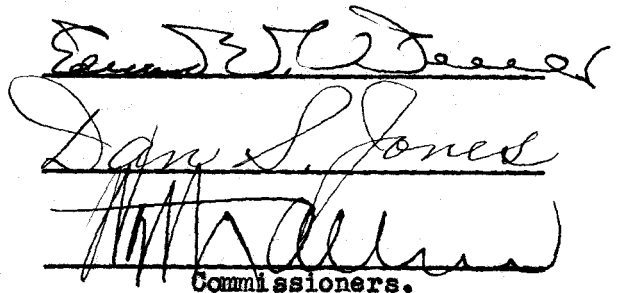
A petition for rehearing has been filed in said matter, and after a careful consideration of same the Commission is of the opinion, and so finds, that a rehearing should be granted.

O R D E R

IT IS THEREFORE ORDERED, That a rehearing be, and the same is hereby, granted in the above matter.

IT IS FURTHER ORDERED, That said further hearing be, and the same is hereby, set for February 24, 1934, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at the hour of 10:00 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1934.

(Decision No. 5602).

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PALMER REFRIGERATOR COMPANY.)

CASE NO. 1309

February 19, 1934.

S T A T E M E N T

By the Commission:

The Commission in the above entitled case revoked the motor vehicle private permit No. A-404 on January 17, 1934, heretofore issued to Palmer Refrigerator Company, for failure to file with the Commission insurance required by law.

On February 8, 1934, we received the necessary insurance with some explanation as to why it had not been filed sooner.


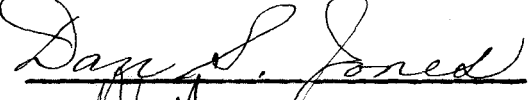

The Commission has concluded to set aside the order of revocation but with the distinct understanding that it is incumbent upon the respondent herein to comply promptly with our laws and the rules and regulations. It should have known that its insurance should have been on file even though it might have been late in receiving some mail from this Commission. We shall expect it hereafter to pay its taxes promptly and to keep its insurance in effect and in force with the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on January 17, 1934, cancelling and revoking the motor vehicle private permit No. A-404, heretofore issued to the respondent, Palmer Refrigerator Company, be, and the same is hereby, set aside.

IT IS FURTHER ORDERED, That this case be, and the same is
hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. FILSON.)

CASE NO. 1096

February 24, 1934.

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending private permit No. A-291, heretofore issued to the above named respondent, for his failure to file the necessary insurance policy or surety bond required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed such insurance as is required by law and the rules and regulations of the Commission, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

Said period of suspension expired August 6, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-291, heretofore issued to respondent, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-291, heretofore issued to H. D. Filson, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Harry L. Jones
W. H. Baker
Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
HOMER SPENCER AND CHARLES BATCHELOR,)
CO-PARTNERS, AND D. L. WELLS AND)
JIMMIE WELLS FOR AUTHORITY TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1362-AA.

February 24, 1934.

S T A T E M E N T

By the Commission:

This is an application by Homer Spencer and Charles Batchelor, co-partners, for authority to transfer to D. L. Wells and Jimmie Wells, of Bayfield, Colorado, that certain certificate of public convenience and necessity heretofore issued in Application No. 1362. The application is signed by both the transferors and transferees.

Affidavits were submitted that no indebtedness exists against the operations under said certificate by Homer Spencer and Charles Batchelor. References as to the standing and reliability of the transferees are furnished the Commission.

All interested parties have been notified and no protests or objections have been received against the proposed transfer. The parties live a considerable distance from Denver and are anxious for an immediate decision.

Under all the circumstances of the case the Commission is of the opinion, and so finds, that the authority sought should be granted without the formality of a hearing; provided, however, that if it should develop later that the Commission had been misinformed in regard to the question of indebtedness of transferors, or any other material fact in connection with said transfer, we reserve the right to make such further or additional orders as may be necessary in the instant case.

O R D E R

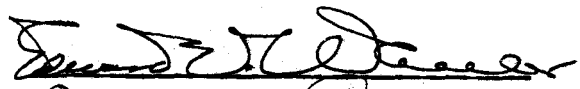

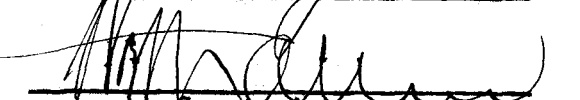
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Homer Spencer and Charles Batchelor to transfer to D. L. Wells and Jimmie Wells, of Bayfield, Colorado, that certain certificate of public convenience and necessity heretofore issued in Application No. 1362.

IT IS FURTHER ORDERED, That said transfer shall not become effective until the transferees shall have filed with the Commission the necessary insurance policy or surety bond required by law and our rules and regulations.

IT IS FURTHER ORDERED, That the Commission reserves jurisdiction over said matter for the purpose of making such additional order or orders as may become necessary to properly protect any creditors of the transferors.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferors herein shall become and remain those of the transferees herein until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. PERRY.)

CASE NO. 1314.

February 26, 1934.

Appearances: Mr. J. J. Gorsuch, Denver, Colorado,
Credit Manager, Robinson-Chase Company;
Mr. J. D. Perry, Colorado Springs, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On December 30, 1933, the Commission entered its order requiring the above named respondent to show cause why his private permit No. 1-A should not be revoked and cancelled because of his acts and doings with respect to a C.O.D. collection made in October, 1933, on a shipment by Robinson-Chase Company, of Denver, Colorado, to Bonner Brice, Walsenburg, Colorado.

The evidence disclosed that the Robinson-Chase Company, of Denver, on October 7, 1933, made a certain C.O.D. shipment via respondent's truck line to Bonner Brice of Walsenburg, Colorado. On October 10, 1933, the said Bonner Brice paid respondent the amount of said C.O.D. in the sum of \$57.09. Respondent received said money upon said check on October 18, but did not pay Robinson-Chase Company said money until December 29, 1933. The reason given by respondent for his failure to remit was that his records did not disclose that he had ever received said check, and it was not until he was shown the check for the amount of said C.O.D. carrying his indorsement that he was satisfied that he had carried this shipment or received the money.

Respondent further testified that Robinson-Chase Company had been indebted to him for nearly a year for a comparatively small amount which, however, he deducted from the amount of the C.O.D. when he finally settled

for same.

We believe respondent's conduct in the matter is subject to severe censure at least. If his books fail to disclose a transaction of this kind, there is something wrong with his method of bookkeeping. Even after he was satisfied that he had carried the shipment and collected the money, he took considerable time to adjust the same.

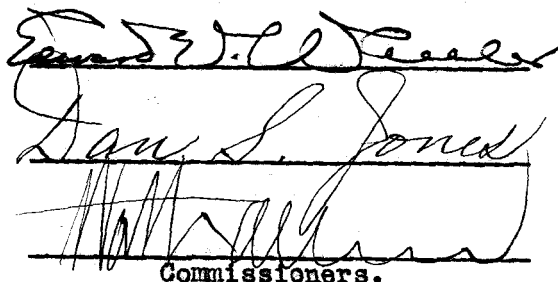
C.O.D. collections are in the nature of trust funds and should be handled by motor vehicle operators in the manner and form prescribed by our rules and regulations. The Commission feels that it would be entirely justified in revoking the permit of respondent in the instant case. However, we have determined, in view of all the facts and circumstances, not to take such drastic action at this time, with a warning to respondent, however, that any future misconduct on his part in connection with C.O.D. shipments and collections will be dealt with more severely by the Commission.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. S. HARP AND THAD S. HARP, CO-)
PARTNERS, DOING BUSINESS AS)
HARP BROTHERS.)

CASE NO. 1328

February 26, 1934.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission;
Mr. A. A. von Egidy, Denver, Colorado,
File Clerk, Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondents to show cause why their certificate issued in Application No. 1692 should not be revoked for failure to pay highway compensation taxes to the State, and for failure to file such insurance as is required by law and the rules and regulations of the Commission.

A hearing was had at which no appearance was made for the respondents. The evidence showed that the amount which respondents now owe the State on account of highway compensation taxes is \$139.65, including legal penalties.

The Commission in Case No. 1127 made an order dated February 5, 1934, revoking another certificate issued to the respondents. Since said date respondents have made two payments of taxes, one in the amount of \$42.98 and the other in the amount of \$53.30. Moreover, they have promised to file insurance and ask thirty days in which to make said filing.

The evidence further showed that respondents have never at any time during the past four or five years filed any insurance with the Commission.

The Commission has concluded to make an order herein revoking the certificate of public convenience and necessity heretofore issued to the respondents in Application No. 1692, but to make the order effective thirty days from this date. If respondents have filed proper insurance within that time, the Commission will make an order vacating both this order and the order revoking the other certificate.

We believe the respondents should, under the circumstances, be permitted and required to pay current taxes as they become due, and to pay \$25.00 per month on taxes now past due.

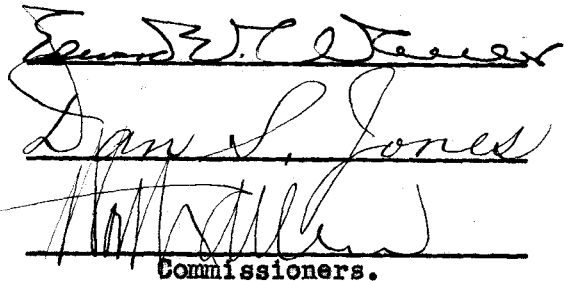
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to the respondents herein in Application No. 1692, be, and the same is hereby revoked and cancelled for the failure of respondents to pay highway compensation taxes due the State and for failure to file proper insurance with the Commission.

IT IS FURTHER ORDERED, That the effective date of this order shall be thirty days from the date hereof, and that if within that time proper insurance policies are filed with the Commission, the Commission will, without further notice, make an order vacating this order and the one made in Case No. 1127.

IT IS FURTHER ORDERED, That in the event said insurance is filed and the orders of cancellation are revoked, further orders of cancellation may be made without further notice to respondents if they fail to pay \$25.00 per month on the taxes now due and to pay the current taxes as they become due.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1313
TED CARPENTER AND SON.)

February 26, 1934.

Appearances: Mr. Richard E. Conour, Denver, Colorado,
 Attorney, Public Utilities Commission;
 Mr. Marion F. Jones, Longmont, Colorado,
 for respondents.

S T A T E M E N T

By the Commission:

On December 30, 1933, the Commission entered its order requiring respondents to show cause why private permit No. A-553, heretofore issued to them, should not be revoked and cancelled upon the ground that they had been acting as common carriers under said permit and for the further reason that they had been operating over routes and to points not authorized to be served by said permit.

The evidence disclosed that said private permit No. A-553 was issued to respondents on November 17, 1933, and at the date of the hearing which was January 12, 1934, it appeared that only four trips had been made by respondents under said permit for four different individuals. One of said trips was from Fort Collins to Pueblo, Colorado, which trip was outside of the territory authorized to be served by their private permit. Mr. Carpenter, Sr., seemed very vague about the scope of operations permitted under a private permit and was undoubtedly under the impression that under their said permit they could, as a matter of fact, operate as a common carrier. He was also under the impression that he could go practically anywhere so long as he advised the Commission of the trips he made.

In view of the limited number of trips that the evidence disclosed respondents had made under their permit, the Commission does not feel that it would be justified in finding that the operations thereunder were those of a

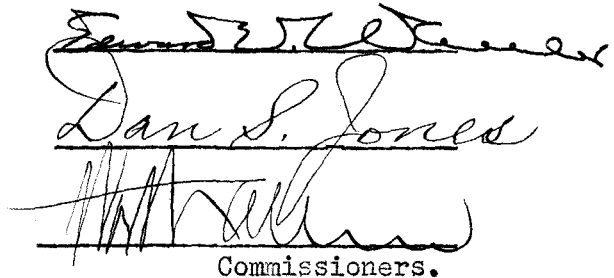
common carrier. Respondents have been fully advised of the restrictions that are placed upon their operations as private carriers and have promised in future to conform thereto.

In view of all the facts and circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondents, however, that all future operations under their permit must be those of a private carrier and must be confined to the territory authorized to be served under said permit as same may be extended after due notice to the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. D. F. GAINES.)

APPLICATION NO. 666

February 26, 1934.

S T A T E M E N T

By the Commission:

Whereas, it appears to the Commission that a certificate of public convenience and necessity was heretofore issued to the above named Mrs. D. F. Gaines in Application No. 666; and

Whereas, it further appears that the said Mrs. D. F. Gaines is now deceased and all mail addressed to her has been returned with the envelopes marked "Deceased";

In view of the circumstances the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the said Mrs. D. F. Gaines, should be revoked and cancelled, without prejudice, however, to the rights of any legal representatives of the said Mrs. D. F. Gaines to move to have the said certificate reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Mrs. D. F. Gaines in Application No. 666, be, and the same is hereby, revoked and cancelled, without prejudice, however, to the rights of any legal representatives of the said Mrs. D. F. Gaines to move to have the said certificate reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 26th day of February, 1934.

Edward J. O'Connell
Dan S. Jones
W. H. [Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
V. D. PIERCE.)

CASE NO. 1329

February 26, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On February 10, 1934, the Commission entered its order requiring the above named respondent to show cause why the interstate permit, heretofore issued to him in Application No. 1930-I, should not be cancelled or revoked for his failure to file the necessary insurance policy or surety bond required by law and our rules and regulations.

The evidence disclosed that subsequent to the issuance of said show cause order and prior to the hearing, respondent filed the necessary insurance.

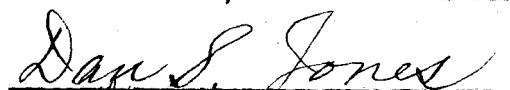
After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that hereafter he must be more prompt in complying with our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 26th day of February, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SEE AND W. LEE SHARP, DOING)
BUSINESS AS THE HUERFANO FREIGHT) CASE NO. 1247
LINES.)

March 1, 1934

S T A T E M E N T

By the Commission:

The Commission made an order on December 18, 1933, in the above entitled case revoking the certificate of public convenience and necessity heretofore issued in Application No. 1372 to Ralph See and W. Lee Sharp, doing business as The Huerfano Freight Lines, because of their failure to file with the Commission the necessary insurance policy or surety bond as required by law.

Since that date the parties have filed the necessary insurance and have requested that said order of December 18, 1933, be vacated and cancelled.

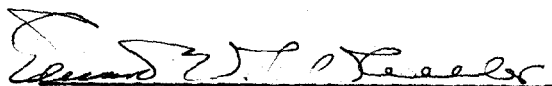
The Commission is of the opinion, and so finds, that said request should be granted. However, we take this action with the understanding that the respondents will hereafter comply with the law and keep effective insurance on file with the Commission at all times.

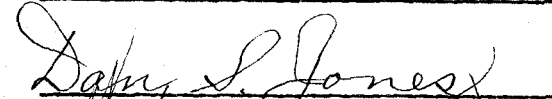
O R D E R

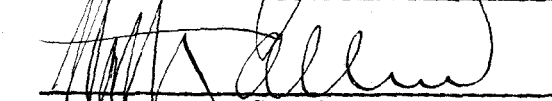
IT IS THEREFORE ORDERED, That the order of December 18, 1933, made in the above entitled case, be, and the same is hereby, vacated and set aside.

IT IS FURTHER ORDERED, That said case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1934.

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, March 1, 1934.

INVESTIGATION AND SUSPENSION DOCKET NO. 202.

Re: Electric Rates of Highland Utilities Company.

IT APPEARING, That by an order dated November 4, 1933, The Public Utilities Commission of the State of Colorado entered upon an investigation concerning the lawfulness of the proposed increase in rates charged by the Highland Utilities Company which were to become effective November 19, 1933;

IT APPEARING FURTHER, That pending such hearing and decision the Commission ordered that said tariffs be suspended one hundred and twenty days, or until March 3, 1934;

IT APPEARING FURTHER, That such investigation cannot be concluded within the period of suspension above stated,

IT IS THEREFORE ORDERED, That the operation of the proposed schedule specified in said order dated November 4, 1933, be further extended six months, or until August 3, 1934 unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the rates thereby sought to be altered shall not be changed by any subsequent tariffs or schedules until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired.

IT IS FURTHER ORDERED, That a copy of this order be filed with Investigation and Suspension Docket No. 202, and copies hereof be forthwith served on Mr. Lowell D. Hunt, General Attorney for the Highland Utilities Company, the respondent, and upon Mr. A. A. Arraj, attorney for the towns of Springfield and Pritchett; Mr. Harry J. Dillon, Town Clerk of Walsh; Mr. J. D. Gelwick, Dolores, for the towns of Mancos, Dolores and Cortez; Cortez Chamber of Commerce, Cortez; Mancos Chamber of Commerce, Mancos; Mr. S. W. Carpenter, attorney for the towns of Mancos and Dolores; Mr. John J. Downey, attorney for the town of Cortez; and James C. Lang, attorney for the town of Eads, the protestants.

IT IS FURTHER ORDERED, That this proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones

Dan S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
GEORGE H. SULTZ FOR AUTHORITY TO
CONSTRUCT AND MAINTAIN IN THE TOWN
OF ELBERT, COLORADO, A PLANT FOR
THE GENERATION OF ELECTRIC CURRENT.

APPLICATION NO. 2140

IN THE MATTER OF THE APPLICATION OF
THE MOUNTAIN UTILITIES CORPORATION
FOR AUTHORITY TO ABANDON AND DISMANTLE
AN ELECTRIC TRANSMISSION LINE FROM THE
TOWN OF KIOWA TO ELBERT, COLORADO.

APPLICATION NO. 2144

145
206

March 2, 1934

Appearances: J. Nelson Truitt, Esq., Kiowa, Colorado, attorney
for applicant in Application No. 2140;
Frank McDonough, Jr., Esq., Denver, Colorado, attorney
for applicant in Application No. 2144.

S T A T E M E N T

By the Commission:

In Application No. 2140, George H. Sultz seeks authority to construct and maintain in the Town of Elbert, Colorado, a plant for the generation and distribution of electric energy and current. In Application No. 2144, the Mountain Utilities Corporation seeks authority to abandon and dismantle its electric transmission line extending from the Town of Kiowa to Elbert, Colorado. The two applications were consolidated for the purpose of hearing.

The evidence disclosed that prior to the month of September, 1931, George H. Sultz was the owner of a generating plant and distribution system in the Town of Elbert and was engaged in the manufacture and sale of electric energy and current to the inhabitants of said town. On or about the 18th day of September, he sold his plant and system to Dwight Chapin, Jr. Chapin had a generating plant at Elizabeth, Colorado, with a transmission line extending to Kiowa, and thence to Elbert. Chapin conveyed all of said property, except the distributing system and his certificate of convenience and necessity to operate in Elbert, to the Mountain Utilities Corporation. Thereafter, on or about November 1, 1933, Chapin reconveyed the distributing system at Elbert to Sultz, as well as the certificate of convenience and necessity to operate at Elbert, having

failed to complete the purchase of same according to the contract of sale entered into between said parties in 1931. Prior to Chapin's default upon said contract, he had paid Sultz \$2500.00 on purchase price of the Elbert plant, as well as having expended a substantial amount upon the distribution system. Since November, 1933, Sultz has been operating the system at Elbert, purchasing his current from the Mountain Utilities Corporation at the town limits of Elbert. He now desires to construct his own generating plant. Besides owning the distributing system, he is the owner of a McCormick-Deering 40 H. P. engine, together with other generating equipment, and proposes to purchase a Diesel engine if granted his certificate.

The Mountain Utilities Corporation offers no objection to the application of Sultz, but if same is granted desires to abandon its Elbert transmission line. However, a number of residents of Elbert protested the Sultz application, as well as the application of Mountain Utilities Corporation to abandon its line between Kiowa and Elbert. The protests were based largely on the fear of said residents that the service proposed by Sultz would not be as satisfactory as the service rendered when the current was purchased from Mountain Utilities Corporation. Testimony was offered to the effect that prior to the time that Chapin took over the operation of the system, the service rendered by Sultz was not as dependable and satisfactory as after the transmission line was constructed from Kiowa to Elbert.

It further appeared that some five consumers that live outside of the town limits of Elbert are now receiving current from the Kiowa-Elbert line, and if said line were to be dismantled they would be deprived of all electric current. Some rather substantial investments have been made by the consumers on the Kiowa-Elbert line in electrical equipment. Residents of Elbert have also made investments in electrical equipment and appliances which they feel would be jeopardized unless the Kiowa-Elbert transmission line continues to furnish current for Elbert. Sultz has been paying Mountain Utilities Corporation for current furnished at Elbert a line charge of \$75.00 per month, plus a consumption charge of five cents per KW. Sultz is of the opinion that he will be able to generate his current at an expense considerably less than he is paying the Mountain Utilities Corporation at the present

time. He estimates that it will cost him \$85.00 per month to operate his plant, but does not include in said figure any labor charge for himself or his son, who will do all the work, or any taxes, interest or depreciation.

The Mountain Utilities Corporation submitted a statement of its investment in the main transmission line from Kiowa to Elbert, showing a total of \$7,327.07, together with an investment of \$1,221.43 for serving the five rural customers. Our own engineer estimates that reproduction cost new less depreciation on this line and the extensions to rural consumers, would amount to the sum of approximately \$6,600.00. The Mountain Utilities Corporation figure an annual expense upon the line of approximately \$1,020.00. Based on the 1932 KWH sold to the distribution system in Elbert, the revenue to be derived by the Mountain Utilities Corporation from Mr. Sultz at the \$75.00 per month line charge, plus a five cents per KW energy charge, would amount to a total of \$1,587.35. This is exclusive of any revenue derived from the five rural customers upon said line. Included in the figure of \$1,020.00 is an item of interest on investment at 6 per cent or \$300.00 per year. This figure is arrived at by giving a value of \$5,000.00 to the line from Kiowa to Elbert. The Mountain Utilities Corporation is willing to reduce its line charge to the sum of \$50.00 per month, which in our opinion would still give it a very fair return upon the present-day value of its investment when the revenue derived from the five rural customers is included, although the record does not disclose the exact amount of said revenue. One of the witnesses testified that possibly three or four additional customers could be secured upon this Kiowa-Elbert line.

In November, 1933, Sultz paid Mountain Utilities Corporation the sum of \$193.53 for current and collected the sum of \$227.18 from his customers.

When Chapin took over the operation of the Elbert system, he made a drastic reduction in rates over those that had heretofore been charged by Sultz. Sultz has been maintaining said new scale of rates, and even with a reduction in his line charge to \$50.00 per month, it is questionable whether he can realize a fair return for his labor and for his investment in the distributing plant at Elbert. This investment is estimated at the sum of \$8,101.17. However, this figure includes some generating equipment, including a McCormick-Deering engine

valued at \$717.25. The transmission line from Kiowa to Elbert is 9-2/3 miles.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that it would be against public interest to permit the abandonment and dismantling of the transmission line from Kiowa to Elbert and to allow the construction of a new generating plant at Elbert. Experience has, we believe, clearly demonstrated that Diesel engine operations for the generation of electric current of the kind proposed by Mr. Sultz, are not entirely satisfactory or dependable. The investment of the Mountain Utilities Corporation and its predecessors has already been made, and it would appear to be an economic waste to now permit its abandonment, which would have to be allowed, however, if Sultz does not purchase his current from said company. We are inclined to believe that Mr. Sultz has underestimated his expense in connection with generating electricity by the method he proposes. If it develops that with a line charge of \$50.00 per month and five cents per KW energy charge, he cannot make a fair financial return upon his labor and investment and his distribution system, the Commission would be inclined to consider an application for a moderate increase in the rates to be charged to the consumers at Elbert. A number of said witnesses testified that they would be inclined to pay a somewhat higher charge if they could be assured of dependable service. We believe that the \$50.00 per month line charge, plus five cents per KW energy charge, will give the Mountain Utilities Corporation a reasonable return upon its investment, particularly when the revenue to be derived from rural customers is taken into account.

O R D E R

IT IS THEREFORE ORDERED, That in Application No. 2140, George H. Sultz be denied authority to construct and maintain in the Town of Elbert a plant for the generation of electrical current.


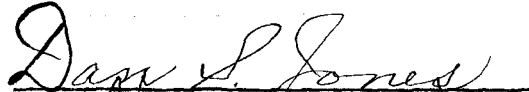

IT IS FURTHER ORDERED, That in Application No. 2144, the Mountain Utilities Corporation be denied authority to abandon and dismantle its transmission line from Kiowa to the Town of Elbert.

IT IS FURTHER ORDERED, That the Mountain Utilities Corporation shall furnish current to George H. Sultz for distribution at Elbert at a rate not to

exceed \$50.00 per month for line charge and five cents per KW energy charge.

IT IS FURTHER ORDERED, That jurisdiction of the case be, and the same is hereby, retained to the end that such further orders may be made by the Commission as the interests of all parties herein concerned may require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY FOR AUTHORITY TO)
CLOSE ITS AGENCY STATION AT ALLISON,)
COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 196

March 2, 1934.

Appearances: T. A. White, Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
B. C. Lewis, Denver, Colorado,
for the Order of Railroad Telegraphers;
Lewis M. Perkins, Durango, Colorado,
attorney for protestants.

S T A T E M E N T

By the Commission:

Applicant seeks authority to discontinue its agency station at Allison, Colorado, which is located on its narrow gauge line between Alamosa and Durango, Colorado, about 20 miles west of Pagosa Junction and 15 miles east of Ignacio, at both of which points agency stations are maintained by the petitioner.

The ground for seeking authority to discontinue said agency station is that the revenue realized therefrom does not justify the railroad in maintaining same.

Allison is located in La Plata County, and while the town itself has only a population of between 100 and 150 people, the evidence disclosed that 400 or 500 people living in the vicinity of the town do their trading at Allison. The town has two churches, a school, filling stations, hotel and two merchandise stores, although one of the latter was burned down last fall. However, the proprietor expects to rebuild and continue in business. An exhibit was introduced on behalf of petitioner showing that the total revenue from freight, passenger and express business from and to Allison for the year 1933, amounted to

the sum of \$3,604.66. To this amount should be added the revenue derived from milk and cream shipments for the same period which amounted to \$555.24, or a total of \$4,159.90. The total cost of operating the station for the year 1933, exclusive of a charge of \$150.00 for tariffs (which in the opinion of the Commission would not be saved to the petitioner if said agency station were discontinued), is practically \$1,400.00. Freight forwarded for the year 1933 amounted to \$2,044.09; freight received, \$705.53; passenger revenue (which includes only outbound passengers), \$272.84.

According to the exhibits of petitioner, 25 carload shipments moved out of Allison and 10 carload shipments moved into Allison during the period from January 1, 1932, to December 31, 1933, while during the same period the l. c. l. shipments moving out of Allison totaled 81,400 pounds, and those moving into Allison totaled 119,286 pounds. A total of 1332 shipments of milk and cream were made from Allison in the year 1933. The amount of telegraph business at said station is very limited, amounting to only \$4.42 for the year 1933.

On behalf of protestants, the evidence disclosed that adjacent to the town of Allison there are approximately 12,000 to 18,000 acres of irrigated land, upon which are raised more or less diversified crops, consisting largely, however, of hay. Live stock and potatoes are some of the other products of said territory. It was also disclosed that Allison is the center of a turkey raising industry, which is showing a rather material increase and has been the only industry upon which the farmers of said community have been able to make any money during the recent depression years. The turkey association has some 563 members, about half of which number live in the vicinity of Allison, and more than half of the turkeys raised by said association are shipped from Allison. In 1932, 16 carloads of dressed turkeys were shipped from the Allison station. One witness testified that occasionally a car of turkeys would be partially filled at Durango and completed at Allison, but the

Allison agency would receive no credit for said car. A number of growers of turkeys testified that quite a market for the Allison production is being developed in the East, and they feel that the closing of the Allison agency/^{station}would mean, not only a great inconvenience in the shipment of their turkeys, but would materially affect said industry and its proper development. It appears that all cars in which turkeys are shipped are iced at Durango and that the loading of said cars with turkeys requires considerable care and expert handling. Turkey shipments commence about the middle of November and sometimes continue to as late as February. The shipment of turkey eggs out of Allison by express and the shipment back of young turkeys after same have been hatched from the eggs, is also developing to some considerable extent, as testified by several witnesses. Such shipments continue from February until July.

No cattle loading facilities exist at Allison, but do exist at Arboles and Tiffany, and prior to the depression period, which started in the fall of 1929, substantial numbers of live stock were loaded at these points and billed at Allison.

It is significant that the total revenue from freight, passenger and express business at Allison declined from the sum of \$14,455.87 in the year 1929 to the figures heretofore given for the year 1933, a decrease of approximately 75 per cent.

Allison has its own telephone system, the switchboard of which is located $1\frac{1}{2}$ miles from the town of Allison at a farmhouse. Connections can be made with Ignacio, but the Secretary of said telephone company testified that the line gets out of order quite frequently and the service is not good.

The roads west from Allison to Ignacio and east to Pagosa Junction are ordinary dirt roads, which are easily passable when dry, but very difficult to get over when wet. One of the County Commissioners testified that there is little chance that said roads could be improved in the near future, and in the winter time particularly and in the

spring, they are quite often impassable.

Only one car of hay was shipped from Allison in the years 1932 and 1933, but it appears that a reduction of \$1.00 per ton has been made in the freight rate for hay from Allison to Farmington which has already resulted in some movement of hay this year, and one witness testified that probably 50 other cars would now move by rail on account of this reduction in freight rates. Heretofore such hay as has been shipped, has been moved by truck. Two cars of honey have been shipped from Allison during the past two years, and it is estimated that between 800 and 1,000 stands of bees are in the vicinity of Allison. This industry is expected to develop and increase.

Due to the poor roads between Allison and the next nearest agency stations, either east or west, it is quite apparent that material inconvenience will be suffered by the shippers at Allison and vicinity if the agency station is closed. At the present time, daily passenger service is maintained, the westbound train arriving at Allison at 2:42 P. M. and the eastbound at 11:37 A. M. Tri-weekly freight service is maintained in each direction, although in the fall months enough extra freight trains are run to amount to practically daily freight service.

Based solely upon the revenue realized at the Allison station for the year 1933, the Commission appreciates that petitioner has a very strong argument for the closing of its agency station at said point, and in ordinary cases we would not hesitate to grant the railroad the right to make the saving sought in the instant case, as we have done in numerous cases heretofore decided by the Commission. However, a careful consideration of all the facts and circumstances surrounding the instant application has lead us to the final conclusion that at this time the residents of the Allison district should not be deprived of an agent at said station. We believe it is generally conceded that the worst of the depression is over. Business apparently is on the upgrade, and while petitioner is undoubtedly entitled to make every reasonable saving possible in the operation of its


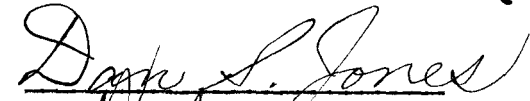

railroad, yet we believe that in the instant case the inconvenience and detriment that would be suffered by patrons of petitioner at Allison would more than offset the saving that would be effected by petitioner in the closing of said agency station. With every prospect in view for a rather substantial increase in business at Allison, we feel that this would be a poor time to take any step that might not only harm the interests of the shippers in the vicinity of Allison, but possibly reflect itself in the business received by petitioner at said point.

After a careful consideration of all the evidence the Commission is of the opinion, and so finds, that authority should be denied to petitioner to close its agency station at Allison, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, denied to The Denver and Rio Grande Western Railroad Company to close its agency station at Allison, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BOARD OF COUNTY COMMISSIONERS)
OF ADAMS COUNTY, COLORADO, FOR A)
HIGHWAY CROSSING BETWEEN SECTIONS)
35 AND 36, TOWNSHIP 3 SOUTH, RANGE)
65 WEST, OVER UNION PACIFIC TRACKS.)

APPLICATION NO. 2130

RE-LOCATION OR ALTERATION OF HIGHWAY)
CROSSING UNDER RAILROAD TRACK OF)
UNION PACIFIC RAILROAD COMPANY, IN)
THE SOUTHWEST QUARTER OF SECTION 36,)
TOWNSHIP 3 SOUTH, RANGE 65, WEST OF)
THE 6th P.M.)

CASE NO. 1327

March 5, 1934

Appearances: Mr. G. A. Welsh, Byers, Colorado,
Member, Board of County Commissioners
of Adams County;
Mr. A. W. Urling, Watkins, Colorado.
pro se;
Mr. W. E. Smith, Watkins, Colorado,
pro se;
Mr. E. G. Knowles, Denver, Colorado,
attorney for Union Pacific Railroad Company;
Mr. Chas. H. Rankin, Denver, Colorado,
Railway and Hydraulic Engineer for the
Public Utilities Commission;
Mr. S. H. Osborne, Denver, Colorado,
Division Engineer, Union Pacific Railroad
Company.

S T A T E M E N T

By the Commission:

The Board of County Commissioners of Adams County, Colorado, filed a written request with the Commission on August 15, 1933, requesting "a crossing over Union Pacific Tracks between sections thirty-five (35) and thirty-six (36) township three (3) south, range sixty-five (65) West." As is indicated by the application, the site of the proposed crossing is on the line between the two sections named.

There is now a highway extending from the north to the right-of-way of the railroad company. The road then turns directly east and parallels the

railroad right-of-way for a distance of about 1/4 of a mile. It then turns under a bridge built over Terrapin creek. Immediately south of said bridge is a public highway which also parallels the railroad right-of-way. It is a part of the old highway extending from Denver to Limon. To the east it runs through the town of Watkins, to the west it runs into a short strip of road extending north from U. S. Highway No. 40 about 1200 feet to the railroad company's right-of-way. This strip of road is also on the line dividing the two sections in question. It thus appears that the people going to and from Denver to points north of said railroad right-of-way are compelled to travel about one-half of a mile by reason of the fact that there is now no crossing over said track.

The bridge under which the public now travels was originally constructed to make way for flood waters flowing down Terrapin creek, the bed of the creek being dry most of the time. As the country north of the railroad track developed, the public began using the underpass.

The railroad company objected seriously to the construction of the grade crossing contending that use should be made of the underpass.

Because of the danger incident to the use of a grade crossing and with a view to the possible requirement of the alteration and improvement of the under-crossing, the Commission, on its own motion, instituted Case No. 1327. We, therefore, set both the application and the case for hearing on a joint record. Such hearing was duly had. Before the case was instituted we had a hearing upon the application. Moreover, we had viewed the premises and watched trains going west and east.

There is a slight ridge lying west of the proposed crossing. The trains, therefore, come though a cut from the west approaching said crossing. The top of a locomotive is visible from the crossing and for distances of several hundred feet to either side of the railroad track when it reaches a point about 800 to 900 feet away. At the time the locomotive is within 600 feet, it is in almost full view. The visibility to the east is excellent. The trains approaching from that direction can be seen at least three-fourths of a mile away from the crossing.

The grade descends east to the crossing for some substantial distance. The present passenger trains are permitted to run at a speed of 70 miles an hour at the point of said crossing. The prospect is that in the future modern trains will be permitted to run at a faster rate of speed.

The evidence showed that at times flood waters running down Terrapin creek are several feet above the highway under the bridge, the highway itself being some 3 feet above the bed of the stream, and that said high flood waters sometimes continue for many hours after a storm, making it impossible for the public residing north of the railroad track to reach their homes. Moreover, the country slopes to Terrapin creek for almost one-half of a mile from the west, which results in water flowing in the road on each side of the right-of-way, and accumulating in the road under the bridge.

In the winter snow storms not infrequently block the highway under the bridge due to the constant drifting of the snow.

While there are a number of people residing north of the railroad track in the farming community, the travel on the highway in question is not great. It has received no great amount of attention in the past and will apparently receive little more in the future. The County Commissioners make no attempt to keep the snow off the highway under the bridge. After floods, slime and debris are left in the highway. The public using the road unanimously prefer the grade crossing to the underpass.

The Commission has seriously hesitated to order a grade crossing when there is available for use to the public an underpass which makes the collision with trains impossible. Large amounts of money are being spent to provide underpasses on other highways. We have gone over plans for widening the approaches to the underpass, raising the road under the bridge and straightening the creek channel as it flows north from the railroad. Theoretically, with the making of proper improvements of the underpass, the same should be greatly preferred to the grade crossing. As a practical matter, we have finally concluded that the underpass will not serve the public's interest as well. The

underpass is first and last a water course. Not only are there times when travel therein is impossible, but in view of the evidence and what we have seen with our own eyes, we are convinced that the underpass will not be properly maintained and that it will probably not be satisfactory to the public under present conditions even with the necessary improvements made.

While there is danger resulting from the installation of the grade crossing at the point in question, the crossing is nothing like as dangerous as many others on the railroad company's tracks. The crossing lying right in the town of Watkins is much more dangerous because of the proximity of buildings to the railroad track. Of course, the fact that there are other dangerous crossings is not justification for the creation of new ones, but after all the public is entitled to have a reasonable and practical means of egress and ingress from and to their homes. We are of the opinion that the underpass will not at the present time be practicable.

Of course, conditions may change and we may in the future feel warranted in ordering the abandonment of the grade crossing and the use of the underpass. If conditions are sufficiently changed so as to warrant such a step, we will be free to take it because the doctrine of res judicata is not applicable to orders of this Commission.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the construction of a crossing at grade over the right-of-way and railroad tracks of Union Pacific Railroad Company on the line between sections 35 and 36, township 3 south, range 65, west of the 6th P.M.

We are further of the opinion, and so find, that the customary practice of requiring the railroad company to bear the expense of installing the crossing proper, cattle guards and crossing signs, and of requiring the county to construct the highway up to the track, and to bear other necessary expenses should be followed.

Of course, the order will be made subject to the County procuring the right-of-way from the railroad company, because that is a matter over which we have no jurisdiction.

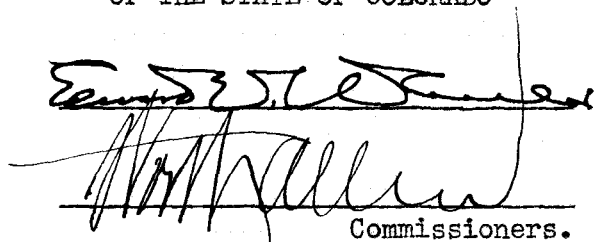
O R D E R

IT IS THEREFORE ORDERED, in accordance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established over the right-of-way and main line track of the Union Pacific Railroad Company at a point where the section line between Sections thirty-five (35) and thirty-six (36), township three (3) south of range sixty-five (65) west of the 6th P.M., crosses said track; conditioned, however, that prior to the opening of aforesaid crossing to public travel it shall be constructed in accordance with the specifications for grade crossings as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the expense of the installation of the crossing in the track, the installation of necessary cattle guards, including wing fences of same, and crossing signs shall be borne by the Union Pacific Railroad Company, and the construction of the highway up to the track, including the necessary drainage therefor, and all other expense involved in the opening and installation of aforesaid crossing shall be borne by the County of Adams, Colorado.

IT IS FURTHER ORDERED, That Case No. 1327 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MERCHANTS TRANSFER COMPANY, A) CASE NO. 1334
CORPORATION.)

March 6, 1934

S T A T E M E N T

By the Commission:

The Commission is informed that on or about December 6, 1933, Frigidaire Sales Corporation, of Denver, Colorado, made a C.O.D. shipment of one Frigidaire Cabinet over the line of the respondent, Merchants Transfer Company, a corporation. We are further informed that the amount of the charges to be collected by said Merchants Transfer Company was \$104.90; that said amount was collected by respondent on or about December 20, 1933, from Oliver Smith, Durango, Colorado, to which the said shipment was consigned; that the consignor of said shipment has made repeated attempts to collect from said truck line, but has been unable to obtain a settlement of said collection.

The Commission is of the opinion, and so finds, that an investigation should be instituted on the Commission's own motion to determine whether or not the said Merchants Transfer Company has collected said amount of money and has failed to turn the same over to the consignor, and that said Merchants Transfer Company should be required to show cause why its certificate of public convenience and necessity should not be revoked because of such conduct.

O R D E R

IT IS THEREFORE ORDERED, That on the Commission's own motion, an investigation should be instituted to determine whether or not the said Merchants Transfer Company has failed to turn over to Frigidaire Sales Corporation, of Denver, Colorado, some \$104.90 collected by the respondent on a shipment made by said Frigidaire Sales Corporation to Oliver Smith in Durango, Colorado.

IT IS FURTHER ORDERED, That the respondent show cause by written statement to be filed with the Commission within ten days from this date why its certificate of public convenience and necessity, heretofore issued by the Commission to it in Application No. 1421, should not be revoked and cancelled for failure to account for the above mentioned C. O. D. collection.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on Tuesday, the 20th day of March, A. D. 1934, at 10:00 o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Dan S. Jones
W. H. Jones
Commissioners.

Dated at Denver, Colorado,
this 6th day of March, 1934.

(Decision No. 5616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. FILSON.)

CASE NO. 974

March 6, 1934.

S T A T E M E N T

By the Commission:


On September 6, 1932, the Commission entered its order requiring respondent to show cause why his private permit No. A-291, should not be revoked for his failure to make certain monthly reports and pay certain highway compensation taxes. However, this order was never mailed to respondent.

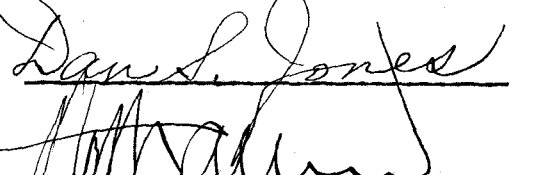
It now appears that permit No. A-291, has been cancelled in Case No. 1096, and the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones


Commissioners.

Dated at Denver, Colorado,
this 6th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. P. CLOW AND H. N. BEEBE.)

CASE NO. 1335

March 6, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued private permit No. A-487 under the provisions of Chapter 120, Session Laws of 1931, authorizing them to engage in the business of a private carrier by motor vehicle between Denver and Meeker, Colorado, via Craig, and intermediate points.

Information has come to the Commission that the above named respondents are and have been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without first having obtained a certificate of public convenience and necessity as required by law, and in violation of the permit to operate as a private carrier by motor vehicle heretofore issued to them.

An examination of the report filed with the Commission for the month of January, 1934, discloses the fact that respondents hauled merchandise for 14 consignors and 50 consignees in Craig, Colorado, and for 62 consignors and 20 consignees in Denver, Colorado, as well as some 29 consignees to other points, although there are a few duplications which might reduce the above figure. Reports filed for previous months disclose a comparable situation, wherein it appears that respondents have been enlarging the scope of their business to a point where they have ceased to be private carriers and have become common carriers within the meaning of the law.

O R D E R

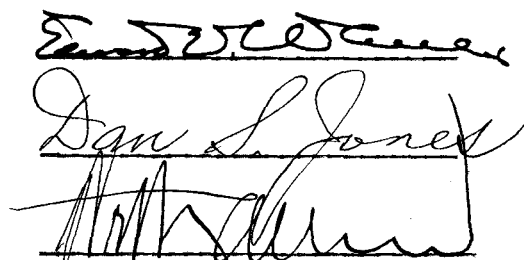
IT IS THEREFORE ORDERED, by the Commission, on its own motion,

that an investigation and hearing be entered into to determine whether or not the above named respondents are and have been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and in violation of law and of the permit to operate as a private carrier heretofore issued to them.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondents to cease and desist from operating as a motor vehicle carrier unless and until they procure a certificate of public convenience and necessity; and an order suspending or revoking the permit to operate as a private carrier by motor vehicle heretofore issued to them; and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on the 20th day of March, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of March, 1934.

MAKE NO

COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FOREST WOODARD.)

CASE NO. 1318

March 6, 1934

S T A T E M E N T

By the Commission:

An order was made on February 5, 1934, cancelling and revoking the certificate of public convenience and necessity issued to Forest Woodard in Application No. 1016, because of his failure to keep on file with the Commission the proper insurance.

Since that order was made, the insurance has been filed with a request that the certificate be reinstated. We have concluded to set aside the order of February 5, 1934, and to dismiss this case, but with the distinct understanding that the respondent shall hereafter promptly and continuously comply with the law, and with the understanding that if he does not, his certificate will be subject to final and permanent cancellation.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on February 5, 1934, be, and the same is hereby, vacated and set aside.

IT IS FURTHER ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
James L. Jones
W. H. Adams
Commissioners.

Dated at Denver, Colorado,
this 6th day of March, 1934.

MAKE NO

COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. PERRY, DOING BUSINESS AS)
PERRY TRUCK LINE.)

CASE NO. 1326.

March 7, 1934

Appearances: J. D. Perry, Colorado Springs, Colorado,
pro se;
A. R. Olson, Denver, Colorado,
for International Harvester Company
of America.
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

The respondent, J. D. Perry, doing business as Perry Truck Line, was required to show cause why his motor vehicle permit should not be revoked because of his failure to account for a C.O.D. collection made on a shipment by International Harvester Company of America. We had two hearings. At the first hearing the respondent contended that he had no information that he had ever received the shipment or collected the money. At the second hearing we proved that a man in charge of the place of business where the respondent has his docks had signed for the shipment in question. The respondent then agreed to pay the C.O.D. charges amounting to \$255.78, and we understand that payment has been made.

This is the second case which we have had against the respondent in which it appeared that he had failed to account for C.O.D. collections. The Commission cannot tolerate a continuance of any such action. We are inclined, however, to give the respondent another chance. We must warn him in all seriousness that he cannot appropriate money belonging to other people to his own uses.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. C. Jones

Dan S. Jones

W. H. H. H. H.

Commissioners.

Dated at Denver, Colorado,
this 7th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. POWERS AND F. J. KNAUER,)
DOING BUSINESS AS POWERS MOVING)
AND STORAGE COMPANY.)

CASE NO. 1238

March 7, 1934

S T A T E M E N T

By the Commission:

On November 25, 1933, the Commission entered its order in the above entitled matter, suspending the certificate of public convenience and necessity heretofore issued to the above named respondents in Application No. 1700 for a period of eight months dating from the 1st day of December, 1933. Said suspension was based upon the failure of respondents to comply with the law in the making of highway compensation tax reports and paying highway compensation taxes due. The evidence upon which said suspension was based disclosed a rather flagrant violation of law and our rules and regulations.

On February 19, respondents filed a petition requesting that our former decision be modified so as to permit petitioners to resume operations under their certificate on March 1, 1934.

Said petition alleges that petitioners feel that they have been punished sufficiently to atone for the matters set forth in our decision of November 25, 1933, and further alleges that since the effective date of said order they have strictly complied with the provisions of same and that it is now their desire to conform rigidly to all the requirements of the law and of our rules and regulations.

It is not the desire of the Commission to work any undue hardship upon motor vehicle operators in Colorado, but when an open and flagrant violation of the law is brought to our attention, we feel that our action should

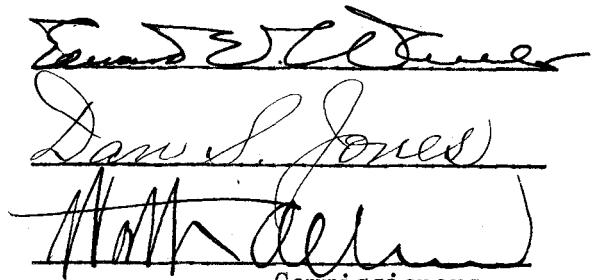
be sufficiently drastic to prevent a repetition of such conduct on the part of the offender, as well as to act as a deterrent to other operators who might be inclined to violate the provisions of the law and our rules.

After careful consideration of said petition, the Commission is of the opinion, and so finds, that the order entered November 25, 1933, should be modified to the extent of making said suspension period five months instead of eight months. This will permit respondents to resume operations under said certificate on May 1, 1934.

O R D E R

IT IS THEREFORE ORDERED, That the order of November 25, 1933, be, and the same is hereby, modified and amended to provide that the certificate of public convenience and necessity, heretofore issued to W. E. Powers and F. J. Knauer, doing business as Powers Moving and Storage Company, in Application No. 1700, be suspended for a period of five months from the 1st day of December, 1933, and except as herein changed and modified said original order 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 March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY AND THE BOARD OF)
COUNTY COMMISSIONERS OF MONTROSE)
COUNTY, COLORADO, FOR AUTHORITY TO)
ABOLISH PUBLIC HIGHWAY GRADE)
CROSSING AT MILE POST 355.21 NEAR)
ROE, MONTROSE COUNTY, COLORADO.)
* * * * *

APPLICATION NO. 2149

March 7, 1934.

S T A T E M E N T

By the Commission:

This proceeding arises from a joint application of The Denver and Rio Grande Western Railroad Company and the Board of County Commissioners of Montrose County, Colorado, filed with the Commission on March 2, 1934, for authority to close and abolish a public highway crossing, at grade, at Mile Post 355.21 of The Denver and Rio Grande Western Railroad Company, which point is in the Southwest Quarter of Section Seven, Township Forty-nine North, Range Nine West, N. M. P. M.

The application alleges that a new state highway is being constructed upon the northerly side of the said Denver and Rio Grande Western Railroad which, when completed, will connect with the highway to Montrose on the north side of the track at said crossing and when the construction of said new highway is completed and the connection is made with the highway to Montrose, the aforesaid grade crossing will not be needed for public travel.

This being a joint application from representatives of all the parties in charge of public travel on the highway at this crossing, it is assumed the facts are fully presented, and the Commission will, therefore, make its order granting the application.

O R D E R

IT IS THEREFORE ORDERED, That in compliance with Section 29

of The Public Utilities Act, as amended, that the public highway crossing, at grade, at Mile Post 355.21 of The Denver and Rio Grande Western Railroad, said point being located in the Southwest Quarter of Section Seven, Township Forty-nine North, Range Nine West, New Mexico Principal Meridian, be, and the same is hereby, permitted to be closed and abolished as a public highway crossing when the new state highway now being constructed on the northerly side of the railroad is completed and proper connection made with the state highway to Montrose on the north side of the track at said crossing and when the aforesaid state highway is ready for public travel.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 7th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ANNA HARRIS, DOING BUSINESS AS) CASE NO. 1336
HARRIS TRUCK LINE.)

March 8, 1934

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued private permit No. A-451, under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing her to engage in the business of a private carrier by motor vehicle between Denver and Ault, Colorado, and intermediate points.

Information has come to the Commission that the above named respondent is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law and in violation of the permit to operate as a private carrier by motor vehicle heretofore issued to her by holding herself out to indiscriminately serve the public as a common carrier and advertising in "The Greeley Coloradoan" of March 2, 1934, in the following language:

"Ship Harris Truck Line Daily Service Greeley-Denver and intermediate points. Call us for rates and estimates."

The records of the Commission also disclose that respondent has failed and neglected to file monthly reports for the months of December, 1933, and January, 1934, and has failed to pay the highway compensation taxes provided by law.

O R D E R

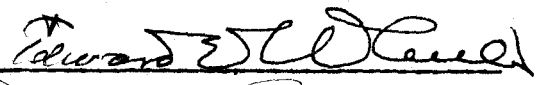
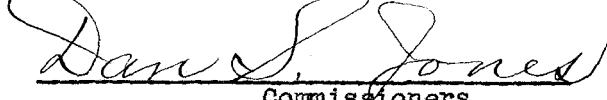
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent is and has been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and

in violation of law and of the permit to operate as a private carrier heretofore issued to her, and for failure to file monthly reports and pay highway compensation taxes, as aforementioned.

IT IS FURTHER ORDERED, That said respondent show cause, if any she have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondent to cease and desist from operating as a motor vehicle carrier unless and until she procures a certificate of public convenience and necessity; and an order suspending or revoking the permit to operate as a private carrier by motor vehicle heretofore issued to her; and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 3, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 8th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY E. MENCIMER, DOING BUSINESS) CASE NO. 1337
AS MENCIMER MOTOR FREIGHT.)

March 8, 1934

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued private permit No. A-530, under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle between Denver and the Colorado-Wyoming State Line, and intermediate points via U. S. Highways Nos. 85 and 285, and between Ft. Lupton and Boulder, via U. S. Highways Nos. 52 and 285.

Information has come to the Commission that the above named respondent is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without first having obtained a certificate of public convenience and necessity as required by law and in violation of the permit to operate as a private carrier by motor vehicle heretofore issued to him, by holding himself out to indiscriminately serve the public and advertising by means of a sticker containing the following language:

"Ship by Mencimer Motor Freight, 2222 Blake Street, Denver,
Colorado - Phone Main 3009."

O R D E R

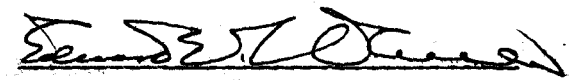
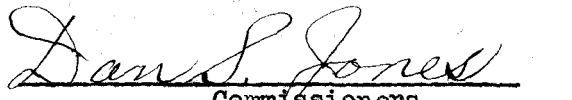
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not the above named respondent is and has been engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity and

in violation of law and of the permit to operate as a private carrier heretofore issued to him.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why the Commission should not enter its order requiring said respondent to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity; and an order suspending or revoking the permit to operate as a private carrier by motor vehicle heretofore issued to him; and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 3, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 8th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CLASSIFICATION OF ACCOUNTS,)
ETC., OF ELECTRIC UTILITIES) CASE NO. 1338
OPERATING IN THE STATE OF COLORADO.)

March 7, 1934.

S T A T E M E N T

By the Commission:

In General Order No. 38, the Commission required electric utilities operating in Colorado, to keep their accounts and records according to the Uniform Classification of Accounts for Electric Utilities, adopted by the National Association of Railroad and Utilities Commissioners in November, 1922. That Classification of Accounts provides for retirement expense accounting. The Commission is inclined to believe that depreciation accounting is to be preferred. Moreover, we understand that a number of electric companies never have used the retirement expense method.

The said Classification allows a utility in determining the amount to be charged from year to year to the operating expense account "retirement expense" to give "due regard" to the "amount of earnings available for this purpose in each year".

The Commission is of the opinion that the amount of actual depreciation is a fact irrespective of the amount of annual earnings, and should be recorded on the books of the utilities before annual net earnings are shown.

The Commission knows that some utilities have accumulated a greater depreciation or retirement expense reserve than the actual depreciation of the property warrants. The Supreme Court of the United States has held "that property paid for out of moneys received for past services belongs to the Company, and that the property represented by the credit balance in the reserve for depreciation cannot be used to

support the imposition of a confiscatory rate . . ." Smith, et al. v. Illinois Bell Telephone Co., 282 U. S. 133. It therefore appears important that this Commission exercise care to prevent the piling up of an excessive depreciation reserve, because the result thereof is that the excess goes into capital investment and the public may then be, and sometimes is, required to pay a return on capital furnished by it to the utility.

The Commission therefore has in mind requiring the president or other proper officials of electric utilities to make periodic sworn reports to the Commission stating how actual annual depreciation compares with the charges made therefor.

The Supreme Court of the United States holds that the reasonable rate of return to which a public utility is entitled is upon reasonable value of the property and not upon the money prudently invested by the utility. It is usually considered necessary to secure a complete inventory of a utility's property in order to determine the value of the property. Since the engineering force of this Commission consists of only one engineer, it is simply impossible for the Commission to make an inventory of the property of a utility of any size.

The Commission has in mind, therefore, the making of an order requiring electric utilities to prepare a basic inventory and to keep a continuous inventory, and to further require such utilities to place cost figures against the inventory. We appreciate that the inventory requirements, particularly as to the basic inventory, would involve substantial costs which ultimately the public will be required to pay. However, we know of no other way that we can have any assurance that the public is getting the rates from the utilities to which it is entitled.

The Commission is considering a comprehensive revision of the Classification of Accounts and the making of adequate requirements with respect to inventory and depreciation and with respect to reports

concerning the same. The matters which we have mentioned are not intended to be exclusive. We regard it as possible that we might adopt the whole or parts of the Uniform System adopted by the Public Service Commission of the State of New York, effective January 1, 1934, and the whole or parts of the "partial revision of the 1923 Classification" recently made and adopted by the Public Service Commission of the State of Wisconsin.

The Commission is therefore of the opinion, and so finds, that it should enter into an investigation and hold a hearing or hearings for the purpose of determining what orders, if any, it should make respecting a new Classification of Accounts for Electric Utilities, and for the purpose of determining what requirements should be made as to a basic and continuous inventory and as to periodic reports concerning actual depreciation.

The Commission is further of the opinion, and so finds, that it should require the electric utilities operating in this State under the jurisdiction of this Commission to make a report to the Commission within thirty-five days hereof giving the information hereinafter required in order that the Commission may be aided in determining what action to take.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that it enter into an investigation and hold a hearing or hearings for the purpose of determining what orders, if any, it should make respecting a new Classification of Accounts for Electric Utilities, and for the purpose of determining what requirements should be made as to a basic and continuous inventory and as to periodic reports concerning actual depreciation.

IT IS FURTHER ORDERED, That each of the electric utilities in this State operating under the jurisdiction of this Commission be, and the same is hereby, required to file a written statement with

the Commission within thirty-five days from this date, giving the following information:

1. Whether retirement expense or depreciation accounting is used, and how long the system now in effect has been followed.
2. Whether a composite rate or different rates for different classes of property have been charged for depreciation or retirement expense and for how long such practice has been followed.
3. The depreciation or retirement expense rate or rates charged by years for the past ten years.
4. Upon what theory and basis have said depreciation or retirement expense rates been arrived at. In other words, why have they been what they are, not more or less. The Commission desires full information on this point.
5. How the actual depreciation of the depreciable property compares with the balance in the depreciation reserve or the retirement reserve, and how the annual rate or rates now charged compare with current annual depreciation.
6. What inventory the utility has and to what extent has current inventory been kept in the past ten years.
7. What, if any, cost figures does the utility have on items of property now in use, and in what form are those figures.
8. If the cost figures possessed by the utility are other than the prices at which property was originally bought by the utility or a predecessor for installation in the plant, and other than actual prices paid for labor, etc., how have those figures been constructed or arrived at.

IT IS FURTHER ORDERED, That this case be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on Monday, the 30th day of April, A. D. 1934, at 10:00 o'clock A. M., at which time and place

appropriate evidence relating to the subject matter hereof will be taken and received.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Turner

Daniel S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 7th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. NOONAN AND IVAN C.)
WILLIAMS, CO-PARTNERS, DOING) CASE NO. 1306 ✓
BUSINESS UNDER THE FIRM NAME)
AND STYLE OF COLORADO FAST)
EXPRESS.)

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. NOONAN, IVAN C. WILLIAMS)
AND M. H. NOONAN, CO-PARTNERS,) CASE NO. 1307
DOING BUSINESS UNDER THE FIRM)
NAME AND STYLE OF WESTERN HIGHWAY)
EXPRESS.)

March 7, 1934

Appearances: Charles F. Brannan, Esq., Denver, Colorado,
attorney for respondents;

Richard E. Conour, Esq., Denver, Colorado,
attorney for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 22, 1933, the Commission, on its own motion, in Case No. 1306, entered an order requiring James E. Noonan and Ivan C. Williams, co-partners, doing business under the firm name and style of Colorado Fast Express, and the holders of Private Permit No. A-556, to show cause why the Commission should not revoke said private carrier's permit, and providing for an investigation and hearing to determine whether or not respondents were violating the terms and provisions of said private permit by operating as motor vehicle common carriers over and upon the public highways of this State. To this order, an answer was filed denying the allegations of the order, and alleging that respondents hauled for only three shippers pursuant to private contracts with such shippers, and further, that the relation between Colorado Fast Express and Western Highway Express is contractual only, notwithstanding the identity of ownership.

The order in Case No. 1307 recited that information had come to the Commission that James E. Noonan, Ivan C. Williams and M. H. Noonan, co-partners, doing business under the firm name and style of Western Highway Express, had been and were then engaged in the business of a common carrier by indiscriminately accepting and transporting freight and express from the general public for compensation, although no certificate of public convenience and necessity had been issued for such service. The partners were required to show cause why an order should not be made requiring them to cease and desist from operating as a common carrier by motor vehicle.

A hearing was duly had and briefs filed. There is no dispute as to the facts. The respondents have been conducting their business in a thoroughly open and straight-forward manner.

M. H. Noonan is not a partner in either firm, although he is named as such in Case No. 1307.

The evidence shows that the two respondents, James E. Noonan and Ivan C. Williams solicit freight generally in the City of Denver for transportation to various points. Bills of lading are issued upon the receipt of freight from the shippers signed "WESTERN HIGHWAY EXPRESS, By _____". The words "Western Highway Express" appear in large type across the top of said bill of lading. The bill recites receipt of the freight "subject to classifications and conditions contained in the rate schedule of Western Highway Express, in effect as of this date." It further recites the freight received has been "marked, consigned and destined as indicated below, which said Company agrees to carry and deliver to the consignee's door at said destination. It is agreed that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, including the conditions in the current WESTERN HIGHWAY EXPRESS RATE SCHEDULE, which are hereby agreed to by the shipper and accepted for himself and his assigns." The freight is then transported by equipment owned by the respondents. To those points not served by the respondents, freight is transported by other truck lines.

The claim is made that the goods after being accepted for shipment are transported by the respondents operating as Colorado Fast Express.

The respondents hold a private motor permit No. A-556, issued to them under the firm name of Colorado Fast Express, as stated, which gives them the right to operate thereunder as private carriers but not otherwise.

Although the bills of lading show that the respondents undertake to transport the freight and express as Western Highway Express, there was some evidence by one or both of the partners indicating that they as Western Highway Express purport to deal with themselves as Colorado Fast Express as if they have two separate identities. However, Colorado Fast Express has no other office than that of Western Highway Express, and the public apparently knows no other persons than the respondents doing business as Western Highway Express.

The contention is made by the respondents that said partnerships are separate entities and that they as Western Highway Express merely act as collectors and forwarders of freight while they as Colorado Fast Express transport freight as private carriers for their customers, being Western Highway Express and two others, making three in all.

We think this case might very well be disposed of on one proposition, and that is that a partnership has no separate entity from the members thereof. This is the common law rule which is the majority rule in this country. 47 C. J. 747.

As was pointed out in Langstaff vs. Lucas, 9 Fed. (2d) 691, 693, "Unlike a corporation a partnership is neither in law nor in fact an entity separate and distinct from its members. It exists and acts only through its members." As has been further pointed out in other decisions, a loan to a firm is a loan to the partners and not to a distinct entity; the members, not the firm, are the real owners of the property; the members and not the firm bring suit and are sued.

I believe the courts in Colorado do or would follow the common law rule. See Campbell vs. C. & I. Co., 9 Colo. 60; Michigan Stove Co. vs. Pueblo Hardware Co., 51 Colo. 160.

Here two men are engaged in collecting and receiving freight for which they issue a bill of lading, agreeing to transport the same to the doors of the consignees. These two same men thereupon do transport the freight.

It is obvious that one integrated business is carried on from beginning to end by two men. Such integrated business is that of a common carrier. The law will not permit the respondents to say that a part of the business is carried on by them as collectors and forwarders and the other part by them as private carriers.

We need not dwell upon any situation which we do not now have before us. We might venture the suggestion that even though the respondents might form a corporation and have their corporation transport the freight, it would still be one system and they probably would be doing through the corporation what they could not lawfully do themselves. The result would, therefore, probably violate the statute of this State respecting common carriers by motor truck, since the general rule is that corporate existence will be disregarded when individuals owning the stock of the corporation are attempting to do something through it which could not be done directly. Southern Pacific Terminal Co. vs. Interstate Commerce Commission, 219 U. S. 298. Even if partnerships had identities separate from the members thereof, the law would certainly as freely disregard partnership identity as corporate identity.

It would appear that even though the freight were wholly transported by an independent corporation or individual having no relation whatever to the respondents, which is true as to some of the goods collected, the respondents would still be violating the law by acting as common carriers, because they purport not merely to collect goods and employ somebody else to carry them, but they undertake to transport all of the same themselves according to rates to which reference is made.

Respondents, as Western Highway Express, come, in our opinion, within the language of the statute defining a common carrier. Section 2912 and 2914, C. L. of Colo., 1921. A common carrier is a public utility.

As is pointed out in 10 C. J. 45, "To constitute one a common carrier it is not essential that he should own the means of transportation. If the contract is that the goods will be carried and delivered, it makes the one so contracting a common carrier, regardless of the name or the ownership of the line or lines over which the service extends. This is well illustrated in the case of express and transportation companies, which * * * are

universally held to be common carriers."

It is further pointed out in Corpus Juris (10 C. J. 48) that an express company is a common carrier of goods which it receives and undertakes to transport even though the actual carrying of the goods from one place to another is done by railroad companies. See also Colorado and Southern Ry. Co. vs. R. R. Commission, 54 Colo. 64.

Other authorities holding that one receiving freight, issuing bills of lading therefor, in which the responsibility for transporting the freight is assumed, is a common carrier, are Kettenhofen vs. Globe Transfer & Storage Co., 127 Pac. (Wash.) 295, Heath vs. Judson Freight Forwarding Co., 190 Pac. (Calif.) 839, Larkin vs. Public Utilities Commission, 180 N. E. (Ohio) 54, and Highway Forwarding Co. vs. Public Utilities Commission, 164 Atl. (Pa.) 855.




After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the respondents, James E. Noonan and Ivan C. Williams, as co-partners, are engaged as common carriers in transporting goods in motor trucks over the public highways of the State of Colorado, and that they have no certificate of public convenience and necessity therefor. Since respondents have apparently operated in good faith and openly, we shall not now revoke their private permit.

O R D E R

IT IS THEREFORE ORDERED, That the respondents, James E. Noonan and Ivan C. Williams, co-partners, doing business under the firm names of Colorado Fast Express and of Western Highway Express, cease and desist from the transportation of freight as common carriers by motor vehicle upon the highways of the State of Colorado.

IT IS FURTHER ORDERED, That Case No. 1307, be, and the same is hereby, dismissed as to M. H. Noonan.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND SALT LAKE WESTERN)
RAILROAD COMPANY FOR AUTHORITY TO)
CONSTRUCT ITS TRACK OVER PUBLIC) APPLICATION NO. 2146
HIGHWAYS AT VARIOUS POINTS IN EAGLE)
COUNTY, COLORADO, AND TO ESTABLISH)
PUBLIC HIGHWAY CROSSINGS AT SAID)
POINTS.)

March 14, 1934.

S T A T E M E N T

By the Commission:

The Denver and Salt Lake Western Railroad Company is now engaged in constructing a new line of railroad between Dotsero on the line of The Denver and Rio Grande Western Railroad and Orestod on the line of The Denver and Salt Lake Railway following generally along the valley of the Colorado river in Eagle County, Colorado, and this proceeding arises from the application of said The Denver and Salt Lake Western Railroad Company, filed with the Commission on December 22, 1933, to construct its line of railroad over and across the public county highway at the following points along said line of railroad and to establish public highway crossings thereat with such protection as hereinafter described, viz:

Crossing No. 1 - Profile Station 1737 - Sweetwater Road

To be a grade crossing located in the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 10, Township 4S, Range 86 West. No protection provided, except correction in topographical features to eliminate dangerous features of obstruction to clear view along the railroad track.

Crossing No. 2 - Profile Station No. 1438

This crossing is at what was known as "Coulters Camp" located in the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 13, Township 3 South, Range 86 West. The Company originally proposed, as shown by its application, to install at this crossing a highway underpass at profile Station 1440 + 20 and to bear the expense of all grading on its right-of-way, leaving the grading in the change of

highway outside the right-of-way to be done by and at the expense of Eagle County, including any expense for right-of-way for highway. Because of the contention by the County Commissioners of Eagle County, that they had no funds for the purpose, the applicant proposed in its application to install a grade crossing with modern flashing light signals for protection at the crossing at the expense of said company.

Crossing No. 3 and 4 - Profile Stations 1355 and 1350, respectively.

These crossings are at what is known as "Red Dirt Bridge" in the N.W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 7, Township 3 South, Range 85 West. The Company proposes to install grade crossings at these crossings and protect the crossing just west of the river with a crossing signal, both crossings to have standard crossing signs.

Crossing No. 5 - Profile Station No. 959 + 30

This crossing is at what is known as "Burns Camp" located in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 15, Township 2, South, Range 85 West. The Company proposes to change location of the highway and install a public highway underpass at this point.

Crossing No. 6 - Profile Station No. 723

This crossing is located in the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 8, Township 2 South, Range 84 West. A grade crossing with standard crossing signs is proposed at this point.

A copy of the application was duly served on the Board of County Commissioners of Eagle County, Colorado, and on January 6, 1934, said Board of County Commissioners, through its attorney, made reply thereto, protesting the expense the county had been compelled to incur by reason of the reconstruction of the highway herein concerned, which had been necessitated by the construction of the line of railroad. The Board protested also the installation of a grade crossing at Crossing No. 2, and the proposed installation of grade crossings at other points without protection of proper crossing signals and bells. However, the Board took the position that the applicant should bear all the expense incident to the separation of grades.

The Commission thereupon set the matter down for hearing in the

Court House at Eagle, Colorado, on Tuesday February 27, 1934, but on February 23, 1934, the Commission was in receipt of a letter from the attorney for said Board, the body of said letter being as follows:

"This will advise that the Board of County Commissioners of Eagle County, Colorado, made an inspection of the Dotsero Cut-off yesterday for the purpose of obtaining data in support of its Protest against above numbered Application. However, after going into the matter thoroughly, the Board concluded to request leave to withdraw said Protest in order to avoid the necessity of your making a special trip to Eagle for the purpose of holding the hearing scheduled to be held here on Tuesday, the 27th day of February, 1934.

"The Board is of the opinion that a very fair, full and comprehensive review of the situation in regard to the crossings proposed to be installed by applicant, is embodied in the report heretofore, under date of September 9, 1933, made by Mr. Chas. H. Rankin, your Railway & Hydraulic Engineer, and that any data the Board could present is included in said report and would be of no material assistance to you in arriving at a decision in the matter. Mr. Rankin's report will undoubtedly be taken into consideration by your Commission in arriving at a decision, and the Board feels that the matter is of such a nature as to be left to your discretion and judgment without further intervention by it.

"Should this letter fail to constitute a sufficient waiver of said protest, I will be glad to prepare a formal application for leave to withdraw the protest on being advised as to proper form thereof."

The Commission in consequence thereof had a hearing in its hearing room in Denver, Colorado, on Tuesday, February 27, 1934. The Railroad Company was represented by its attorney, T. A. White, Esq., and Arthur Ridgway, its Chief Engineer, and Charles H. Rankin, the Commission's Railway and Hydraulic Engineer, appeared for the Commission.

The Company's engineer described the changes that had been made in the topography at Crossing No. 1, whereby the banks of the cut north of the crossing had been lowered and widened so as to remove dangerous obstructions to views along the track, together with the improved relocation of the highway to the county bridge over the Colorado river from the crossing. With these improvements and the light traffic over the crossing it did not appear that crossing signal protection would be necessary at this crossing as had been recommended by the Commission's engineer when the conditions were different, and the Commission so finds.

Crossing No. 2 at "Coulters Camp" presented considerable difficulty to the Commission to determine proper action. It was contended by the Company that a grade crossing protected by signals would be safer for the

motorists than the underpass with its curvature and grades, and that the expense in its construction was not justified in view of the possibility of the highway being changed in its location to the other side of the river at this point. On the other hand, it appears from the plans of this proposed underpass, as submitted by the railroad company, that with proper width of the highway under the bridge and on the curve at the bridge and the comparatively light grade of 6% north of the bridge, this highway can be made reasonably safe and much safer than with a grade crossing at this place where the topographical features are particularly bad and dangerous. Safety in the underpass will to a large extent be a matter of adequate construction which the Commission assumes will be done.

The matter of costs does undoubtedly have a bearing in the matter, particularly in view of some possible future changes in the location of the highway at this point. That is, if this highway should be made a state highway and be located on the other side of the river that would at least decrease the importance of this underpass. But even with this change the county would in all probability retain the highway to Gypsum and a crossing to the main highway would be necessary at some point, and that point most probably would be at this place, in order to utilize the river crossing at the nearby Red Dirt bridge. It seems to the Commission that it becomes a matter where concessions should be made by both parties in order to arrive at a fair and just settlement of the differences. Also it is believed that the benefits of this railroad to this county and the people along its line warrants the Commission in requiring a part of the expense to be borne by the County.

The Commission is of the opinion, and so finds, that an underpass should be established at this place with the railroad company bearing the expense of a bridge, if any, and the grading of the highway with adequate width on its right-of-way and to a connection with the old highway south of the underpass, and the County to bear all the expense of reconstructing the highway north of the right-of-way of the railroad at the underpass, in accordance with the plans submitted by the railroad company.

With regard to Crossings 3 and 4, at an informal conference with railroad officials some time since it was agreed that these crossings would be installed at grade and both be protected by standard crossing signals with bells as recommended by the Commission's engineer. This agreement was approved at this hearing and the Commission will, therefore, make its finding in accordance therewith.

There is no difference of opinion regarding crossing No. 5, where it is proposed to establish an underpass crossing, and the Commission finds that the public convenience and necessity requires an underpass at this crossing.

As to crossing No. 6, the County Commissioners have proposed that a crossing bell be installed at this crossing for its protection. The Commission's engineer and the railroad company do not believe that any bell or signal protection is necessary at this crossing on account of the extensive open view along the track to all motorists approaching the crossing. It does not seem, therefore, that there is any particular danger at this crossing justifying the expense of any crossing bell protection, provided the crossing is constructed, in accordance with the Commission's specifications and equipped with the standard crossing signs. The Commission's findings, therefore, are that this crossing shall be established as a standard grade crossing protected by the standard crossing signs.

ORDER

IT IS THEREFORE ORDERED, In compliance with Section 29 of The Public Utilities Act, as amended, that the following public highway crossings on The Denver and Salt Lake Western Railroad between Dotsero on The Denver and Rio Grande Western Railroad and Orestod on The Denver and Salt Lake Railway in the County of Eagle, Colorado, be, and the same are hereby, permitted to be opened and established, conditioned, however, that all grade crossings shall be constructed in accordance with the specifications as provided by the Commission's order in Case No. 879, and be protected as hereinafter specified, prior to the opening of the railroad to public service.

First: That a public highway crossing at grade is authorized to be established at profile station 1737 + 47 on the Sweetwater road in the N.E. $\frac{1}{4}$ of

the N.W. $\frac{1}{4}$ of Section 10, Township 4 South, Range 86 West, and to be protected by the Commission's standard grade crossing signs, the crossing to be installed and maintained at the expense of the railroad company, and the highway up to the crossing to be constructed and maintained by the County of Eagle, Colorado.


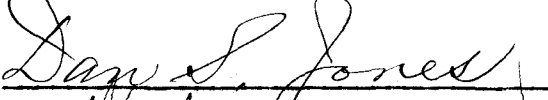

Second: That a public highway under grade crossing is authorized and required to be established at profile station 1440 + 20 in the N.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 13, Township 3 South, Range 86 West, in accordance with plans submitted to the Commission by the railroad company, said under grade crossing shall have a width of not less than twenty-four feet at the railroad bridge and such width on the remainder of the curve at the bridge as may be necessary for better safety. The highway shall have reasonable protection against liability of wash from the river at and near the bridge. All grading on the under grade crossing on the right-of-way of the railroad company and to a junction with the old highway south of the railroad to be done at the expense of the railroad company. All grading on highway north of the right-of-way of the railroad company to be done at the expense of the County of Eagle, State of Colorado. Acquisition of right-of-way for highway outside of railroad right-of-way shall be at the expense of Eagle County. It is understood that there is no expense in connection with the railroad bridge structure for this underpass, but if any, it shall be borne by the railroad company. Maintenance of the highway at said underpass shall be borne by Eagle County, Colorado.

Third: That public highway crossings at grade are authorized to be established at approximately profile stations 1355 + 45 and 1350 + 70 in the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 7, Township 3 South, Range 85 West. The Commission's standard flashing light signals with bells to be installed at said crossings and maintained at the expense of the railroad company. It is understood that the County of Eagle has an arrangement with the railroad company for the expense of grading the highway at said crossings but the expense of maintenance of the highway up to the crossings shall be borne by the County of Eagle. The expense of installation and maintenance of said crossings at the track shall be borne by the railroad company.

Fourth: That a public highway under grade crossing is authorized to be established at approximately profile station 961 + 96 in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 15, Township 2 South, Range 85 West, in accordance with plans submitted to the Commission by the railroad company. The expense of changing the location of the highway at the underpass and the construction of same, in accordance with the specifications of the Board of County Commissioners of Eagle County, shall be borne by the railroad company. The maintenance of the highway at said under grade crossing shall be borne by the County of Eagle.

Fifth: That a public highway crossing at grade is authorized to be established at profile station 723 in the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 8, Township 2 South, Range 84 West, to be protected by the Commission's standard grade crossing signs, and to be installed and maintained by the railroad company. Highway up to the track to be maintained by the County of Eagle, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of March, 1934.

MAKE NO
COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF F. W. SMITH, DOING BUSINESS AS
OMAHA RAPID TRANSIT LINES, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY BETWEEN GREELEY AND
THE COLORADO-WYOMING STATE LINE
VIA ROUTE #85 TO WYOMING STATE LINE.)

CASE NO. 1330 ✓

IN THE MATTER OF THE APPLICATION OF
F. W. SMITH FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO
OPERATE PASSENGER SERVICE BETWEEN
DENVER, COLORADO, AND SALT LAKE
CITY, UTAH VIA ROUTE #285 TO
WYOMING STATE LINE.)

CASE NO. 1331

March 12, 1934.

Appearances: E. G. Knowles, Denver, Colorado,
attorney for Interstate Transit Lines;
Mr. F. W. Smith, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

In Case NO. 1330, Interstate Transit Lines filed its complaint with the Commission, alleging that F. W. Smith, doing business as Omaha Rapid Transit Lines, had abandoned all service between Greeley and the Colorado-Wyoming state line via Highway No. 85, and seeking an order of the Commission cancelling the interstate certificate heretofore issued to said respondent authorizing such operation.

In Case No. 1331, Interstate Transit Lines filed a complaint against the same respondent, alleging that he had abandoned all service between Denver and the Colorado-Wyoming state line via Highway No. 285, and seeking an order cancelling certificate of respondent authorizing such operation.

An examination of our records discloses the fact that no interstate permit has ever been granted respondent authorizing any

operation between Denver and the Colorado-Wyoming state line, via Highway No. 285. Although an application for such permit was filed with the Commission, the same has never been heard and no action taken thereon. Therefore, Case No. 1331 is eliminated from consideration.

Our records further disclose that on August 23, 1933, respondent was granted an interstate permit authorizing the extension of respondent's service so as to permit him to transport passengers over Highway No. 85 from Greeley to the Colorado-Wyoming state boundary line, said authority being granted in Application No. 2128-I.

The evidence disclosed that respondent practically ceased any operation under the interstate permit granted to him in Application No. 2128-I on or about December 19, 1933, although respondent claimed that he had made some trips subsequent to said date. However, his monthly reports filed with the Commission do not disclose any operation north of Greeley since said time. After respondent ceased said operations, he handled his through passengers over other routes, and his position is that in so doing he did not abandon his permit as long as his passengers were properly taken care of. With this position, the Commission is unable to agree. Rule 21 of the "Rules and Regulations Governing Motor Vehicle Carriers", effective August 1, 1928, provides as follows:

"(a) No motor vehicle carrier having received from the Commission a certificate of public convenience and necessity shall abandon operation thereunder without first making application in writing to the Commission for permission so to do and submitting evidence, giving reasons for same, and receiving an order based thereon permitting such discontinuance and revoking and cancelling said certificate.

"(b) Discontinuance of service for a period of five consecutive days without notice to or approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of order or permission to operate issued by the Commission; provided, however, that the Commission may permit the resumption of operation after five such days on proper showing that the carrier was not responsible for the failure to give service."

The evidence clearly demonstrated that respondent had been guilty of a violation of said rule. Moreover, it was fairly apparent from admissions made by respondent to one of our inspectors, who warned him that he should obtain the permission of the Commission before stopping

operations under his permit, that respondent intended to abandon his own operations over said route. At the present time, respondent has no authority to operate in the State of Utah, and therefore would be unable to conduct any operation with his own equipment between Denver and Salt Lake City.

The Commission feels that this rule relative to abandonment of operations is a reasonable one and should be complied with by all operators, whether intrastate or interstate. Moreover, we believe it is generally considered not only in Colorado but elsewhere that abandonment of operations for a substantial time constitutes an abandonment and forfeiture of right to operate.

After a careful consideration of all the record, the Commission is of the opinion, and so finds, that in Case No. 1330 the interstate permit heretofore issued to respondent, F. W. Smith, doing business as Omaha Rapid Transit Lines, issued in Application No. 2128-I, should be cancelled because of abandonment of operation thereunder.

The Commission is of the further opinion, and so finds, that Case No. 1331 should be dismissed.

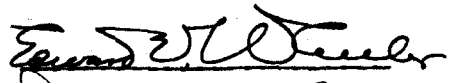
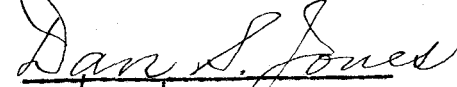

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit heretofore issued in Application No. 2128-I to F. W. Smith, doing business as Omaha Rapid Transit Lines, be, and the same is hereby, cancelled because of abandonment of operation thereunder.

IT IS FURTHER ORDERED, That Case No. 1331 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 12th day of March, 1934.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE RESIDENTIAL LIGHTING)
RATE OF KREMMLING LIGHT AND)
POWER COMPANY.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 204

March 12, 1934.

Appearances: Mr. Franklin P. Wood, Denver, Colorado,
for Kremmling Light and Power Company;
Mr. Fred S. Caldwell, Denver, Colorado,
attorney for the Town of Kremmling
and individual protestants.

S T A T E M E N T

By the Commission:

On December 1, 1933, the Kremmling Light and Power Company, an electric utility operating in the Town of Kremmling, filed a new rate schedule designated "Colo. P.U.C. No. 2", which in some respects increased the rates being charged by said utility to the consumers of Kremmling. Under an order dated December 30, 1933, the Commission suspended the operation of said rates and set the matter for hearing on February 2, 1934, in Denver, Colorado. At said hearing, applicant offered a new schedule of rates, cancelling Colo. P.U.C. No. 2, and designated as Colo. P. U. C. No. 3. It was upon said proposed new schedule of rates which were to become effective March 1, 1934, that the instant hearing was held.

At the request of protestants, said hearing was continued until March 2, 1934, for the purpose of giving them an opportunity of having the books of applicant audited.

At said continued hearing, after offering in evidence the results of the audit of applicant's books, the protestants withdrew all opposition to the proposed new schedule of applicant, except that portion of Sheet No. 5 of Colo. P.U.C. No. 3 which provides that under the Commercial Lighting schedule, in addition to the energy charge,

"If an X-Ray machine or similar high demand low load factor equipment is used there shall be added to the energy charge as given above a demand charge of \$1.25 per H. P. of rated capacity of such equipment."

The objection to this charge on the part of protestants is due to the fact that the only doctor in Kremmling has an X-Ray machine. Said machine is used very infrequently and its consumption of current during a period of one month would be exceedingly small. However, it is of 4 H. P. capacity, and under the above quoted schedule, the rate of \$1.25 per H. P. demand charge would mean a monthly expense to the owner of said machine of not less than \$5.00. The doctor testified that such a charge is unreasonable and excessive and is more than he realizes out of the operation of the machine. He further stated that he would have to discontinue use of the machine if such a charge were permitted.

The evidence as to the reasonableness of this charge was not entirely satisfactory. It was stated that the rates in both Denver and Steamboat Springs for this particular kind of service are higher than the rate proposed in Kremmling. The Vice-President of applicant company testified that the company had built a 2300-volt line a distance of one and one-half blocks and installed a transformer for the purpose of furnishing proper service in order that said X-Ray machine might be operated. However, it was further developed that other customers were served by this same transformer.

Due to the low rate of return that applicant is making upon its investment at Kremmling (the audit submitted by protestants showing a net return upon the capital invested of less than two per cent), and such evidence as has been submitted in the instant case, the Commission is inclined to believe that the demand charge of \$1.25 per H. P. heretofore referred to, is not per se discriminatory against the consumer and under some conditions would probably not be unreasonable. However, we are further inclined to the opinion that in determining the reasonableness of a rate, the question of the value of the service rendered to the consumer,

as well as his ability to pay, must be given some weight, and after a careful consideration of all the facts in the instant case, the Commission is of the opinion, and so finds, that said demand charge of \$1.25 per H. P. of rated capacity should be reduced to the sum of 62½ cents, and that otherwise said schedule of rates for electricity designated as "Colo. P.U.C. No. 3" as issued February 2, 1934, effective March 1, 1934, for the Town of Kremmling, Colorado, and fringe territory, should be permitted to become effective as of said date.

O R D E R



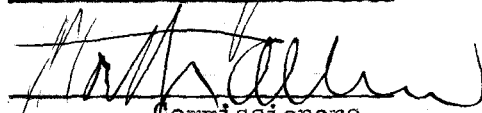
IT IS THEREFORE ORDERED, That the schedule of rates for electricity applicable to consumers in the Town of Kremmling, Colorado, and fringe territory, issued by the Kremmling Light and Power Company February 2, 1934, effective March 1, 1934, should be permitted to become effective as of March 1, 1934, save and except that upon Sheet No. 5 of said schedule, the demand charge for X-Ray machines or similar high demand low load factor equipment shall be reduced from \$1.25 per H. P. of rated capacity of such equipment to 62½ cents per H. P.

IT IS FURTHER ORDERED, That a copy of said schedule of rates as amended by this order shall be filed with the Town Clerk of Kremmling, Colorado, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That applicant shall file an amendment to its present proposed schedule of rates in conformity with this order within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 12th day of March, 1934.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF H. D. FLOWERS AND W. E. TURNER,)
A CO-PARTNERSHIP, AND THE EVERREADY)
FREIGHT SERVICE, A CORPORATION, FOR)
AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1516-A

March 12, 1934.

Appearances: H. D. Flowers and W. E. Turner, Buena Vista,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Flowers and Turner, a co-partnership consisting of H. D. Flowers and W. E. Turner, seek authority to transfer the certificate of public convenience and necessity, heretofore granted to them in Application No. 1516, to The Everready Freight Service, Inc.

It appears that the partnership of Flowers and Turner desires to transfer in toto its transportation business, including all equipment, to the new corporation, of which H. D. Flowers will be president and W. E. Turner is vice-president. A certified copy of the Articles of Incorporation of The Everready Freight Service, Inc., was filed as an exhibit.

After a careful consideration of the record the Commission is of the opinion, and so finds, that authority should be granted to H. D. Flowers and W. E. Turner, co-partners, to transfer to The Everready Freight Service, Inc., a Colorado corporation, that certain certificate of public convenience and necessity heretofore issued to the transferors in Application No. 1516.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to H. D. Flowers and W. E. Turner, co-partners, to transfer to The Everready Freight Service, Inc., a Colorado corporation, that

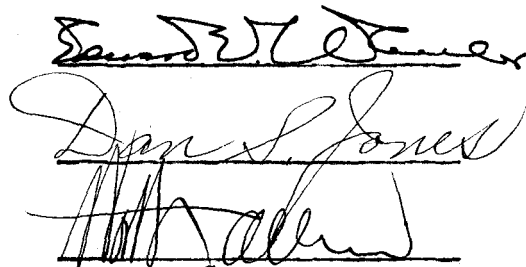
certain certificate of public convenience and necessity heretofore issued to the transferors in Application No. 1516.

IT IS FURTHER ORDERED, That the authority herein granted shall not become effective until all highway compensation taxes due from the co-partnership of Flowers and Turner, and all monthly reports, are paid to and filed with the Commission.

IT IS FURTHER ORDERED, That said transfer shall not become effective until the transferee has filed with the Commission the necessary insurance required by law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of the transferors herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK BARBERO.)

APPLICATION NO. 878-A

March 14, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written request from the above named Frank Barbero for authority to discontinue operations until business improves. It appears that on June 6, 1933, Frank Barbero's certificate was suspended for a period of six months, Decision No. 5054.


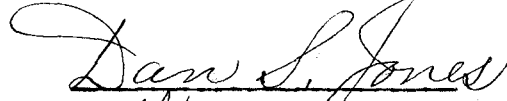
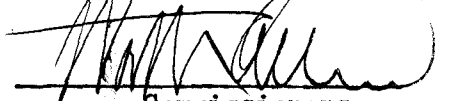
In view of the above request, the Commission is of the opinion, and so finds, that a further suspension of one year should be granted the said Frank Barbero.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 878 and thereafter transferred to Frank Barbero in Application No. 878-A, be, and the same is hereby, suspended for a period of one year from December 6, 1933; provided, however, that the said Frank Barbero may resume operations under said certificate at any time during said suspension period upon the filing with the Commission of the necessary insurance required by law and our rules and regulations, and otherwise fully complying with all our laws and rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 14th day of March, 1934.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GARRETT-SHEWMAKER, INC.)

APPLICATION NO. 2020-I

March 14, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named Garrett-Shewmaker, Inc., requesting that the common carrier interstate permit No. 643-I, heretofore issued to them in Application No. 2020-I, be suspended indefinitely on account of present inability to operate.

After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the common carrier interstate permit, heretofore issued in Application No. 2020-I to Garrett-Shewmaker, Inc., be, and the same is hereby, suspended for a period of one year from the date hereof, provided, however, that operations under said permit may be resumed at any time upon the filing by the said Garrett-Shewmaker, Inc., of the necessary insurance required by law and our rules and regulations, and otherwise complying fully with all laws and rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 14th day of March, 1934.

Edward J. O'Connell
Dan S. Jones
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ORVAL H. MARTIN.) PERMIT NO. A-400

March 14, 1934.

S T A T E M E N T

By the Commission:

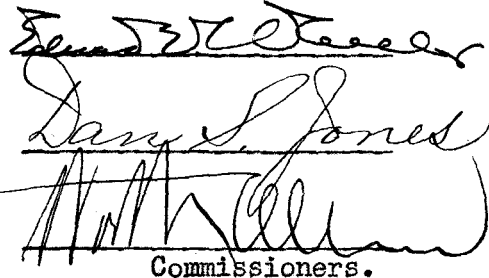
The Commission is in receipt of a communication from the above named Orval H. Martin, requesting that the above permit be cancelled for the reason that he has never been able to operate under same.

After a careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-400, heretofore issued to Orval H. Martin, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of March, 1934.

(Decision No. 5633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
TRIANGLE FORWARDING COMPANY.

CASE NO. 1339

March 16, 1934

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on April 3, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Dan S. [Signature]
[Signature]

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TRIANGLE TRUCK SERVICE COMPANY.) CASE NO. 1340

March 16, 1934

S T A T E M E N T

By the Commission:

Respondent carrier was on August 22, 1931, in Application No. 1870, granted an interstate permit to operate as a motor vehicle carrier in interstate commerce.

Information has come to the Commission that the above named respondent on or about October 1, 1933, abandoned operations under said interstate permit in violation of Rule 21 of the Rules and Regulations of the Commission governing motor vehicle carriers, and that no operations have been carried on under said interstate permit by respondent since that time.

It is understood that some reorganization has taken place, but if so, it has not been reported to the Commission, and if any operations have been carried on by another company the same has been without authority.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent has abandoned operations under said interstate permit as above set forth.

O R D E R

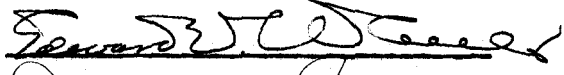
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has abandoned the motor vehicle carrier operations authorized by the Commission in Application No. 1870.

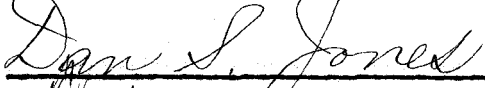
IT IS FURTHER ORDERED, That said respondent show cause, if any it have, by written statement filed with the Commission within ten days from this date, why it should not enter an order cancelling and vacating the interstate permit granted in said Application No. 1870, and such other order


or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on April 3, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY, FOR AUTHORITY TO)
CLOSE ITS AGENCY STATION AT SAPINERO,)
COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 197

March 16, 1934

Appearances: T. A. White, Esq., Denver, Colorado,
attorney for applicant;
W. S. Whinnery, Esq., Gunnison, Colorado,
pro se;
Rocco Santarelli, Sapinero, Colorado,
pro se;
Craig A. Goodwin, Sapinero, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On May 18, 1933, The Denver and Rio Grande Western Railroad Company, filed with us its petition under our General Order No. 34, seeking authority to close its agency station at Sapinero, Colorado. Sapinero is located on the narrow gauge line of the Rio Grande running from Salida to Gunnison. It is $37\frac{1}{2}$ miles east of Montrose, and 25.4 miles west of Gunnison. It is near the junction point of the branch line extending to Lake City. However, the company has abandoned operations over said branch line. We have understood informally that the present owner of said branch is rendering service thereon.

The evidence showed the total revenue for the years 1929 to 1933, both inclusive, on all freight and express to and from Sapinero on all passenger business including milk and cream shipments from Sapinero and on all Western Union business at the said station. The revenue from all of these different kinds of business dropped from \$28,975.92 in 1929, to \$9,920.84 in 1933. Of the total revenue for the year 1932, \$8,674.18 was from freight business, \$647.97 from passenger business, and \$517.13 from express business. Of the freight revenue, \$5,865.76 was from business

done in the months of October and November, and \$1,233.35 from business done in May. The evidence showed that the reason the large portion of the business was handled in the three months in question is livestock movements. The average monthly revenue for the other nine months from freight and express was about \$218.00, from freight, express and passengers, about \$272.00.

The company gave evidence showing that for the year 1932, it had suffered a deficit in its income of \$2,984,210.02, and for the year 1933, \$2,138,953.08.

While three patrons of the company appeared at the hearing, two being livestock shippers, and the third a merchant at Sapinero, none of them testified but participated in the examination of the company's witnesses and conferred during a recess of the hearing with representatives of the company. The latter agreed that it would install an agent on the day of the first movement of livestock in October and would keep him on duty until the end of the first two weeks in November, or for such portion of that time as the movements of livestock might take place.

Some question was raised as to the possibility of making proof in some later hearing as to the volume of business credited to Sapinero between the date of the hearing and such possible future hearing. The representative of the company testified as to the difficulty of making proof concerning freight. He testified that there would be some difficulty in showing revenue from passengers boarding the trains at Sapinero. He finally agreed that in any future case we might assume the revenue from such business to be \$1,000.

With the understandings had the said shippers waived any objections to the closing of the station.

The railroad company offered to install in a room in the station which would be kept open a telegraphphone which could be used by the public dealing with the railroad in telephoning to the agent at Gunnison or Montrose.

We had no evidence at the hearing with respect to the needs of the public served by the Lake City line. It is possible that at some time

in the future their needs, together with those of the people who receives or ship their goods from Sapinero, might warrant us in ordering the reinstallation of a station agent, particularly if a substantial part of his salary could be paid by the owner of the Lake City branch. It is elementary that the rule of res judicata does not apply to our findings.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity do not now require the continuous maintenance of a station agency at Sapinero, Colorado.

We further find that a station agent should be kept on duty at Sapinero from and including the time the first shipment of livestock moves out from said station in October, and during the first two weeks in November or for such portion of said period as livestock may be moving.

We are further of the opinion, and so find, that if the agency is closed, the railroad company should place a lock on a storeroom at the station, keys to which should be held by trainmen and by some responsible person at Sapinero, who may be willing to hold a key for the benefit of shippers; that the railroad company should deposit in said storeroom inbound freight and express and should pick up outgoing freight and express therein. We do not intend that the railroad company or the person in Sapinero should assume any legal liability with respect to freight and express placed in said room by it or shippers. Without trying to dictate to the local person in Sapinero who might hold the key, we suggest that the person be Rocco Santarelli, who is the local merchant, postmaster, etc.

We further find that the telegraphphone should be installed and continuously maintained in a room of the station for the free use of the public in telephoning to the company's agents at Gunnison and Montrose concerning business affecting the railroad company.

ORDER

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Rio Grande Western Railroad Company, to close its agency station at Sapinero, Colorado, effective April 1, 1934.

IT IS FURTHER ORDERED, That the railroad company shall enter upon and carry out the arrangements described supra respecting storage of freight and express in the storeroom in Sapinero.

IT IS FURTHER ORDERED, That the railroad company keep on duty a station agent at Sapinero from and including the time the first shipment of livestock moves out from said station in October, and during the first two weeks in November, or for such portion thereof as livestock may be moving.

IT IS FURTHER ORDERED, That the railroad company install and keep in condition for continuous use in a room of its station a telephone which may be used free by the public in making calls concerning railroad business to the company's agents in Gunnison and Montrose.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

Sam S. Jones

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE ELECTRIC RATES OF THE GLENWOOD)
LIGHT AND WATER COMPANY.)

CASE NO. 1138

March 19, 1934.

S T A T E M E N T

By the Commission:

Since our order was made herein on January 27, some questions were raised as to the effect of the tariffs of rates which we prescribed in said order. In consequence on February 19, we wrote a letter to the attorneys for the City of Glenwood Springs and for the Company, saying that since our said order of January 27 was made, the engineer for the City had submitted figures to us indicating that certain business lighting customers would have their rates increased under either of the two rates available to them, and that this was something that we had desired to avoid. We further informed them that we were having our electrical engineer make a check for us and that it then appeared probable that we would conclude that a three cent block which was in the hours use of connected load rate submitted by the Company's engineer should be put back in that type of rate prescribed by us. We informed them that we would, therefore, conduct informal negotiations with the engineers for the City and the Company and "without any further formal hearing, unless it is desired by one or both of the parties", we would feel free to make such further order as might seem warranted to us with respect to the rates.

We pointed out also that it is fundamental that orders of an administrative body are not subject to the rule of res judicata and that if it should be found that the rate schedule finally prescribed by us "produces too much or too little revenue, the matter can be rather easily changed by order of the Commission."

We concluded our letter with the sentence "If you have any

requests or suggestions, please let the Commission have them at once in writing." Not having had any protest against such course, and not having received any suggestion, we feel free now to make a further order with respect to the rates.

It can never be determined precisely what the result of any change in rates will be. An increase in rates may cause consumers to use less of the product of the utility, while a decrease may and frequently does cause consumers to use more. It now appears that if all of the business lighting consumers in Glenwood Springs should elect to be placed on the rate which would be most advantageous, and that if we should restore the three cent step in the hours use of connected load rate, the total cost thereof to the Company would be \$109.00. It is quite certain that for a substantial length of time part of this class of consumers will not take advantage of their right to be put on the most advantageous rate. It would be most unusual even in a small city of this size if all of the customers should change over to the most beneficial rate within a year or within any period of time. Some customers are not enough interested to look into the matter. In other cases, the saving would be so small as to cause the customers to feel not warranted in bothering with the matter. It is, therefore, quite obvious that the cost of restoring the three-cent block will be nothing like as much as \$109.00, at least during the first year.

Moreover, there is some question, other than the usual uncertainty resulting from any reduction in rates, whether other rates proposed by the Company and prescribed by the Commission will cost the Company as much as its engineer estimated, although we do not doubt his sincerity.

When we first learned that with the two business lighting rates which we prescribed in effect, some customers would have slight raises in their monthly bills, we considered reducing the reduction prescribed in one or more other rates to the extent of \$109.00. However, because of the considerations which we have stated, we have concluded that we are not warranted in revising other schedules at this time.

As we have heretofore stated, we stand ready in the future to make such further order or orders as experience may justify.

The Commission is, therefore, of the opinion, and so finds, that the said order of January 27, 1934, should be modified and amended by changing the third step prescribed on page 3 in the hours use of connected load type of rate by making the same read:

"Next 80 hours use per month of connected load, per KWH - \$.04 $\frac{1}{2}$ " and by adding a fourth step, which shall read:

"Additional KWH per month, per KWH - \$.03"

Since the decision was made on January 27, a motion for rehearing has been filed by the City. We have carefully considered the same and are of the opinion, and so find, that the same should be denied except as herein otherwise expressly provided.

ORDER

IT IS THEREFORE ORDERED, That the said order of January 27, 1934, be, and the same is hereby, modified and amended by changing the third step prescribed on page 3 in the hours use of connected load type of rate by making the same read:



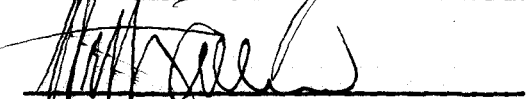
Next 80 hours use per month of connected load,
per KWH \$.04 $\frac{1}{2}$

and by adding a fourth step, which shall read:

Additional KWH per month, per KWH \$.03

IT IS FURTHER ORDERED, That, except as herein otherwise specifically provided, the motion for rehearing filed herein by the City of Glenwood Springs after the date of our order of January 27, 1934, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF HARRY J. SEEREY, DOING BUSINESS) CASE NO. 1332
AS RAINBOW STAGES.)

March 20, 1934.

Appearances: E. G. Knowles, Esq., Denver, Colorado,
attorney for Interstate Transit Lines;
Harry J. Seerey, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

The Interstate Transit Lines filed its complaint with the Commission alleging that Harry J. Seerey, doing business as Rainbow Stages, had abandoned all service between Denver and the Colorado-Wyoming State line, and seeking an order of the Commission cancelling the interstate permit heretofore issued to the respondent authorizing such operations.

The evidence disclosed that in Application No. 1971, Harry J. Seerey had been granted authority to conduct an interstate operation between Denver, Colorado, and a point on U. S. Highway No. 85 where the same crosses the Colorado-Wyoming boundary line.

In the instant case, Harry J. Seerey testified on cross examination that he had abandoned all operations under the permit issued in Application 1971 on October 16, 1933; that at the time of stopping his said operation he had no intention of resuming the same, and that no operation had been conducted under said permit from said October 16, 1933, to the present time.

On December 21, 1933, in Application No. 1971-A, authority was sought from the Commission to transfer from the said Harry J. Seerey to H. B. Wagner and the Great Western Stages, said interstate

permit heretofore issued to the said Harry J. Seerey in Application No. 1971. On January 26, 1934, said application was denied, but thereafter, on motion filed by the proposed transferee, a rehearing was granted and same was set for further hearing on March 23, 1934.

Under the evidence presented in the instant case, it is apparent that Rule 21 of the "Rules and Regulations Governing Motor Vehicle Carriers", effective August 1, 1928, has been violated. Said rule provides as follows:

"(a) No motor vehicle carrier having received from the Commission a certificate of public convenience and necessity shall abandon operation thereunder without first making application in writing to the Commission for permission so to do and submitting evidence, giving reasons for same, and receiving an order based thereon permitting such discontinuance and revoking and cancelling said certificate.

"(b) Discontinuance of service for a period of five consecutive days without notice to or approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of order or permission to operate issued by the Commission; provided, however, that the Commission may permit the resumption of operation after five such days on proper showing that the carrier was not responsible for the failure to give service."

No evidence was introduced to show that the authority of the Commission had been secured to abandon operations under said permit, and it is quite clear from the testimony of Harry J. Seerey that said operation was abandoned for a period long beyond that permitted by our Rules and Regulations above quoted. The Commission feels that this rule relative to the abandonment of operations is a reasonable one and should be complied with by all operators, whether intrastate or interstate. Moreover, we believe it is generally considered not only in Colorado but elsewhere that abandonment of operations for a substantial time constitutes an abandonment and forfeiture of right to operate.

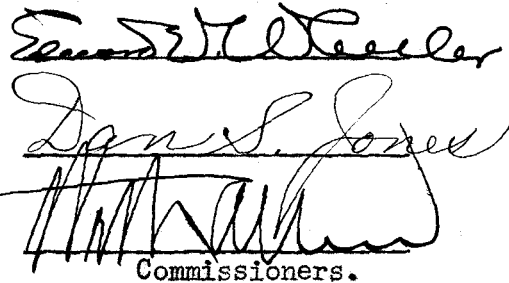
After careful consideration of all the record the Commission is of the opinion, and so finds, that the interstate permit, heretofore issued to respondent, Harry J. Seerey, in Application No. 1971, should

be cancelled because of abandonment of operation thereunder.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit heretofore issued to Harry J. Seerey in Application No. 1971, be, and the same is hereby, cancelled because of abandonment of operations thereunder.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HIGHWAY LIMITED STAGES FOR AUTHORITY)
TO ASSIGN AND TRANSFER TO CRANDIC)
STAGES, INC., INTERSTATE PERMIT)
NO. 650-I.)

APPLICATION NO. 2043-A

IN THE MATTER OF THE APPLICATION OF)
CRANDIC STAGES, INCORPORATED, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE A MOTOR)
VEHICLE SYSTEM FOR THE TRANSPORTA-)
TION OF PASSENGERS, BAGGAGE AND)
EXPRESS.)

APPLICATION NO. 2073

IN THE MATTER OF THE APPLICATION OF)
CRANDIC STAGES, A CORPORATION, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE MOTOR)
VEHICLE SERVICE IN THE TRANSPORTATION)
OF PASSENGERS, BAGGAGE AND LIGHT)
FREIGHT BETWEEN DENVER, COLORADO, AND)
THE COLORADO-NEW MEXICO STATE LINE,)
IN INTERSTATE SERVICE ONLY.)

APPLICATION NO. 2075

IN THE MATTER OF THE APPLICATION OF)
CRANDIC STAGES, INCORPORATED, FOR AN)
INTERSTATE MOTOR VEHICLE PERMIT.)

APPLICATION NO. 2094

March 22, 1934.

S T A T E M E N T

By the Commission:

On February 14, 1934, the Commission received a letter from F. C. Chambers, Receiver for Crandic Stages, Incorporated, requesting a temporary suspension of service under any certificates or permits held by said Crandic Stages, Inc., and authorizing operations within the State of Colorado. In conformity with said request, the Commission on February 20, 1934, granted a thirty-day suspension of operations.

On February 23, 1934, the Commission received a telegram from Isaac B. Smith, president of Crandic Stages, Inc., requesting the immediate revocation of any and all intrastate and interstate certificates held or owned by the Crandic Stages. Thereafter, on March 3, 1934, the Commission

received a letter signed by F. C. Chambers as Vice-President of Crandic Stages, Inc., requesting that upon the date of the expiration of the suspension period granted, all of the certificates and permits belonging to Crandic Stages, Inc., be cancelled and revoked.

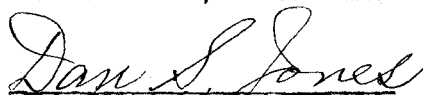
The period of suspension of operations having expired, in conformity with the requests above noted, the Commission is of the opinion, and so finds, that the interstate permit heretofore transferred to Crandic Stages, Inc., in Application No. 2043-A, the certificate of public convenience and necessity heretofore issued to the said Crandic Stages, Inc., in Application No. 2073, and the interstate permits heretofore issued to Crandic Stages, Inc., in Applications Nos. 2075 and 2094, should be cancelled on account of abandonment of operations within this State, as well as upon the direct request of the officials of said Crandic Stages, Inc.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit heretofore transferred to Crandic Stages, Inc., in Application No. 2043-A, the certificate of public convenience and necessity heretofore issued to the said Crandic Stages, Inc., in Application No. 2073, and the interstate permits heretofore issued to Crandic Stages, Inc., in Applications Nos. 2075 and 2094, be, and the same are hereby, cancelled and revoked on account of abandonment of operations within this State, as well as upon the direct request of the officials of said Crandic Stages, Inc.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAKE WEILER AND FRED HAUF, DOING)
BUSINESS AS MINERS TRANSPORTATION)
COMPANY.)
-----)

CASE NO. 1124

March 22, 1934

S T A T E M E N T

By the Commission:

On January 27, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 1038, for their failure to make monthly reports, pay highway compensation taxes and for failure to file with the Commission the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondents filed all delinquent highway compensation tax reports, paid all such taxes and filed the necessary and proper insurance, together with a written statement to the effect that they had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.


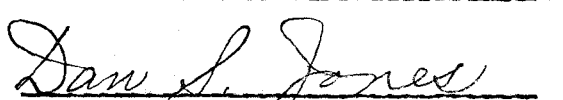
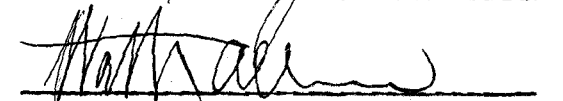
Said suspension period expires September 2, 1933, and respondents have failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued in Application No. 1038 to Jake Weiler and Fred Hauf, doing business as Miners Transportation Company, should be revoked for their failure to make reports, pay highway compensation taxes and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1038 to Jake Weiler and Fred Hauf, doing business as Miners Transportation Company, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD DODGE.)

CASE NO. 1081.

March 22, 1934

S T A T E M E N T

By the Commission:

On January 26, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1218, for his failure to make monthly reports, pay highway compensation taxes and file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed such insurance as is required by law and the Rules and Regulations of this Commission, together with a written statement to the effect that he had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension expired July 26, 1933, and respondent has failed to file any insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1218, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Harold Dodge in Application No. 1218, be,

and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C. Jones

Sam S. Jones

W. H. Jones
Commissioners.

Dated at Denver, Colorado,
this 22nd day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * *

RE MOTOR VEHICLE OPERATIONS OF)
MERCHANTS TRANSFER COMPANY, A) CASE NO. 1334
CORPORATION.)

March 24, 1934

Appearances: Mr. Oscar Luedemann, Denver, Colorado,
for Frigidaire Sales Corporation.

S T A T E M E N T

By the Commission:

An order was made on March 6, 1934, requiring Merchants Transfer Company to show cause why its certificate of public convenience and necessity heretofore issued to it in Application No. 1421, should not be revoked and cancelled for failure to account for C. O. D. moneys collected by it. The certificate in question issued to the respondent is one authorizing the transportation by it as a common carrier of freight for the public over the highways in Colorado. That certificate of public convenience and necessity provides that the same was issued subject to compliance by the applicant therein (respondent herein) with all the rules and regulations of the Commission then in effect or thereafter to be adopted.

On the 26th day of December, 1930, the Commission adopted and duly promulgated a rule and regulation which reads as follows:

"Rule 37. All moneys collected on C.O.D. shipments by motor vehicle carriers, as defined in House Bill No. 430, Colorado Session Laws 1927, shall be kept in a separate fund and shall under no conditions be mingled with other funds or deposited in any bank to the credit of a general account.

"All such carriers immediately upon collection of any and all C.O.D. moneys, and in no event later than five days after delivery of the C.O.D. shipment or shipments, unless otherwise authorized by the consignor, shall remit in cash or currency, by money order, cashier's check, certified check, or a check drawn on a bank account in which only C.O.D. moneys are deposited."

A copy of said rule and regulation was sent to the respondent herein by United States mail.

The evidence herein showed that the respondent accepted for transportation by it on or about December 6, 1933, a Frigidaire cabinet to one Oliver Smith, Durango, Colorado. At the time the shipment was delivered to and received by the respondent, it was instructed by the shipper to collect from the consignee \$104.90. This amount of money was collected from the consignee by the respondent herein on December 20, 1933.

The evidence further showed that this money was not paid by the respondent to the shipper until March 9, 1934, three days after the order to show cause herein was made.

The respondent herein has not only violated the rule and regulation of the Commission relative to C.O.D. collections, but it has further shown its contempt therefor by not even answering the order made, and by failure to appear at the hearing.

The Commission is therefore, of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the respondent should be suspended for a period of one month, and that during said time it should not be permitted to transport freight beyond or outside of the city limits of the City and County of Denver.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to the respondent, Merchants Transfer Company, a corporation, in Application No. 1421, be, and the same is hereby, suspended for a period of one month from the date hereof.

IT IS FURTHER ORDERED, That said respondent during said period of suspension shall not transport any freight for hire on the highways in the State of Colorado, except from point to point in the City and County of Denver, or accept any freight for such transportation unless in each case of such acceptance the shipper be expressly informed the freight is to be transported by some other carrier.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
Samuel L. Jones
W. A. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. NOONAN AND IVAN C.)
WILLIAMS, CO-PARTNERS, DOING)
BUSINESS UNDER THE FIRM NAME AND)
STYLE OF COLORADO FAST EXPRESS.)

CASE NO. 1306

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. NOONAN, IVAN C. WILLIAMS)
AND M. H. NOONAN, CO-PARTNERS,)
DOING BUSINESS UNDER THE FIRM)
NAME AND STYLE OF WESTERN HIGHWAY)
EXPRESS.)

CASE NO. 1307

March 24, 1934

S T E M E N T

By the Commission:



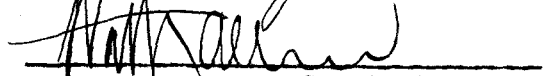
The Commission is in receipt of a petition for an extension of time in which to file a motion for rehearing by the attorneys for respondents in the above entitled cases.

After careful consideration of said petition, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the time for filing a motion for rehearing in the above entitled cases, be, and the same is hereby, extended to and including April 7, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY J. SEEREY, DOING BUSINESS AS)
RAINBOW STAGES, FOR AUTHORITY TO)
TRANSFER MOTOR VEHICLE PERMIT.)

APPLICATION NO. 1971-A

March 26, 1934.

S T A T E M E N T

By the Commission:

In the above entitled application, a rehearing was granted on February 19, 1934, upon the order entered on January 26, 1934, denying authority to Harry J. Seerey to transfer to Great Western Stages the interstate permit originally issued to him in the above numbered application. Said rehearing was set for March 23, 1934. Neither the transferor nor the transferees appeared at the time set for said rehearing, and our records disclose that on March 20, 1934, an order was entered in Case No. 1332 revoking the interstate permit issued to Harry J. Seerey in Application No. 1971 for abandonment of operation thereunder.

In view of the fact that the said interstate permit has been revoked, and after careful consideration of all the record, the Commission is of the opinion, and so finds, that the instant application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 26th day of March, 1934.

Edward V. C. Jones
Sam S. Jones
W. M. Williams
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. H. BENEDETT FOR AN INTERSTATE)
COMMON CARRIER PERMIT TO OPERATE) APPLICATION NO. 2088-I
FREIGHT SERVICE BETWEEN DENVER AND)
THE COLORADO-WYOMING STATE LINE, AND)
BETWEEN INTERMEDIATE POINTS AND SAID LINE.)

March 26, 1934.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from E. H. Benedett, stating that he has not operated since January 1, 1934, and that he does not wish to renew trucking operations in Colorado until further notice.

After a careful consideration of said letter, the Commission is of the opinion, and so finds, that the common carrier interstate permit heretofore issued to E. H. Benedett in Application No. 2088-I should be suspended for a period of six months from January 1, 1934.

O R D E R

IT IS THEREFORE ORDERED. That the common carrier interstate permit heretofore issued to E. H. Benedett in Application No. 2088-I, be, and the same is hereby, suspended for a period of six months from January 1, 1934; provided, however, that operations under said permit may be resumed at any time during said period of suspension upon the filing of all reports, paying of all highway compensation taxes due and filing of proper insurance.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

Dan S. Jones

W. H. McAllister
Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE COLORADO PORTLAND CEMENT COMPANY,)
Complainant,)
vs.)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY,)
Defendant.)

CASE NO. 1333

March 26, 1933

Appearances: F. W. Myers, Esq., Denver, Colorado,
for complainant and defendant.

S T A T E M E N T

By the Commission:

This is an application by The Colorado Portland Cement Company for an order authorizing The Atchison, Topeka and Santa Fe Railway Company to waive collection of an undercharge of \$61.19 on a carload shipment of cement from Portland, Colorado, to Fort Lyon, Colorado.

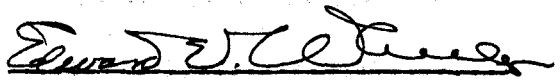
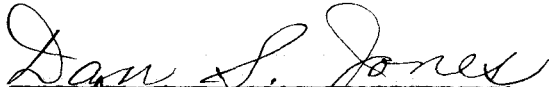

The evidence showed that this Commission authorized the defendant to make effective a rate of nine cents per 100 pounds on carload shipments of cement for the minimum weight of 100,000 pounds. The movement of cement was to be a temporary one, but in substantially large volume. The minimum weight effective before the rate in question was authorized was 38,000 pounds. There was some understanding on the part of the railway company representatives who, instead of asking that the rate be continued in effect until September 30, 1933, asked for an expiration date of August 1. The carload in question moved on August 12.

After careful consideration of the facts and circumstances of the case, the Commission is of the opinion, and so finds, that authority should be granted to the defendant to waive collection of the said undercharge of \$61.19, without requiring the defendant to keep in effect for any period hereafter the rate which expired on August 1, 1933.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Atchison, Topeka and Santa Fe Railway Company to waive collection of \$61.19 on a carload of cement shipped from Portland, Colorado, to Fort Lyon, Colorado, on or about August 12, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE IDLEDALE WATER WORKS,)
IDLEDALE, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 205

March 26, 1934

Appearances: A. D. Quaintance, Esq., Denver, Colorado,
attorney for Carl D. Messenger, respondent;
A. R. Nichols, Esq., Denver, Colorado,
for various customers;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

Carl D. Messenger filed with the Commission a proposed rate for irrigation of lawns situated under his water system at Idledale, Colorado. Thereupon a number of water users under the system filed with the Commission a complaint. It alleged that the water system is inadequate and not in proper shape to furnish ample water and that the water is not sufficiently sanitary to be used for domestic purposes. The complaint attacks the reasonableness of the rules and regulations respecting the payment of water rents. They objected to the use of water for irrigating lawns until there is more water available in the system than is needed for domestic purposes. They complained against the charge of approximately \$4.50 proposed to be made against each of the consumers for the installation of a cast iron curb box.

The Commission thereupon made an investigation and suspension order, suspending the irrigation rate and providing for a general investigation of the rates, charges and practices of said Messenger and of the condition of said water works. A hearing was had which consumed the greater part of one day.

We believe the system was originally installed in order to make possible the sale of lots at Idledale, where there is located a large number of houses, a substantial part of which are occupied in the winter, others being occupied in the summer. The source of the water for the system is

in Mill Creek at a point about one mile from Idledale. Two wells have been dug there and one small reservoir constructed. The two wells are supposed to be connected, with the water flowing from the lower well into the reservoir. The water runs by gravity to the customers on the system.

The system has never been properly operated. The customers have done more or less work on the system as a matter of accommodation to the owner and in order to insure service. Last summer a large part of the pipe line leading from the source was washed out by the flood, and the wells and reservoir filled with rock and gravel. The Red Cross at its expense restored the system sufficiently so that a certain amount of service has been rendered since. However, the water has not been sufficient in volume for the needs of the customers and the wells and reservoir have not been sufficiently protected to make the water safe for drinking purposes.

The State Sanitary Engineer and the Hydraulic Engineer of this Commission have been urging the owner to make certain repairs and to do certain work, which, with rather unimportant exceptions, have not been done. The State Sanitary Engineer testified that he gave certain instructions last fall to Messenger and thought that they had been complied with. However, he learned that while Messenger claimed that he inserted ninety feet of pipe (to be used, we believe, for collecting water), only forty feet had been put in, and that while Messenger claimed to have concreted the bottom of one of the wells, the engineer learned that it had not been done.

Some evidence was introduced bearing on the question of the cost of the system to Messenger. It developed that he traded his equity, which he valued at \$2,800.00, in a Denver residence for a residence in Idledale and the system in question, and that at the time of said trade, there was and now is a mortgage on the Idledale residence and water system to secure an indebtedness of some \$2,500.00 to \$2,700.00. There was testimony to the effect that the water system has a value of about \$3,000.00. However, this value would be based almost solely on the cost of reproduction, as it is difficult to say what an indifferent system such as this, is worth in its present condition.

The only collection of water at this time is probably through a six-inch terra cotta pipe line about thirty feet long, which runs out from the lower well in a diagonal direction. As we understand the evidence, a substantial amount of work needs to be done at the source by laying collecting pipes on solid rock, and otherwise. The lower well does not have its bottom cemented and it is altogether likely that considerable water is lost by reason thereof.

There is no pipe line connection between the wells. A large part of the pipe has disappeared from the wells. The upper well was described in the testimony as a "make-shift affair" and now is filled up with mud and sand.

Even if all of the work that has been recommended by the engineers should be done at the wells, the amount of water that may be available during the day would not be sufficient. A 15,000 gallon tank should be placed on a high point in Idledale in order to afford an ample supply.

The respondent contended that if the consumers would all pay him the water rent which, under his tariff, is due the 1st of January, he would be able to make proper improvements in the system. The evidence showed that there are some sixty consumers and that the annual gross income is something over \$600.00. However, we believe it is fairly inferable from the evidence that if the system were in the condition it should be in, the customers would be willing to and would pay any reasonable amount of money for the service. Payment of water rent in the past has not secured adequate service. We have no reason to believe that it will secure such service now.

After a conference between Messenger, the Commission's attorney and several water users, an agreement was reached whereby Messenger has consented to the entry of an order appointing W. L. Burton of Idledale as trustee, to collect and disburse the water rents, and applying the entire proceeds from operation of the water system to the rehabilitation thereof. The Commission is of the opinion, and so finds, that such a trusteeship, under the supervision and control of the Commission, as hereinafter set forth in detail, will probably provide a satisfactory solution of the problems.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require that the recommendations of our Hydraulic Engineer with respect to the needed improvements and repairs of the property should be followed and complied with. Said recommendations are as follows:

1. Reconstruct the well at the junction of the two stream beds on the upper part of the water system. This upper well should be constructed on bed rock with the bottom at least one foot deep in the rock so as to create a sump to which the water would naturally gravitate. The well should be properly cemented so as to be water proof and extend about five feet above the stream bed and then have an iron cover so that it can be locked to keep out all contamination. At bed rock the upper side of well should be so arranged that seepage water in the stream bed could enter the well. The well should have an inside diameter of four feet.

2. From the upper well a collecting drain of at least four inches in diameter should run up the right hand draw at least two hundred feet on bed rock or on an impervious soil, and then proper filling should be made over the open joint drain so that water could reach the pipe and be filtered so as to render water sanitary. A collecting drain of about the same diameter and similarly constructed should be run from the well up the left hand draw for a distance of about one hundred feet or to the highway bridge or culvert. These drains should enter the well on the top of the rock.

3. The present collecting well about four hundred or five hundred feet below the well above referred to should be rebuilt so as to be on bed rock and at least four feet in diameter inside and extend five feet above the surface of the stream. A good collecting drain should be run diagonally across the stream with a dam or sheet piling to bed rock below the pipe to intercept water in the stream bed. This well will also be sunk in bed rock.

4. The two wells herein referred to should be connected with a five or six inch terra cotta pipe with open joints to intercept any drainage in the draw as much as possible. This pipe to enter wells near the top of the bed rock to provide proper passage of water from the upper well to the lower well.

5. A fence around the water sources should be constructed or repaired so as to prevent stock from getting near the water sources.

6. The pipe line from the lower well to the small cement reservoir where it crosses the stream should be properly protected against being damaged by flood water in the stream.

7. A distribution tank of at least 15,000 gallon capacity should be constructed on the high point of ground above Mr. Whiting's property and be properly connected with the main supply line from the collecting reservoir at the water sources and proper connections from the tank with the distribution system.

The Commission is further of the opinion, and so finds, that said work of rehabilitation and repairing the system should begin within ten days from this date and expeditiously carried on.

The Commission further finds that the consumers shall not use and the respondent shall not permit the use of, any water in the system for the purpose of irrigating any lawns or gardens except when there is available more water than is needed for domestic use.

The Commission is further of the opinion, and so finds, that no curb boxes should be installed at this time at the expense of the consumers.

ORDER

IT IS THEREFORE ORDERED, That the respondent, Carl D. Messenger, be, and he is hereby, ordered and required to commence the said work of repairing and improving said water system in the particulars hereinbefore expressed, within ten (10) days from this date and to carry on the same expeditiously, consideration being given to payment of rentals by consumers, subject, however, to the following terms and conditions:

1. That W. L. Burton of Idledale, Colorado, is hereby appointed Trustee for and during the year 1934, to collect the water rents now due or hereafter during said year to become due, and to disburse the same only as provided in this order.

2. The repair work and improvements hereinabove specified and enumerated shall be installed as expeditiously as possible and under the direction and control of C. H. Rankin, the Engineer of the Commission, commencing not later than the date herein specified. Said engineer shall specify the kinds and amount of all material and supplies used in repairing and improving said water system, and no material or supplies shall be purchased by said Messenger nor paid for by said trustee until the same shall have been authorized or approved by C. H. Rankin.

3. The distribution tank shall be constructed and placed in service not later than June 1, 1935, when there is money enough in the hands of the trustee to pay the cost thereof.

4. After April 15, 1934, the said trustee shall have power to disconnect the water service of any consumer not having fully paid the rental therefor, unless the improvements and repairs herein provided shall not have been commenced as herein required; provided, however, that fifteen (15) days notice thereof shall be given to such delinquent consumers.

5. The trustee shall exercise due diligence in collecting the water rentals as and when the same become due and payable, and shall weekly pay out of funds in his hands for labor performed and materials purchased by said Messenger. He shall render a written and itemized report to the Commission and to C. D. Messenger of his acts and doings as such trustee at least once every 60 days, commencing with the date of this order and continuing during his service as such trustee. In case of failure to properly perform his duties, including the reasonable expedition of the work to be done, or for any other good and valid reason, the Commission may, in its discretion, discharge said trustee and appoint a successor trustee to carry out the purposes of this trust, the Commission in that event if at all possible to appoint a successor agreeable to said Messenger.

6. The trustee shall receive as his compensation five per cent of the total amount disbursed by him in his capacity as such trustee.

7. C. D. Messenger shall be employed to perform the labor necessary to effect the repairs and improvements hereinabove specified, except such labor as necessarily must be done by a skilled workman, and shall continue to be employed so long as his work is done in a reasonable manner, and for his compensation shall receive the sum of \$2.50 per day for each day of 8 hours' work on the said water system. He shall work not less than three (3) days per week, and more if not otherwise profitably employed elsewhere, in working the said repairs and improvements, and in no case shall his total compensation exceed the net income of said water system after all necessary materials and supplies have been purchased and paid for, it being the intent and purpose of this order that the entire income of the plant shall be expended solely for the repair and improvement of the same until it shall have been placed in satisfactory operating condition.

IT IS FURTHER ORDERED, That the respondent shall not exact and demand of any customers at this time the payment of any money on account of the installation of curb boxes.



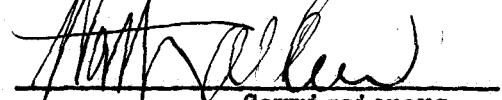
IT IS FURTHER ORDERED, That the consumers shall not use and the respondent shall not permit the use of, any water in the system for the purpose of irrigating any lawns or gardens except when there is available more

water than is needed for domestic use.

IT IS FURTHER ORDERED, That the rate for the irrigation rate heretofore filed by the respondent shall become effective April 1, 1934.

IT IS FURTHER ORDERED, That jurisdiction of this case be, and the same is hereby, retained to the end that we may have a further hearing or hearings herein at a date convenient for the respondent and consumers after the order herein has been complied with. The said further hearing should be for the purpose of considering the charges, rules and regulations which shall be reasonably necessary for the respondent and the successful and proper operation of his system.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY POOLE.)

CASE NO. 1119

March 28, 1934.

S T A T E M E N T

By the Commission:

On March 2, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1702, for his failure to file reports, pay highway compensation taxes and also for his failure to file the necessary insurance policy or surety bond required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent monthly reports, paid all highway compensation taxes due, and filed the necessary insurance, together with a written statement to the effect that he had not operated for hire during said suspension period, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension expired September 2, 1933, and respondent has failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1702, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file proper and necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Roy Poole in Application No. 1702, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARRY E. MENCIMER FOR AUTHORITY)
TO SELL, ASSIGN AND TRANSFER UNTO)
H. CLAY SNYDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 552.)

APPLICATION NO. 1771-AA ✓
APPLICATION NO. 1957-AA

March 30, 1934.

Appearances: Harry E. Mencimer, Brighton, Colorado,
pro se;
H. Clay Snyder, Brighton, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Harry E. Mencimer seeks authority to transfer to H. Clay Snyder the certificate of public convenience and necessity heretofore transferred to him in Applications Nos. 1771-A and 1957-A.

The evidence disclosed that the total consideration to be paid for said transfer is the sum of \$2,490.00, of which amount \$1,000.00 is to be paid in cash, and the transferee is to assume and pay \$1,490.00 in debts which the transferor now owes in connection with said operation. The creditors to which said indebtedness is due have all filed written consent to the transfer of said indebtedness to H. Clay Snyder, and have further consented that authority be granted to make the said transfer. One 1½-ton Chevrolet truck is included in the deal.

It was further disclosed that the transferee is a reliable and worthy party, and his financial standing was established to the satisfaction of the Commission. No one appeared protesting the transfer.

After careful consideration of all the evidence, the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same

is hereby, granted to Harry E. Mencimer to transfer to H. Clay Snyder the certificate of public convenience and necessity heretofore transferred to him in Applications Nos. 1771-A and 1957-A.

IT IS FURTHER ORDERED, That this order shall not become effective until the transferee has on file with the Commission the necessary insurance policies or surety bond as required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed in accordance with law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER AND SALT LAKE RAILWAY) APPLICATION NO. 1846
COMPANY FOR AUTHORITY TO DISCONTINUE)
THE AGENCY AT THE TOLLAND STATION.)

March 30, 1934

Appearances: Elmer L. Brock, Esq., Denver, Colorado,
attorney for The Denver and Salt Lake
Railway Company;
Oliver W. Toll, Esq., Denver, Colorado,
attorney for protestants.

S T A T E M E N T

By the Commission:

There was filed with the Commission an application by The Denver and Salt Lake Railway Company for authority to discontinue its Tolland station as an agency and telegraph office. Before the application had been disposed of the District Court in and for the City and County of Denver made an order restraining the Railway Company from discontinuing the agency and from further prosecuting the application before this Commission.

Recently the Supreme Court of Colorado reversed the District Court, the opinion of the Supreme Court concluding with this language:

"The commission has jurisdiction to hear the application and to grant or deny it as the public interest requires. Those objecting to the removal should appear before the commission in the proper manner and resist such application." Denver & Salt Lake Ry. Co. v. St. Clair, et al. 28 P. (2d)-340.

The opinion of the Supreme Court states certain facts in respect of the establishment of the station agency at the point in question. We quote from the opinion:

"On October 31, 1904, the owner of certain land in Gilpin county entered into a contract with the Denver, Northwestern & Pacific Railway Company, whereby the owner of the land agreed to convey to the company a part of her land, and the company agreed 'to maintain a station at said point, which station shall be known as 'Tolland'.' In performance of her part of the contract the owner conveyed to the company sufficient land for a right of way, a station, and a wye to permit the loading of cars and the switching of trains. The company laid its tracks, built a sta-

tion, established an agency there, and appointed an agent. The defendant succeeded to the rights of that company, and the plaintiffs acquired from the owner a part of the land then owned by her. The plaintiffs acquired their interests in reliance upon the contract obligation assumed by the company. Ever since their establishment, the station, the agency, and an agent have been maintained, and they now are maintained, at Tolland. Recently the defendant applied to the Public Utilities Commission for leave to discontinue the maintenance of its agency at Tolland and to withdraw its station agent and remove them to West Portland, which is on the other side of a mountain range."

After the decision was made by the Supreme Court we held a hearing on the application which had previously been filed with us, as stated.

The right of way secured in the manner stated by the Supreme Court is carried in the capital account of the Railway Company at \$1,857.35. In the year 1933 the net income of the applicant was \$4,146.32, this being after the payment of Moffat Tunnel rental, six per cent on the first mortgage bonds and two and one-half per cent on the income bonds. Nothing was earned for stock holders, who would apparently in any event be entitled to receive nothing until six per cent has been paid on income bonds.

The evidence shows that the station agency has been maintained for some twenty-nine years. The evidence further shows that for the year 1933, 117 l.c.l (less than carload) inbound shipments were received at Tolland, or an average of one shipment every three days, the revenue from which amounted to \$131.74; that only one inbound carload shipment was received, the revenue being \$68.20; that only four l.c.l. shipments were forwarded, or one shipment every three months, with a total revenue of \$8.47; that the carload shipments forwarded were 120, consisting of 73 cars of ice, 34 cars of mine props, ties and lumber, and 13 cars of livestock, and that the total revenue from said shipments, both outbound and inbound, was \$4,349.21. The total revenue from telegraph messages sent from and to said station during said year was \$65.58, and the total revenue from passenger tickets sold was \$237.68. The total revenue from all of said sources for the year was \$4,652.47. The cost of maintenance of the station agency during said year was \$1,198.10.

It was shown that the shipper of the lumber, ties and mine props customarily orders his cars through the agent at Denver. No carload shippers appeared in opposition to the application.

Tickets can be procured by passengers after boarding trains, and at the same price at which they are now bought from the agent.

Tolland is situated 3.29 miles east of the east portal of the Moffat tunnel. An agent is maintained at West Portal, being the station at the west end of the tunnel. According to the evidence of the applicant, no agent is needed at Tolland for railroad operating purposes.

The Railway Company proposed at the hearing to leave a telephone in an open room of the station which could be used without cost by persons doing business with the Railway Company.

It was testified by several witnesses that there would be considerable inconvenience in connection with l.c.l. shipments sent to Tolland. It was particularly stressed that shipments which have been ordered by the shippers to be delivered at Rollinsville, which for sometime has had no station, have been carried past Rollinsville and left at Tolland. The argument was made that shipments ordered to be left at Tolland would be carried on to West Portal, which is quite inaccessible by highway from Tolland. However, the testimony of the Railway Company was to the effect that in some cases the shippers of freight, instead of following the instructions of those ordering goods, had sent the goods to Tolland in order that the consignee might be required to pay the freight charges. We are quite sure that the Railway Company has not been carrying freight to Tolland which the consignors directed to be carried to Rollinsville, and that if there should be no agent at Tolland, freight consigned to Tolland would be left at Tolland and not carried on to West Portal. Of course, all freight and express sent to non-agency stations must be prepaid.

The Railway Company further proposed to leave open a room in which freight and express, inbound and outbound, could be left. Of course, the public would have to assume the risk of the loss of freight and express through theft or otherwise while the same is in said room.

Such little public convenience is served by the keeping of an agent at Tolland as, in our opinion, not to warrant the expense of maintaining an agent there, unless the contractual undertaking of the Railway Company should so require.

We quote as follows from the opinion of the Supreme Court in the case cited:

"Contracts like the one before us are made subject to the rights of the public; the contract involved in this suit, therefore, obligated the company and its successor, the defendant, 'to maintain a station' at the place designated unless and until the public interest requires its abolition or removal. In *Atlanta & West Point R.R. Co. v. Camp*, 130 Ga. 1, 60 S. E. 177, 179, 15 L.R.A. (N.S.) 594, 124 Am. St. Rep. 151, 14 Ann. Cas. 439, the court thus stated the law that is applicable to the present case:

" * * * When one contracts with a railroad company in reference to those matters where the public is involved, the contract is made subject to the rights of the public, and, when the exigencies of the business of the company are such that the rights of the public come in conflict with the rights of the contracting party under his contract, it is to be presumed that it was the intention of the parties that the private rights under the contract should yield to the public right. In applying what has been said to the present case, it cannot be held that the contract between the railroad company and the plaintiff was void per se, for the company had the right to make a contract with the plaintiff to locate a station at a given point, so long as the location of the station did not interfere with the proper discharge of the duties resting upon the company as a quasi public corporation; but the plaintiff was charged with notice of the character of the person he was contracting with and of the duties which that person owed to the public, and also, in reference to the subject-matter of the contract, that it was connected intimately and directly with the discharge of the duties the defendant owed the public, and therefore it become a part of the contract between the parties that the maintenance of the station at the point was limited, not by the time specified in the contract, but to that time, and to that time only, when, consistent with the discharge of the public duties of the company, the station could be maintained in the manner provided for in the agreement."

"When the public interest requires it, the station at Tolland may be abandoned, notwithstanding the contract. The United States Supreme Court said, in *Manigault v. Springs*, 199 U. S. 473, 480, 26 S. Ct. 127, 130, 50 L. Ed. 274: 'It is the settled law of this court that the interdiction of statutes impairing the obligation of contracts does not prevent the state from exercising such powers as are vested in it for the promotion of the common weal, or are necessary for the general good of the public, though contracts previously entered into between individuals may thereby be affected.'

"In *Ohio & Colorado Smelting & Refining Co. v. Public Utilities Commission*, 68 Colo. 137, 143, 187 P. 1082, we quoted the foregoing with approval. For the application of the above principles in Colorado see, also, *Denver & South Platte Ry. Co. v. City of Englewood*, 62 Colo. 229, 161 P. 151, 4 A.L.R. 956."

The Court has elaborated the rule and fully stated the ratio decidendi. There is little left for us, an administrative body, to say.

Much of what is said in the brief of the protestants has been answered, either expressly or by necessary implication, by the decision of the Supreme Court. For instance, in connection with the discussion

of the Mottley Case, 219 U. S. 467, the point is made that while at the time the contract there in question was made, there was in existence the commerce clause of the Federal Constitution while "At the time our contract was made with the railroad there was nothing in the constitution or the laws of the state of Colorado concerning any such regulatory control on the part of the State." The first answer to this argument is the decision of our Supreme Court which has become the law of the case. It might be added further that while the powers granted to the Federal government are only those enumerated in the Federal constitution, the powers of a state government are those which ex necessitate rei inhere therein. The State has always had the power in question. Even if there had been no machinery by which the power could be exercised prior to the time of the creation of this Commission, the contract rights of the parties would be entitled to no greater consideration, as we view the question. "It (the legislature) could use the power when it pleased. No length of nonuser affected the state's right thereto." (Denver and South Platte case). However, as our Supreme Court has said in this case "Prior to the creation of the Commission such matters were determined by a court"

As we understand the argument for the protestants, the point is made that while there was a power to make the contract in question with the Railway Company's predecessor, there has been no power granted to an ordinary municipality to make a contract relating to rates and service. In support of the argument made, the Denver and South Platte case was cited. There the question was one as to rates with respect to which the utility and the City of Englewood had made a contract. The Supreme Court undoubtedly did not mean that the municipality would not have as much right to make a contract as a private individual would have. What it did say was that an ordinary municipality by making a contract with respect to rates of a utility cannot usurp the legislative function which is reserved to the legislature and its agencies (except, of course, in the case of home-rule cities exercising powers granted by special constitutional provision). The Court said in the Englewood case that "The town of Englewood was without express

legislative power to fix rates or regulations for public utilities and that its contract with the defendant company, was subject to the legislative power afterward asserted, by the enactment of the Public Utilities Statute." We are sure that nothing said by our Supreme Court properly can be construed to mean that contracts made by a municipality with a public utility respecting rates or service have any less substance or standing than similar contracts made by individuals.

Of course, the acts of the parties might throw some light on the question of public convenience and necessity. It may be argued that the mere fact that the Railway Company or its predecessor made a contract to maintain a station agency, shows that in its opinion the public convenience and necessity require such an agency. One possible answer to this argument is that the predecessor might have preferred to assume the burden of maintaining an agency rather than to purchase the right of way. But in view of the fact that the right of way is carried in the capital account of the Railway Company at only \$1,857.35, it rather appears that at the time the contract was made the reason for the undertaking must have been something other than or in addition to the desire to be relieved of purchasing the right of way. Assuming that the contract for the maintenance of the agency properly gives rise to the inference that the agency was at that time needed by the public, the question is, not whether the public convenience and necessity required the agency twenty-nine or thirty years ago, but whether they require it now.

After careful consideration of the evidence and of the arguments of counsel, we are of the opinion, and so find, that the public convenience and necessity no longer require the maintenance of a station agency in Tolland, and that the general public welfare in the interest of the economical operation of the railroad requires that the same be discontinued, effective April 15, 1934.

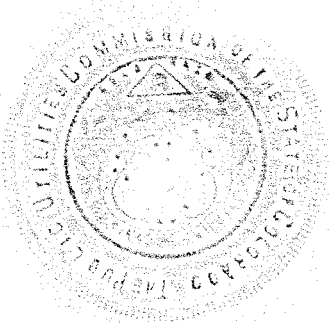
Of course, it is possible that in the future the public needs may be such as to warrant the reinstallation of an agent. If and when such a situation arises, the Commission will be ready to deal with it promptly. It is elementary that the decisions of this Commission are not subject to

the rule of res judicata.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Denver and Salt Lake Railway Company to discontinue its station agency at Tolland, Colorado, on April 15, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

The seal of the Public Utilities Commission of the State of Colorado is circular. It features a central emblem with a mountain, a sun, and a river, surrounded by the text "PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO".
Edward E. Wheeler
John S. Jones
W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1934.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY L. CROSBY.)

CASE NO. 979

March 30, 1934

S T A T E M E N T

By the Commission:

On December 31, 1932, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1463, for his failure to make monthly reports, pay highway compensation taxes, and file the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent highway compensation tax reports, paid all such taxes and filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension said certificate of public convenience and necessity would be revoked without further notice.


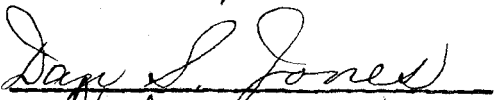

Said period of suspension expired June 30, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Harry L. Crosby in Application No. 1463, should be revoked for his failure to make reports, pay highway compensation taxes and file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1463 to Harry L. Crosby, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RUDY BORGESON AND CRIPPLE CREEK,)
VICTOR AND COLORADO SPRINGS STAGE)
COMPANY, A CORPORATION, FOR)
AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 302-AAA

April 2, 1934.

Appearances: Mr. Rudy Borgeson, Victor, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant Rudy Borgeson is now the owner of the certificate of public convenience and necessity heretofore transferred to him from C. H. Williams and Son in Application No. 302-AA. He now seeks authority to transfer said certificate to Cripple Creek, Victor and Colorado Springs Stage Company, a corporation. Said corporation was formed solely for the purpose of taking over the operations under said certificate, and the stock thereof is held by applicant, his wife and Warren B. Hale, an attorney at Cripple Creek.

All equipment owned by Rudy Borgeson is to be transferred, as well as the certificate of public convenience and necessity. Certified copies of the Articles of Incorporation of the transferee were filed and made a part of the record.

No indebtedness exists against the operation, and no one appeared to protest against the proposed transfer.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R

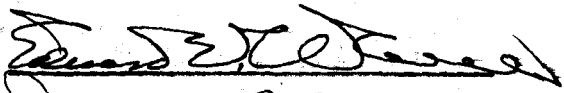
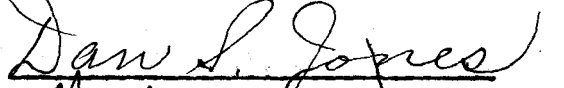

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Rudy Borgeson to transfer to Cripple Creek, Victor and

Colorado Springs Stage Company, a corporation, that portion of the certificate of public convenience and necessity heretofore transferred to the transferor in Application No. 302-AA.

IT IS FURTHER ORDERED, That this order shall not become effective until the transferee has on file with the Commission the necessary insurance policies or surety bond as required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed in accordance with law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1934.

(Decision No. 5653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY E. MENCIMER.)

PRIVATE PERMIT NO. A-530

April 2, 1934.

S T A T E M E N T

By the Commission:


The Commission is in receipt of a letter from the above named Harry E. Mencimer, requesting that permit No. A-530, heretofore issued to him, be cancelled for the reason that he has discontinued all operations under said permit.

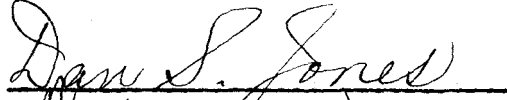
After careful consideration of said request the Commission is of the opinion, and so finds, that same should be granted.


O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-530, heretofore issued to Harry E. Mencimer, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. BURKDOLL.)

CASE NO. 1120

April 3, 1934

S T A T E M E N T

By the Commission:

On February 25, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1590, for his failure to make monthly reports, pay highway compensation taxes and file with the Commission the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all delinquent highway compensation tax reports, paid all such taxes and filed the necessary and proper insurance, together with a written statement to the effect that he had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.

Said suspension period expired August 25, 1933, and respondent has failed to comply with the above requirements, so far as filing the necessary insurance is concerned.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to R. H. Burkdoll in Application No. 1590, should be revoked for his failure to file the necessary insurance policy or surety bond.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued in Application No. 1590 to R. H.
Burkdoll, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Steen

Dan S. Jones

W. M. Adams
Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY H. HUDSON.) CASE NO. 1123

April 3, 1934.

S T A T E M E N T

By the Commission:

On March 2, 1933, the Commission suspended the certificate of public convenience and necessity heretofore issued to the above Harry H. Hudson for a period of six months. It now appears that the said Harry H. Hudson has been suffering from illness during said suspension period and is still confined to his bed. It further appears that he has not been operating under said certificate, but desires to keep same in force until such time as he may be able to resume operations thereunder.

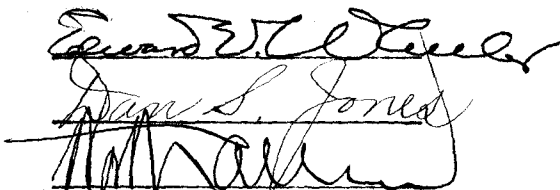
After careful consideration of the matter, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Harry H. Hudson in Application No. 1688, should be suspended for a further period of one year from September 2, 1933, subject to the same provisions contained in the suspension order of March 2, 1933.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Harry H. Hudson in Application No. 1688, be, and the same is hereby, suspended for a period of one year from September 2, 1933, subject to the same provisions contained in the suspension order of March 2, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of April, 1934.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER G. ELDRIDGE, DOING BUSINESS)
AS ELDRIDGE EXPRESS, FOR AUTHORITY)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 684)
TO OUR OWN DELIVERY, INC., A COLO-)
RADO CORPORATION.)

APPLICATION NO. 2102-A

April 4, 1934.

Appearances: A. T. Monson, Esq., Denver, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

This is an application by Walter G. Eldridge for authority to transfer to Our Own Delivery, Inc., a corporation, the certificate of public convenience and necessity heretofore issued to the former in Application No. 2102.

The evidence showed that the said Eldridge is indebted to some four corporations in the amounts stated on page 2 of the application, and that he owes a small amount of money to the Commission as highway compensation taxes for the month of March of this year.

The evidence further showed that the transferee is a dependable, financially responsible corporation.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted as prayed, upon the condition that all of the said indebtedness of said Eldridge shall be paid.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Walter G. Eldridge to transfer the certificate of public convenience and necessity heretofore issued to him in Application No. 2102 to Our Own Delivery, Inc., provided and upon the condition that

the indebtedness hereinbefore described shall be paid in full, and provided further that transferee files the necessary insurance or surety bond required by law and our rules and regulations.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said transferor shall become and remain those of said transferee until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell
Samuel Jones
Arthur J. O'Connell
Commissioners.

Dated at Denver, Colorado,
this 4th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. NEAL.)
(Farmington, New Mexico)

CASE NO. 1341

April 4, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1361)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Samuel J. Jones
Arthur Allen
Commissioners.

11/133 P&P & P.D. Affi
3/1/34 case "

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. BENDER.)

CASE NO. 1342

(Calhan, Colo.)

April 4, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1017)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Sam L. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM A. BOZE.)
(Longmont, Colo.))

CASE NO. 1343

April 4, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1600)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
James L. Jones
Arthur J. Jones

Commissioners.

12/6/33 P.H. T.P. Deane
11/19/32 Cases filed
Ins. Co. wrote/High
saying P.H. & P.D.
new written
Nothing said
about case

Form No. 6.

(Decision No. 5661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR E. DIEHL, DOING BUSINESS)
AS DIEHL TRUCK SERVICE.)

CASE NO. 1344

(511 W. 2nd St., Florence, Colo.)

- April 4, 1934. -

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 605)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler
Samuel L. Jones
Alfred A. Allen

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. L. LEVY, DOING BUSINESS AS)
LEVY'S TRANSFER & STORAGE COMPANY.)
(Walsenburg, Colo.)

CASE NO. 1345

April 4, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1587)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Sam S. Jones
W. H. [unclear]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL E. DONOVAN.)
(Henderson, Colo.))

CASE NO. 1346

April 4, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1532)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 16, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Amos Jones
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE.)
(Otis, Colo.))

CASE NO. 1347

April 4, 1934

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1487)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on April 19, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
James L. Jones
W. H. Jones

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY E. MENCIMER, DOING BUSINESS) CASE NO. 1337
AS MENCIMER MOTOR FREIGHT.)

April 5, 1934.

S T A T E M E N T

By the Commission:

On March 8, 1934, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-530, heretofore issued to him, should not be suspended or revoked due to the fact that information had come to the Commission that he was operating under said permit as a motor vehicle or common carrier as defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended.

It now appears that said private permit No. A-530 has heretofore been revoked by the Commission upon the written request of said respondent, and it further appears that respondent has ceased all operations as a motor vehicle carrier within the State of Colorado.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. C. Jones
Samuel S. Jones
W. H. Wall
Commissioners.

Dated at Denver, Colorado,
this 5th day of April, 1934.

(Decision No. 5667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE DENVER & RIO GRANDE WESTERN)	
RAILROAD COMPANY TO CLOSE ITS AGENCY)	<u>INVESTIGATION AND SUSPENSION</u>
STATION AT DOYLE, COLORADO.)	<u>DOCKET NO. 198</u>

April 9, 1934.

Appearances: T. A. White, Esq., Denver, Colorado,
attorney for applicant;
Clifford H. Stone, Esq., Gunnison, Colorado,
attorney for protestants.

S T A T E M E N T

By the Commission:

The Denver and Rio Grande Western Railroad Company filed its petition pursuant to General Order No. 34, praying authority to discontinue Doyle as an agency station. Upon receipt of protests the Commission made an investigation and suspension order, following which a hearing was had.

Doyle is located on the narrow gauge line of the applicant running from Salida to Montrose. It is 19.1 miles east of Gunnison and 12.3 miles west of Sargents. An agent was first stationed at Doyle in 1923 or 1924 and originally was employed there for only two or three months in the summer. Thereafter timber shipments became heavy, resulting in year-around service. Freight shipments from the station consisted largely, in addition to lumber products, of hay and livestock. Doyle is in the Tomichi valley, which produces a large amount of hay, approximately one-half of which was shipped out by rail up until about the year 1931. Since then hay from the State of Nebraska has displaced the Tomichi valley hay in the markets, and hay shipments from Doyle are practically nil. Timber shipments are now and for some time past have been very light. While there is a large amount of timber piled on the ground at Doyle, there appears to be no prospect of shipment at any time in the near future of any substantial amount thereof.

A health and summer resort has been built at some mineral hot springs which are some ten miles from the Doyle station. The springs are called Waunita Hot Springs. Improvements there consist of a hotel and sanatorium, some fourteen cottages, a swimming tank, private bath houses, a pool and club house, all of which were built at substantial cost, amounting to many thousand dollars. The resort was developed and maintained by a Dr. Davis of Chicago, who died a few years ago. During "war times" there were some eighty to one hundred guests at the springs during the summer. About two years ago there were at the resort some twenty-five guests for about four months, the number running as high as one hundred on Sundays. Those spending Sunday there obviously were local people travelling in automobiles. The evidence further showed that until the death of Dr. Davis about sixty per cent of the guests came by rail to Doyle.

A deposition taken showed that substantial arrangements have been made for opening the resort during the coming summer. All facilities will be open to the public. While a number of prospective guests were shown to be planning to go to the resort, the number is indefinite, as is the percentage which will travel by train.

In addition to the use of the water at the springs, a substantial amount thereof has been shipped by rail in years past.

A careful consideration of the evidence with respect to the resort shows that sincere and honest efforts are being made to secure a substantial number of guests this year, but there is nothing whatever to indicate with any certainty the amount of business that the railroad company will enjoy.

The distance from the Springs to Sargents is fifteen miles by one highway and twenty by another. The shorter road is over a high ridge and appears not to be used as much as the highway running from the Springs to Doyle.

Cattle shipments made from the territory surrounding Doyle are loaded at Crookton, being the site of some stock yards located three miles east of Doyle. According to the practice of the applicant, freight loaded

at a non-agency station is billed at the next agency station in the line of movement. Since outgoing shipments move east, such shipments are billed at Sargents. However, it has been the practice of those living near Doyle to secure information from the agent at Doyle as to the time of arrival of freight trains, their schedules naturally not being as regular and definite as those of passenger trains. This information has enabled the shippers to delay loading until shortly before the arrival of a train.

There is located near Doyle one mercantile store and a filling station. The store is one and one-fourth miles away. We understand that the post office is also located in the store. There is a telephone affording long distance service some two miles from the railroad station.

The Railroad Company stated that if the agent is removed, a telephone will be left in the station which the shipping public will be permitted to use without charge in securing information from the Company's agents at Gunnison, Sargents and Salida.

The revenue on freight business to and from Doyle dropped from \$22,189.88 in the year 1929 to \$4,712.48 in 1933. The revenue from out-bound passengers in 1929 was \$924.54, in 1933 \$214.05. The express revenue in 1929 was \$361.60, in 1933 \$522.20. The total freight revenue in 1933 was some \$1,500.00 more than in 1932 and the express revenue was some \$250.00 greater in 1933 than in 1932. This increase in business was due, according to the testimony, to shipments made to Doyle for a C.C.C. camp, which was located in the mountains nearby during the summer months.

The carload shipments from Doyle during the two years 1932 and 1933 were ninety-two in number, or an average of about four per month, and consisted of nineteen cars of hay, one of wool, thirty-two of posts and props, six of timber blocks, thirty-one of lumber and three miscellaneous. The inbound cars during those two years were nine in number and consisted of one of coal, one of posts and props and seven miscellaneous. The l.c.l. merchandise forwarded during the two said years weighed 14,929 pounds and that received 107,446 pounds. In 1929 the carloads of hay forwarded amounted

to 204, in 1930, 306, and in 1931 to 171, as compared with an average of $9\frac{1}{2}$ cars per year during the years 1932 and 1933. For those three years respectively the carload shipments of posts, props, lumber and ties amounted to 184, 163 and 203.

The revenue from milk and cream shipments made in 1933 was \$81.65. The total revenue from freight forwarded and received, outgoing passengers, express, inbound and outbound, and from milk and cream forwarded amounted for the year 1933 to \$5,517.38. The total expense of maintaining the agency, excluding \$150.00 allocated to Doyle on account of tariffs, was \$1,098.89, leaving a net gross revenue, excluding cost of tariffs, of \$4,418.49.

Since passengers boarding the train at Doyle can purchase tickets from the conductor at the same fare that they would pay therefor to the agent, no substantial inconvenience is caused to the passengers by reason of having no agent. Information concerning the arrival of the freight trains can be secured by stockmen by use of the telegraphphone to be installed in the Doyle station quite as effectively, it would seem, as such information could be procured from an agent there. Shippers could keep in touch with the agent at Gunnison, who would have quite as much, if not more, information as to train movements as the Doyle agent would have. The matter of billing of outbound livestock shipments would be handled as heretofore by the agent at Sargents. Those shipping any other outbound freight loaded in cars at Doyle could receive billing receipts from the conductor but would necessarily have to secure the ordinary billing from the agent at Gunnison or Sargents, depending upon the direction in which the shipment is moving. This would involve some inconvenience, although the main highways of the State extend to both said points from Doyle. However, it appears at the present time there is little carload movement.

The greatest inconvenience which the public would suffer would be with respect to l.c.l. shipments and express. There was evidence of pilferage and of theft of such shipments at times when no agent was stationed at Doyle. Of course, a substantial part of the commodities and goods moving by l.c.l. freight and express could be shipped by parcel post. Not

infrequently the Railroad Company furnishes a padlock for a storeroom in a station, giving conductors of the freight and passenger trains and some local person keys thereto. We see no reason why the Railroad Company should not follow this practice in this case. In this way freight and express to be forwarded can be left in the storeroom by the shippers and freight and express consigned to the station can be left therein by train crews. Of course, this is far from being as satisfactory as dealing with an agent, with the responsibility of the carrier beginning upon delivery of shipments forwarded to the agent and not ceasing as to shipments received until received by the consignees. In this case, the merchant, whose store is one and one-fourth miles away on the highway, might be entrusted with the key and such arrangement carried out.

In addition to the inconvenience caused to the public with respect to the l.c.l. freight and express shipments, the other serious objection to the closing of the station is that a station agent will be thrown out of employment, thus swelling the already large ranks of unemployed. However, as much as we regret this situation we do not understand that the power is given to us to decide cases of this sort on any other ground than the public convenience and necessity. We are required to weigh the need of the Railroad Company for effecting economies with the needs or convenience and necessity of the public. That the carrier is in a serious financial condition is well known. The net income deficit of the applicant for the year 1932 was \$2,584,210.02, for the year 1933, \$2,138,953.08. We owe a duty to the public to permit a railroad company to effect reasonable economies by eliminating non-essential service in order that it may continue to render service that is essential. Of course, what might appear to be a non-essential service at one time might very easily become essential service at another, depending upon the needs of the public and the financial condition of the carrier. The Commission will be prepared, of course, to consider promptly the effect of any changed conditions in the future, and will be willing if and when the facts warrant to require the reopening of the agency station at Doyle.

After very careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity will not after May 1, 1934, require the maintenance of an agency station at Doyle, Colorado, by the applicant herein.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and the same is hereby, authorized to close its agency station at Doyle, Colorado, on May 1, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. A. MOORE.)
(1137 Welton St. Denver)

CASE NO. 1348

- April 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-440 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.



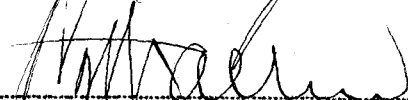
Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 19, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. HERMAN CORNELIUS.)
(Lamar, Colo.)

CASE NO. 1349

April 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-419 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

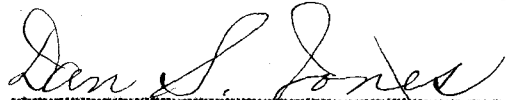
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 380 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 19,
1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN T. BARRON.

(509 E. Platte Ave.,
Colorado Springs, Colo.)

CASE NO. 1350

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-516 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

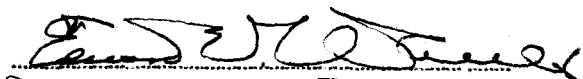
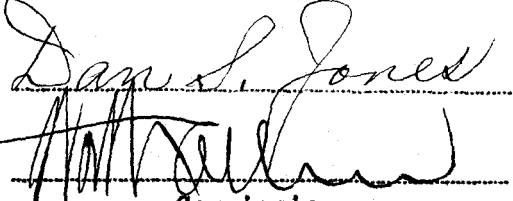
Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 19, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. AND A. R. CAPRON, DOING)
BUSINESS AS CAPRON TRUCK LINE)
(1640 - 8th St., Greeley)

CASE NO. 1351

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-454 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

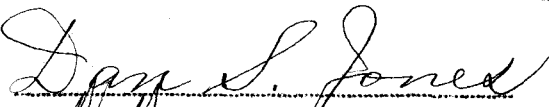
O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 19,
1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY C. PETERSON)
(Meeker, Colo.))

CASE NO. 1352

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-458 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 19, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Dan S. Jones
W. H. Hall
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. TAGUE)
(138 E. 7th St., Loveland)

CASE NO. 1353

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-478 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 20, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. J. Jones

Dan S. Jones

[Signature]

Commissioners.

*P.L. & P.D. cancelled
Nov. 11 33
Receipt of letter from
State Department auto
Ins. Co. saying
had written*

(Decision No. 5674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER SMITH.)

(Padroni, Colo.)

CASE NO. 1354

April 9, 1934.

*PH 1354
11/14/33*

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-510 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 20,
1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Leary
Dan S. Jones
W. H. Hall
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON FREDENBURG.)
(Elbert, Colo.))

CASE NO. 1355

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-548 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 20, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Don L. [Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL MUMME.)
(Akron, Colo.))

CASE NO. 1356

April 9, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-595 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on April 20, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
J. H. CONNELL AND DON C. STRATTON,
A CO-PARTNERSHIP, DOING BUSINESS AS
THE CONNELL-STRATTON TRANSIT COMPANY,
FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY FOR OPERATION OF
A FREIGHT MOTOR TRUCK LINE BETWEEN
DENVER, COLORADO, AND LEADVILLE,
COLORADO, TO SERVE LEADVILLE AND
CONTIGUOUS TERRITORY.

APPLICATION NO. 2147

IN THE MATTER OF THE APPLICATION OF
HARRY J. HENCKY, DOING BUSINESS AS
THE DENVER-LEADVILLE STAGES, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FOR THE OPERATION OF A
PASSENGER AND LIGHT EXPRESS LINE
BETWEEN DENVER, COLORADO, AND LEAD-
VILLE, COLORADO, AND INTERMEDIATE
POINTS.

APPLICATION NO. 2148

March 15, 1934.

Appearances: Eugene Bond, Esq., Leadville, Colorado,
attorney for applicants in Application 2147;
Harry A. Fisher, Esq., Denver, Colorado,
attorney for applicant in Application 2148;
J. Q. Diet, Esq., Denver, Colorado,
attorney for The Colorado and Southern
Railway Company;
T. E. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company;
R. D. Nelson, Esq., Leadville, Colorado,
attorney for the City of Leadville and
Board of County Commissioners of Lake County;
John H. Boyle, Esq., Salida, Colorado,
attorney for Boards of County Commissioners
of Chaffee and Park counties;
Harry A. Kaiser, Esq., Breckenridge, Colorado,
attorney for the Board of County Commissioners
of Summit County, Summit County Metal Miners
Association, and the Dillon Chamber of Commerce;
Barney L. Whitley, Esq., Denver, Colorado,
pro se.

STATEMENT

By the Commission:

In Application No. 2147, a certificate of public convenience
and necessity is sought authorizing the operation of a motor truck line

for the transportation of freight and express between Denver and Leadville, Colorado, including store-door delivery service to Leadville with a pick-up service at Denver. In the original application, authority was sought to serve towns intermediate between Denver and Leadville, but at the hearing applicant stated that such authority would be waived. In Application No. 2148, a certificate of public convenience and necessity is sought authorizing the operation of a passenger and light express line between Denver and Leadville, Colorado, and intermediate points. The proposed route to be followed would be over Colorado Highway No. 8 from Denver to Fairplay, Colorado No. 9 from Fairplay to Alma and return to Fairplay, from Fairplay to the junction of Colo. Highway No. 8 and U. S. Highway No. 40 west to Leadville via Buena Vista. The two applications were consolidated for the purpose of hearing.

In Application No. 2147, applicants proposed to render daily except Sunday service each way between Denver and Leadville, with a schedule of approximately 18 hours for the run from Denver to Leadville and 16 hours for the run from Leadville to Denver. Applicants are at present operating under a Class A private permit and are seeking to enlarge their operations by obtaining a common carrier certificate.

The evidence disclosed that they have been rendering very good service at reasonable rates to their patrons. They have ample equipment and apparently are reliable and substantial operators. A number of the merchants at Leadville testified that they had been using the services of applicants largely on account of cheaper freight rates, but also to some extent on account of the more expedited service obtained, as well as the benefits of store-door delivery.

It further appeared that since the filing of this application, both The Colorado and Southern Railway Company and The Denver and Rio Grande Western Railroad Company, which are rendering rail service between Denver and Leadville, have filed tariffs materially reducing the former

freight rates from Denver to Leadville. For instance, an all-commodity rate of 40 cents per hundred pounds, with a minimum of 5,000 pounds, is now effective between Denver and Leadville on both the Colorado and Southern and Rio Grande. The Rio Grande through its subsidiary, the Rio Grande Transport Company, now proposes to put into effect a rate of 30 cents per hundred on all commodities with no minimum, which will include pick-up in Denver and store-door delivery in Leadville. These rates are materially lower than the previous existing rates by rail. Applicants have been transporting freight from Denver to Leadville under their private carrier permit for 30 cents per hundred, and while they proposed a rate of 35 cents in their application, they stated at the hearing that they would be willing to reduce that rate to 30 or 35 cents to meet the railroad rates if necessary. At the present time, the Rio Grande is furnishing daily except ^{freight} Sunday service between Denver and Leadville, freight out of Denver being delivered at Leadville the second morning after departure, and from Pueblo the first morning after departure.

The Colorado and Southern is furnishing service three times a week between Denver and Leadville. Its total freight revenue on its Denver-Leadville line, including the Alma branch, for the year 1933, divided on a rate pro-rata basis was \$175,574.02. As to how much of this business consisted of l.s.l. freight between Denver and Leadville, the record is not clear, but some evidence was given indicating that such freight amounted to approximately 100,000 pounds for the year 1933. The express revenue of the Colorado and Southern for said year between said points was \$2,576.25.

In Application No. 2143, the evidence disclosed that applicant has been a bus operator for a period of 12 years. His reliability and standing were established to the entire satisfaction of the Commission. He proposes to transport passengers and light express in 7-passenger cars under a schedule leaving Denver at 2:00 PM, arriving at Leadville

at 8:30 PM, and leaving Leadville at 9:00 AM, arriving in Denver at 3:50 PM. He would not handle any express packages over 16 inches in diameter or weighing over 100 pounds. His proposed route between Denver and Leadville is approximately 100 miles shorter than the route of the Denver and Rio Grande, and his proposed fare between said points is \$5.50. The present coach fare charged by the Denver and Rio Grande between Denver and Leadville is \$8.15, and the first class fare is \$9.21, although for summer travel said carrier proposes to install a fare of \$6.52 for coaching and \$8.30 for first class. The only intermediate point served by the Denver and Rio Grande between Denver and Leadville through which applicant would operate is Buena Vista. The Colorado and Southern furnishes passenger service between Denver and Bailey, Singleton, Grant and Jefferson to Come, and from thence to Leadville, but passengers from Come to Fairplay must go by the mill track. The passenger revenue of the Colorado and Southern for the year 1935 amounted to the sum of \$7,928.64. The Rio Grande runs two trains a day each way between Leadville and Denver, No. 15 leaving Denver at 7:50 PM, arriving at Leadville at 8:55 AM; No. 1 leaving Denver at 9:00 AM, arriving at Malta at 4:55 PM with a connecting bus to Leadville; No. 16 leaving Leadville at 9:45 PM and arriving at Denver 7:45 AM; No. 2 leaving Malta at 12:05 PM, arriving at Denver at 8:50 PM. All of said trains stop at Buena Vista.

A number of witnesses living at Morrison and other points in the Platte Canon testified as to the need of applicant's proposed operation, also witnesses living at Fairplay and Alva. However, resisting both of the above numbered applications, the boards of county commissioners of Park, Summit, Chaffee and Lake counties appeared, as well as the Mayor of Leadville and numerous other witnesses. The opposition is based largely on the fear that the granting of certificates of the nature of those sought in the instant applications might have a tendency

to bring about the abandonment of the Colorado and Southern Denver-Leadville line. Officials of the Colorado and Southern testified that no decision had yet been reached as to whether said company would renew its application to abandon said line which, under the order of the Interstate Commerce Commission in Finance Docket No. 7152, they are permitted to do after a test period which expired last June. What effect the granting of said certificates might have on the question of the abandonment of the Colorado and Southern, is of course more or less a matter of conjecture, but heretofore the Commission has consistently taken the position that no operation would be authorized which might tend in any way to bring about the abandonment of said line. Unquestionably, the people living along the line of the Colorado and Southern, particularly in the Fairplay and Alton district, are not being furnished the passenger service to which they may feel they are entitled, and as a result thereof are forced to suffer considerable inconvenience in traveling between said points and Denver. We believe that the Colorado and Southern should consider very carefully the question of the installation of some automotive unit that could furnish daily service between Denver and Leadville and intermediate points in the transportation of passengers and express, and which, due to its low cost of operation and probable increase in business due to better service, would, we believe, be a wise move from a business standpoint. However, the question of effecting the installation of such equipment is not an issue in the instant case.

In view of the solid opposition of the officials elected by the people in the communities most vitally interested, and in view of the present passenger service rendered by the Denver and Rio Grande Western between Denver and Leadville, as well as the reduced freight rates that have been put into effect by both the Colorado and Southern and the Denver and Rio Grande, and after a careful consideration of the entire record, the Commission is of the opinion, and so finds, that the

public convenience and necessity do not require the proposed operation of applicants and that the instant applications Nos. 2147 and 2148 should be denied. It is true that certain communities desire the service proposed to be performed by applicants, particularly in Application No. 2148, but in that case applicant is not willing to accept a certificate which would not permit service to Lovellville.

ORDER

IT IS THEREFORE ORDERED, That the instant applications be, and the same are hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWARD E. WHEELER

DAVE S. JONES

WORTH ALLEN
Commissioners.

(S E A L)

Dated at Denver, Colorado,
this 19th day of March, 1954.

ATTEST: A TRUE COPY.

Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY L. SCHRAM, DOING BUSINESS AS)
THE SCHRAM SCENIC AUTO TOURS.)
(3135 W. 44th Ave., Denver)

CASE NO. 1357

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 677)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

June to December, 1933, inclusive, and January,
February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 'clock A. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]

Commissioners.

OA
Now since 9/17/30
P.F. & P.W.

MAKE NO

COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ANNA HARRIS, DOING BUSINESS AS) CASE NO. 1336
HARRIS TRUCK LINE.)

April 10, 1934.

Appearances: Mr. C. T. Harris, Greeley, Colorado,
for respondent;
Mr. Richard E. Conour, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On March 8, 1934, the Commission entered its order requiring the above named respondent to show cause why the Commission should not enter an order requiring said respondent to cease and desist from operating as a motor vehicle carrier unless and until she procured a certificate of public convenience and necessity therefor, and also requiring said respondent to show cause why private permit No. A-451, heretofore issued to her, should not be suspended or revoked upon the ground that under said private permit respondent was in fact operating as a common carrier. Respondent herself was not present at the hearing, but was represented by her husband, who stated that he was the manager of the Harris Truck Line, under which trade name respondent was doing business.

The evidence disclosed that on March 12, 1934, respondent carried an advertisement in The Greeley Coloradoan, which is a weekly advertising medium published at Greeley, which contained, inter alia, the following language:

"Ship Harris Truck Line - Daily Service
Greeley - Denver and Intermediate Points
Moving - Storage - Packing - Shipping
Call Us For Rates and Estimates
(Signed) HARRIS TRUCK LINE"

On March 9, 1934, there appeared in the same paper the following advertisement:

"Ship Harris Truck Line - Denver to Ault and
Intermediate Points - Licensed, Insured Trucks
Daily Service."

A report submitted by one of the inspectors for the Commission, who had made a check of the freight hauled by the Harris Truck Line covering the period, March 13 to March 28, 1934, inclusive (except Sunday, the 25th), disclosed the fact that during said period respondent had transported freight from 102 consignors to 184 consignees. The monthly reports of respondent covering the months of July, 1933, to March, 1934, both inclusive, were made a part of the record. The March 1934 report discloses only 20 different consignors for the entire month as compared with 102 shown on our inspectors' report for only 15 days. This discrepancy was not explained by respondent.

One witness submitted a list containing the names of 65 merchants at Greeley, 17 merchants at Eaton and 12 merchants at Ault, Colorado, for whom he claimed respondent was now transporting freight. Respondent denied serving four out of this total number. Respondent's private permit was issued May 9, 1933, and authorizes an operation between Denver and Ault, Colorado, and intermediate points. The application for said permit contains, inter alia, the following statement:

"The applicant understands and agrees that if a permit is issued to it to operate as a private carrier as prayed in this application that it is not thereby entitled to, nor will said applicant, operate as a 'motor vehicle carrier' as that term is defined in Subsection 1 (d) of Chapter 134, Session Laws 1927, as amended."

The manager for respondent's truck line, who from the evidence is undoubtedly the actual operator of same, admitted that the two advertisements had been run in the Greeley paper, but stated that they ceased said advertising upon receiving notice of the instant hearing from the Commission. He testified that he had turned down some shipments, but could not recall any specific instances. When asked if he had any contracts or agreements with the parties for whom he hauled, he stated that he had verbal agreements with possibly half of those whom he was serving. He was asked the following question: "And when someone calls you up and wants you to take a load to

Denver or get something at Denver, you do that, I suppose?" His reply was, "Yes, sir." He was also asked, "Doesn't it amount to this, that you would haul for practically anyone along the route of your operation who wants you to haul for them?" His reply was: "Well, I might say this, if I think it comes under my jurisdiction, I do, yes." He further explained that by coming under his jurisdiction he meant the route over which he was authorized to operate.

It was further disclosed that respondent has a dock at the K. P. Warehouse in Denver, and that said warehouse company attended to some of his pickup and deliveries in Denver. He was asked the following question: "And whenever a call like that comes in, they (the Warehouse Company) do not ask whether or not they are customers of yours, they simply accept the freight, is that about the size of it?" His reply was, "That's it exactly".

It was further disclosed that respondent is operating daily except Sunday over her route. The equipment consists of a $1\frac{1}{2}$ -ton Ford truck, upon which Harris testified that he could carry $4\frac{1}{2}$ tons. She sometimes makes two or three trips in one day. Her husband further testified that the only times that freight was refused were when it was found that he could not give the shipper the service he desired. However, if his service was agreeable to the shipper and it was freight that he could handle, he would handle it irrespective of who the shipper might be.

The question of what constitutes a common carrier is a question of law, but the question of whether one authorized to conduct his business as a private carrier, is, as a matter of fact, operating as a common carrier, is a question of fact to be determined in each particular case. Our Supreme Court has defined a common carrier to be one who indiscriminately accepts, discharges and lays down freight or express for hire. Greeley Transportation Co. v. People, 79 Colo. 307, 245 Pac. 720.

Applying the facts in the instant case to the law as promulgated by our Supreme Court in the above mentioned case, it would appear that respondent has clearly been acting as a common carrier and in violation of the authority granted to her under her private permit. In

arriving at this conclusion, we are not unmindful of the doctrine laid down in the cases of McDill v. North Eastern Motor Freight, Inc., 19 P. (2nd) 204, and Burbridge v. Public Utilities Commission, 91 Colo. 134, 12 P. (2nd) 1115, that one transporting freight for hire under contracts with various individuals is not a "public motor vehicle carrier for hire" within the terms of Section 1 (d) of the Motor Vehicle Act of 1927, as amended by Chapter 121, Session Laws of 1931. In our opinion, the facts in the instant case do not bring the same under said decisions. Here it is not denied that respondent does not have contracts with all of those whom she serves, and we believe it is a fair inference from the testimony of the agent of respondent that freight is accepted indiscriminately for the purpose of transportation for hire. The advertisements of The Harris Truck Line are very strongly indicative of the nature of her operation.

The entire attitude of respondent, as disclosed by the evidence of her agent, connotes an entire disregard of the restrictions with which the law surrounds the operations of a private carrier. Private carriers in this State are not regulated so far as rates are concerned, and if operations of the nature of those disclosed as being conducted by respondent under the guise of a private carrier permit are to be permitted to continue, certificates of public convenience and necessity obtained by common carriers within this State are meaningless and of no value. The common carrier, whose rates are regulated by this Commission and who must, in many instances, operate upon schedule whether he has a pay load or not, would be absolutely helpless in attempting to meet the kind of competition disclosed by the facts in this case.

After a careful consideration of all the evidence the Commission is of the opinion, and so finds, that respondent, under the guise of the authority granted to her under private permit No. A-451, is and has been engaged in the business of a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134 of the Session Laws of Colorado, 1927, as

amended, without a certificate of public convenience and necessity and in violation of the terms of said private permit, and that an order should be entered herein requiring said respondent to cease and desist from so operating as a motor vehicle carrier, and revoking the private permit heretofore issued to her for violation of the terms thereof.



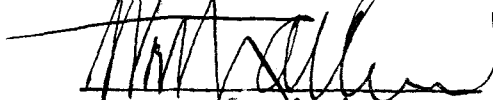
O R D E R

IT IS THEREFORE ORDERED, That respondent Anna Harris, doing business as Harris Truck Line, be, and she is hereby, ordered to cease and desist from operating as a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended.

IT IS FURTHER ORDERED, That private permit No. A-451, heretofore issued to the above named respondent Anna Harris, doing business as Harris Truck Line, be, and the same is hereby, revoked.

IT IS FURTHER ORDERED, That 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 10th day of April, 1934.

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12
100
(Decision No. 5679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GLENN W. BERRY.)

PERMIT NO. A-560

April 10, 1934.

S T A T E M E N T

By the Commission:

Glenn W. Berry of Gunnison, Colorado, to whom we issued private permit No. A-560, has written us that he has discontinued hauling for hire "until next fall late if ever."

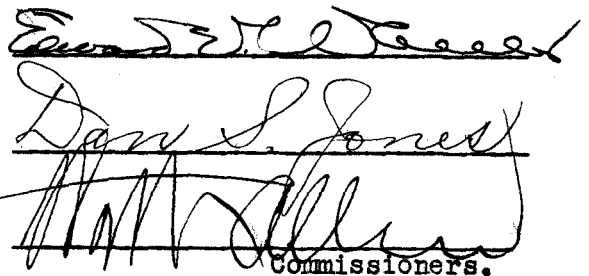
The Commission has concluded instead of revoking his permit to suspend the same for six months, with the understanding that if the same is not renewed and proper insurance is not filed within that time, the permit will be revoked permanently without further notice, and with the further understanding that at any time within that time the permit may be reinstated upon the filing of the insurance and written notice of intention to renew operations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-560, heretofore issued to Glenn W. Berry of Gunnison, Colorado, be, and the same is hereby, suspended for a period of six months from this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 10th day of April, 1934.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND SALT LAKE RAILWAY COM-)
PANY FOR AUTHORITY TO DISCONTINUE THE) APPLICATION NO. 1846
AGENCY STATION AT TOLLAND, COLORADO.)

April 12, 1934.

S T A T E M E N T

By the Commission:

An order was made herein on March 30, 1934, authorizing The Denver and Salt Lake Railway Company to discontinue its station agency at Tolland, Colorado, on April 15 of this year. Thereafter an application for rehearing was filed.

The application for rehearing is a rather long one which we have studied carefully. We believe no useful purpose could be served by dealing with each and every ground set forth in the application as we could probably add little, if anything, to what we have already said.

In paragraph 8, page 9, the point is made that before authority should be given to close the station, "an affirmative finding of public injury or overriding necessity to justify the abrogation of contract" should be made. It is conceivable that while in the ordinary case a finding that the public convenience and necessity no longer require that a station agency be maintained may suffice, in a case of this sort where a contract for such maintenance has been made, a finding that the public convenience and necessity require that the same be discontinued is necessary. We pointed out in our former hearing that a carrier does owe a duty to the public to make reasonable economies. When a given expenditure of money by a common carrier is not reasonably needed by the public, the carrier owes a positive duty to eliminate the expense so that more essential service can be rendered and so that the cost of service in the form of rates may be reduced.

After careful consideration of the facts in this case we are of the opinion, and so find, that the public convenience and necessity require that the carrier effect the economy in question by discontinuing the station agency on the date stated.




O R D E R

IT IS THEREFORE ORDERED, That the decision and order of March 30, 1934, be, and the same is hereby, reopened and amended by incorporating, and there is hereby incorporated therein, nunc pro tunc the finding which we have just herein made.

IT IS FURTHER ORDERED, That as amended herein the order of March 30, 1934, shall continue in full force and effect.

IT IS FURTHER ORDERED, That the application for rehearing filed herein be, and the same is hereby, denied except as herein otherwise granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 12th day of April, 1934.

(Decision No. 5681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ROY O. FRANTZ.)

PRIVATE PERMIT NO. A-598

April 13, 1934.

S T A T E M E N T

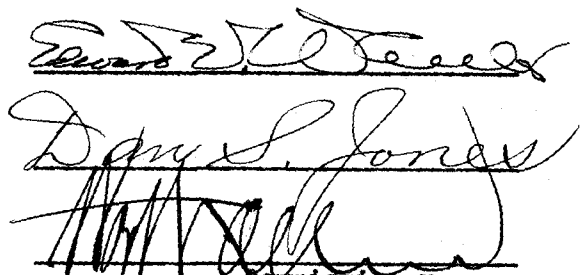
By the Commission:

The Commission is in receipt of a letter from Roy O. Frantz, to whom we issued private motor vehicle permit No. A-598, informing us that he has sold his truck and discontinued operations. Under the circumstances we are of the opinion, and so find, that the permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-598, heretofore issued to Roy O. Frantz, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LONG HORN COACHES, INC.) APPLICATION NO. 1095

April 16, 1934.

S T A T E M E N T

By the Commission:




Information has come to the Commission that the above named Long Horn Coaches, Incorporated, has discontinued all operations within this State.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to the above named respondent, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Long Horn Coaches, Inc., in Application No. 1095, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1934.

(Decision No. 5683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF H. D. FILSON.)

APPLICATION NO. 2099

April 16, 1934.

S T A T E M E N T

By the Commission:

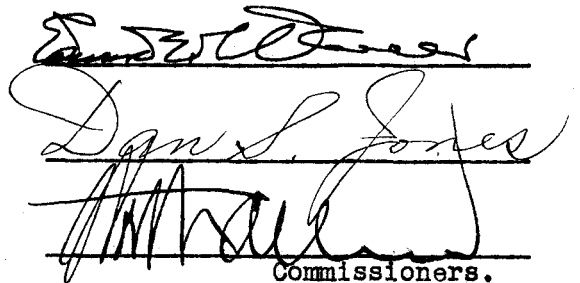
Information has come to the Commission that H. D. Filson
has discontinued all operations within this State.

After careful consideration of the record the Commission
is of the opinion, and so finds, that the interstate permit No. 676-I,
heretofore issued to the above named respondent in Application No. 2099,
should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit No. 676-I,
heretofore issued to H. D. Filson in Application No. 2099, be, and the
same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

C. W. WHITNEY.)

(1520 - 17th St., Denver)

CASE NO. 1358

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 563)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

August to December, 1933, inclusive, and January, February and March, 1934.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	June	\$1.66	.14	\$1.80
	July	8.08	.60	8.68
		\$9.74	.74	\$10.48

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. N. S. NOLAN.)
(Box 144, Manitou, Colo.))

CASE NO. 1359

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing her operations as a motor vehicle carrier. (Application No. 640-A)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

June to December, 1933, inclusive, and January, February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any she have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
Dan S. Jones
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
 Coral Wheeler, doing business as) CASE NO. 1360
 Sheridan-Denver Express.)

- April 16, 1934. -

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 495-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

August to December, 1933, both inclusive, and January, February and March, 1934

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	July	\$7.48	.67	\$ 8.15

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C. Wheeler
Samuel S. Jones
W. H. Hall

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HALEY E. TRONE.)

CASE NO. 1361

-- April 16, 1934 --

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 518-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May, June, July and August, 1933.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Sam S. Jones
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN ROARK.)

CASE NO. 1362

April 16, 1934

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 477-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

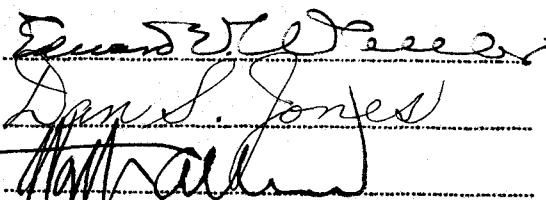
June to December, 1933, inclusive and January, February and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE H. MILLER.)
(422 E. Pikes Peak Ave.,)
Colorado Springs, Colo.)

CASE NO. 1363

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 643)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

October, November & December, 1933, and January, February and March, 1934.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	July	.43	.03	\$.46

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 134, Section 17, Session Laws of Colorado, 1927, and by Rule 35 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel J. Jones
Don S. Jones
W. H. Allen

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY MUSCATT.)
(Manitou, Colo.))

CASE NO. 1364

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 651)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August to December, 1933, both inclusive, and
January and February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy of surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file the necessary insurance required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
James S. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. A. THEOBOLD.) CASE NO. 1365

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 261-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

January to December, 1933, inclusive, and January, February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file insurance as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P. M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Steeler
Dan S. Jones
Arthur

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT GREEN.)

CASE NO. 1366

April 16, 1934

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 287-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

January to December, 1933, inclusive, and January, February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file insurance as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P.M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. C. [Signature]
Dan S. Jones
W. M. Allen

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

A. D. RAY.)

CASE NO. 1367

April 16, 1934

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 395-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September to December, 1933, inclusive, and January, February and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P.M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
Daniel S. Jones
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER SHIELDS.)

CASE NO. 1368

April 16, 1934

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 482-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

October, November and December, 1933, and
January, February and March, 1934.

Highway compensation tax unpaid

July, August and September, 1933, Total - \$20.30

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file insurance as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2 o'clock P.M., on May 7, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. C. Deasey
Samuel Jones
Wm. Hall
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES HETER.)

CASE NO. 1369

(912 N. El Paso St.,
Colorado Springs, Colo.)

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 856)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

June to December, 1933, both inclusive, and
January, February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RONALD M. JACKSON, DOING BUSINESS)
AS JACKSON'S TRANSFER & STORAGE.)
(911 Railroad Ave., Rocky Ford)CASE NO. 1370April 16, 1934.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 959)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

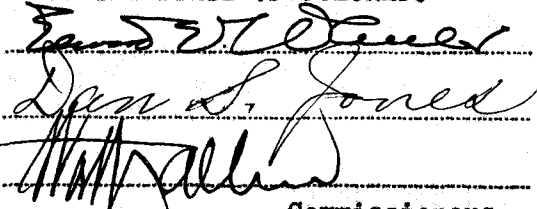
September to December, 1933, both inclusive, and
January, February and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. POTTS AND SON.)

CASE NO. 1371

-(Villa Grove, Colo.) - - - -

- - - - -
April 16, 1934.
- - - - -

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents in Application No. 1065-A, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

October, November and December, 1932, January to
December, 1933, both inclusive, and January, February
and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Darryl S. Jones
W. A. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. M. HAMMOND, DOING BUSINESS AS)
THE HAMMOND SCENIC AUTO COMPANY.)
(Elk Hotel, Colorado Springs)

CASE NO. 1372April 16, 1934.S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 581)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April to December, 1933, inclusive, and
January, February and March, 1934.

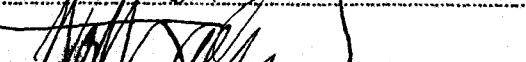
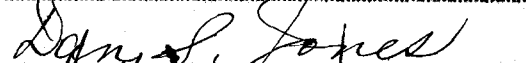
The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy of surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
 JACK RUTHEFORD AND F. E. HOWARD,) CASE NO. 1373
 DOING BUSINESS AS RUTHEFORD-HOWARD)
 TRANSFER COMPANY.)

 April 16, 1934

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondents, in Application No. 1350-AA, authorizing their operations as a motor vehicle carrier.

The records of the Commission further disclose that said respondents have failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>		<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	bal. \$	1.25	\$ 1.14	\$ 2.39
"	December		2.42	.44	2.86
1933	January		1.57	.26	1.83
"	April		.18	.02	.20
"	May		6.68	.70	7.38
"	June		.34	.04	.38
"	July		.20	.01	.21
"	October		.80	.02	.82
"	December		.18	--	.18
			<u>\$13.62</u>	<u>\$2.63</u>	<u>\$16.25</u>

The records of the Commission also disclose that respondents have failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

Ray S. Jones

H. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. G. COLLINS.)
(Manitou, Colo.))

CASE NO. 1374

April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 581-AA)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

August to December, 1933, inclusive, and
January, February and March, 1934.

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Turner

David S. Jones

William H. Bell

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. TIMMS.)
(Keenesburg, Colo.))

CASE NO. 1375

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1671)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received.

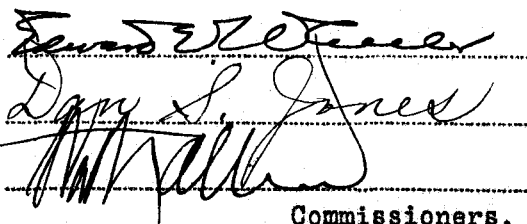
July to December, 1933, Inclusive, and
January, February and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. H. SHORT.)
(Evans, Colo.))

CASE NO. 1376

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1763-A)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

April, July, September, October, November and December, 1933,
and January, February and March, 1934.

	<u>Month</u>	<u>Highway Compensation Tax Unpaid</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	Bal.	1.55		1.55
1933	May	Bal.	.32		.32
	June		4.19	.43	4.62
	August		3.42	.25	3.67
			9.48	.68	\$10.16

The records of the Commission also disclose that respondent has failed to keep on file with the Commission effective cargo insurance, or a surety bond, as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing motor vehicle carriers.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel E. Jones
Samuel E. Jones
Harry Allen

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. MCAFEE.) CASE NO. 1377
(Lewis, Colo.))
April 16, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-61 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

September, October, November, and December, 1933,
and January, February and March, 1934.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	April, May and June		.60	.60
	July & August	10.80	<u>1.03</u>	<u>11.83</u>
			1.63	12.43

*Tax paid 26.80
plus 1.16
26.96*

*check 4/19/34 \$12.27
check 4/26/34
paid in 26.96*

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. L. Green
James S. Jones
W. H. [unclear]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR E. DIEHL, DOING BUSINESS)
AS DIEHL TRUCK SERVICE.)

CASE NO. 1344

April 18, 1934

Appearances: Oscar E. Diehl, Florence, Colorado,
pro se;
A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, Oscar E. Diehl, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file the necessary insurance. A hearing was had at which an explanation of the respondent's failure was made.

We informed the respondent at the hearing that we would dismiss this case, but with the understanding that hereafter he would not permit his insurance, which has been filed since the order to show cause was made herein, to lapse again.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Leary

Dan S. Jones

Arthur A. Allen

Commissioners.

Dated at Denver, Colorado,
this 18th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BLAIR MILLER.)

PERMIT NO. A475

April 18, 1934

S T A T E M E N T

By the Commission:

It has been brought to the attention of the Commission that since the issuance of Permit No. A-475 to Blair Miller, the said Blair Miller did on November 1, 1933, obtain a new permit, No. A-569, which said permit includes the right to serve the territory heretofore authorized to be served under permit No. A-475.

After a careful consideration of the matter the Commission is of the opinion, and so finds, that private permit No. A-475, heretofore issued to Blair Miller, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-475, heretofore issued to Blair Miller, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel W. Jones

Sam S. Jones

Wm. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 18th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. NEAL.) CASE NO. 1341

April 18, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:




An order was made requiring the respondent, C. W. Neal, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1361 should not be revoked for failure to keep on file with the Commission the proper public liability and property damage insurance. A hearing was held at which it appeared that the respondent's public liability and property damage insurance expired on November 1, 1933, and that his cargo insurance expired on March 9, 1934, and that no insurance of any kind has since been filed.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to C. W. Neal should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to C. W. Neal in Application No. 1361, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL E. DONOVAN.)

CASE NO. 1346

April 18, 1934.

Appearances: A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on April 4, requiring the respondent, Earl E. Donovan, to show cause why his certificate of public convenience and necessity issued in Application No. 1532 should not be revoked for failure to file with the Commission proper insurance. Since the order was made the necessary insurance has been filed.

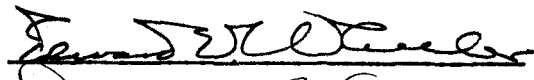


We have concluded to dismiss this case but with the distinct understanding that hereafter the respondent shall keep his insurance in effect and that if he does not, his certificate will be subject to revocation. There is no reason why the Commission should continually be writing motor operators, as it has been writing the respondent, and then be compelled to institute a case. Our rules are clear. If the respondent desires to continue operating, it is incumbent upon him to comply with the rules.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of April, 1934.




Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. SULTZ FOR AUTHORITY TO)
CONSTRUCT AND MAINTAIN IN THE TOWN)
OF ELBERT, COLORADO, A PLANT FOR)
THE GENERATION OF ELECTRIC CURRENT.)

APPLICATION NO. 2140

April 19, 1934.

S T A T E M E N T

By the Commission:

On March 2, 1934, the Commission made its order in the above entitled matter. Thereafter on March 17, 1934, the applicant filed a petition requesting a rehearing and alleging some twenty different grounds in support thereof.

After careful consideration of said petition, the Commission is of the opinion that some further and additional testimony might be advisable in order to clarify some of the issues involved in said application, and has therefore determined to grant a rehearing as requested by applicant.

. O R D E R

IT IS THEREFORE ORDERED, That a rehearing in the instant case be, and the same is hereby, granted.

IT IS FURTHER ORDERED, That said rehearing be held in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on May 9, 1934, at 10:00 A. M. o'clock thereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Dan S. Jones
W. A. Walker
Commissioners.

Dated at Denver, Colorado,
this 19th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

A. H. BAXSTROM.)

((Cortez, Colo.))

CASE NO. 1378

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-210 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

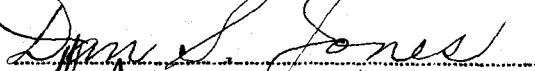
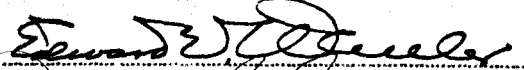
September, October, November and December, 1933,
and January, February and March, 1934.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P.M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN A. PARO.)

(1445 Pearl St., Boulder)

CASE NO. 1379

April 16, 1934.

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-386 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	July	2.24	.20	2.44
	August	2.56	.19	2.75
	September	2.83	.15	2.98
	October	3.38	.15	3.53
	November &			
	December	2.07	.04	2.11
1934	January	1.27		1.27
	February	2.79		2.79
			.75	17.87

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 2:00 o'clock P. M., on May 8, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Don S. Jones
W. H. [Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE JACK COOPER TRANSPORT CO.,)
INCORPORATED.

CASE NO. 1380

6712 E. 37th St., Leeds,
Kansas City, Mo.

April 19, 1934

S T A T E M E N TBy the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-384 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

July to December, 1933, Inclusive, and
January, February and March, 1934.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	May	52.43	7.16	59.59
	June	61.11	7.34	68.45
		113.54	14.50	\$128.04

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00'clock A.M., on May 10, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE PERSCHBACKER.) CASE NO. 1381
(1331 F St., Salida, Colo.) April 19, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-441 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

September, October, November and December, 1933,
and January, February and March, 1934.

		<u>Highway Compensation Tax Unpaid</u>		
	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	June	\$11.48	\$1.20	\$12.68
	August	3.88	.29	4.17
		\$15.36	1.49	\$16.85

The records of the Commission also disclose that respondent has failed to keep on file with this Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00'clock A.M., on May 10, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL F. BUCKINGHAM.) CASE NO. 1383
(957 Wazee St., Denver))
April 19, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-415 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

July to December, 1933, Inclusive, and
January, February and March, 1934. O.K.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on May 10, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Samuel S. Jones
Walter A. Jones

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE.) CASE NO. 1347

April 20, 1934.

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 4, 1934, the Commission entered its order requiring the above named respondent to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1487, should not be suspended or revoked by reason of his failure to file the necessary insurance policy or surety bond as required by law and our rules and regulations.

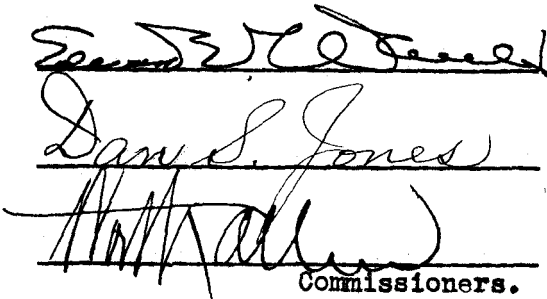
At the hearing the evidence disclosed that on April 11, 1934, respondent filed with the Commission property damage and public liability insurance as required by law and our rules and regulations. It was further disclosed that respondent has on file proper cargo insurance.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondent, however, that in the future more drastic action will have to be taken if he fails to keep on file with the Commission the necessary and required insurance.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. AND A. R. CAPRON, DOING) CASE NO. 1351
BUSINESS AS CAPRON TRUCK LINE.)

April 20, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 9, 1934, the Commission entered its order requiring the above named respondents to show cause why their permit No. A-454, heretofore issued to them should not be suspended or revoked by reason of their failure to file the necessary insurance policy or surety bond as required by law and our rules and regulations.

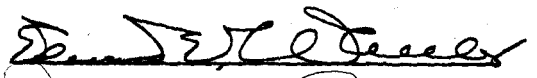
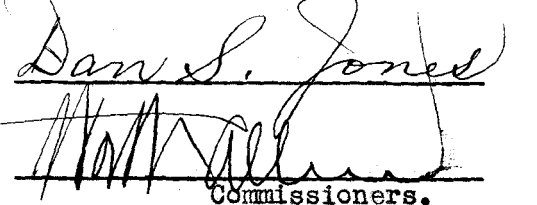
At the hearing the evidence disclosed that the public liability and property damage insurance of the respondents was cancelled on January 2, 1934, but was reinstated April 16, 1934.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondents, however, that in the future more drastic action will have to be taken if they fail to keep on file with the Commission the necessary and required insurance.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Daniel S. Jones

Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN T. BARRON.)

CASE NO. 1350

April 20, 1934.

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 9, 1934, the Commission entered its order requiring the above named respondent to show cause why his permit No. A-516, heretofore issued to him should not be suspended or revoked by reason of his failure to file the necessary insurance policy or surety bond as required by law and our rules and regulations.

At the hearing the evidence disclosed that respondent's public liability and property damage insurance expired on January 16, 1934, and has not been renewed, nor has any explanation been offered by respondent for his failure to keep on file the necessary and proper insurance.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that private permit No. A-516, heretofore issued to the respondent, John T. Barron, should be cancelled and revoked for his failure to keep on file with the Commission an insurance policy or surety bond as required by law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-516, heretofore issued to John T. Barron, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones

Dan S. Jones

W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. A. MOORE.)

CASE NO. 1348

April 20, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 5, 1934, the Commission entered its order requiring the above named respondent to show cause why his permit No. A-440, heretofore issued to him should not be suspended or revoked by reason of his failure to file the necessary insurance policy or surety bond as required by law and our rules and regulations.

At the hearing the evidence disclosed that the public liability and property damage insurance of the respondent was cancelled on January 31, 1934, and same has not been renewed, nor has any explanation been offered by respondent for his failure to keep on file the necessary and proper insurance.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that permit No. A-440, heretofore issued to the respondent, W. A. Moore, should be cancelled and revoked for his failure to keep on file with the Commission an insurance policy or surety bond as required by law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-440, heretofore issued to W. A. Moore, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

Dan S. Jones

W. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR S. HILLIS, DOING BUSINESS AS)
THE COLORADO SPRINGS SCENIC COMPANY,)
FOR AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
NO. 143 TO LEO F. HARVEY.)

APPLICATIONS NOS. 670-AA and 939-AA

April 24, 1934

Appearances: Arthur S. Hillis, Colorado Springs,
Colorado, pro se;
Leo F. Harvey, Colorado Springs,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The Commission heretofore issued two certificates of public convenience and necessity to Arthur S. Hillis, doing business as The Colorado Springs Scenic Company, one (Application No. 670) being granted to conduct a sightseeing motor vehicle business in Colorado Springs, the other (Application No. 939) from Manitou. After the certificates were granted authority was given to Hillis to transfer his portion of his certificates as they related to the operation of one automobile. After said transfer was made he still had the right under his certificates to operate three automobiles. He now seeks authority to transfer both certificates as they relate to the three remaining automobiles to the said Leo F. Harvey.

The evidence showed that the applicant Hillis owes no debts arising out of his operations under his certificates. The evidence further shows that the said Harvey has had experience in operating motor vehicles in the sightseeing business and that he is reasonably responsible financially.


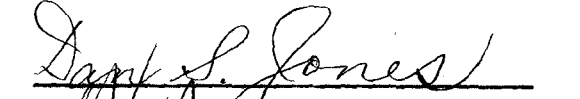
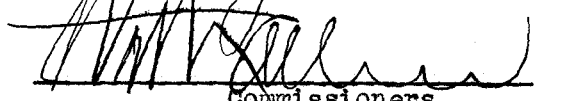
After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to the said Hillis to transfer his said certificates to Leo F. Harvey as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Arthur S. Hillis, doing business as The Colorado Springs Scenic Company, to transfer to Leo F. Harvey the remaining portions of the certificates of public convenience and necessity originally issued in Applications Nos. 670 and 939, which are now held by said Hillis.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the said transferor herein shall become and remain those of said transferee herein until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. TAGUE.)

CASE NO. 1353

April 24, 1934.

Appearances: J. B. Tague, Loveland, Colorado,
pro se;
A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, J. B. Tague, to show cause why his private permit No. A-478 should not be revoked for failure to have and keep on file with the Commission public liability and property damage insurance as required by law and the rules and regulations of this Commission.

A hearing was had at which the respondent appeared. The evidence developed that the respondent had made certain arrangements for insurance but that the same had not been filed, due to some misunderstanding with the agent of the insurance company. The Commission is now advised by the respondent as well as by an insurance agent that the insurance has been written and will be filed with the Commission in due course.

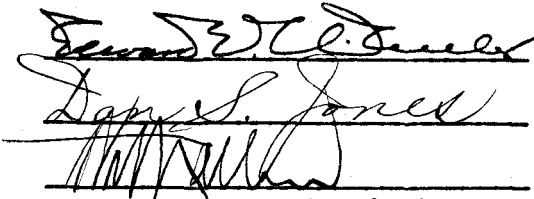
We have concluded not to revoke the respondent's permit but we do warn him that he must hereafter make arrangements in time so that his insurance may not lapse and so that upon the expiration of one policy, another one shall then be on file with the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of April, 1934.


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE CLASSIFICATION OF ACCOUNTS,)
ETC., OF ELECTRIC UTILITIES) CASE NO. 1338
OPERATING IN THE STATE OF COLORADO.)

April 24, 1934.

S T A T E M E N T

By the Commission:

In the above matter a petition has been filed with the Commission by the attorneys for the Public Service Company of Colorado, requesting a continuance of the hearing in said case for a period of thirty days from April 30, 1934, and alleging as grounds therefor that petitioners will be unable to complete the necessary work to properly present the issues involved in the instant case at the time now set for hearing.

Said petition is joined in by a number of other electric utilities operating in Colorado.


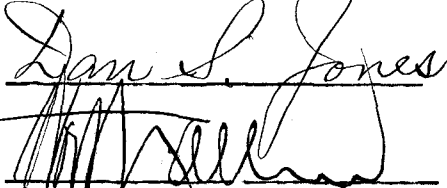
After careful consideration of said petition, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the hearing in the above entitled matter set for April 30, 1934, in the Hearing Room of the Commission, be, and the same is hereby, continued until May 28, 1934, at the hour of ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of April, 1934.



Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. BURKDOLL.)

APPLICATION NO. 1590

April 24, 1934.

S T A T E M E N T

By the Commission:

The Commission heretofore issued a certificate of public convenience and necessity to R. H. Burkdoll in Application No. 1590. He has requested the Commission to suspend the same for one year.

After careful consideration of the matter the Commission is of the opinion, and so finds, that the said certificate should be suspended as requested.

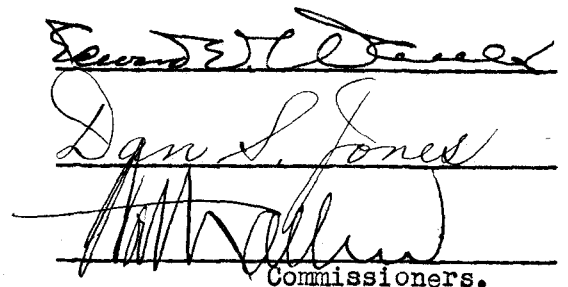
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to R. H. Burkdoll in Application No. 1590 be, and the same is hereby, suspended for a period of one year from this date.

IT IS FURTHER ORDERED, That if and when within said period of one year the said Burkdoll desires to resume operations, he shall first give the Commission notice in writing of his intention so to do.

IT IS FURTHER ORDERED, That if the said Burkdoll does not resume his said operations as stated, the said certificate shall be revoked without further notice at the end of one year.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER SMITH.)

CASE NO. 1354

April 24, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Lester Smith, to show cause why his motor vehicle private permit No. A-510 should not be revoked for failure to have and keep on file with the Commission public liability and property damage insurance as required by law and the rules and regulations of this Commission.

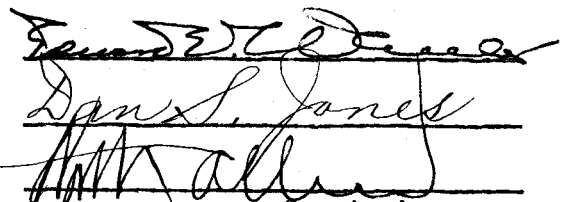
A hearing was had at which the respondent did not appear. The evidence showed that the respondent's public liability and property damage insurance was canceled on November 16, 1933, and has not since been renewed.

The Commission is of the opinion, and so finds, that the respondent's motor vehicle private permit No. A-510 should be revoked and canceled for failure to comply with the law and the rules and regulations of the Commission requiring the keeping on file with the Commission of such insurance.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-510, heretofore issued to Lester Smith, be, and the same is hereby, revoked and canceled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL MUMME.)

CASE NO. 1356

April 24, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Carl Mumme, to show cause why his motor vehicle private permit No. A-595 should not be revoked for failure to have and keep on file with the Commission public liability and property damage insurance as required by law and the rules and regulations of this Commission.

The respondent did not appear at the hearing. The evidence showed that the respondent's insurance was canceled on February 7, 1934, and had not since been renewed.

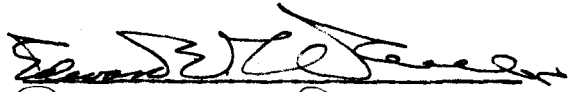
Since the hearing the respondent's insurance has been filed. We have concluded to dismiss the case but with the distinct understanding that in the future the respondent must comply with the law and the rules and regulations of the Commission which require him at all times to keep on file with the Commission public liability and property damage insurance, and with the further understanding that if he does not keep such insurance in effect and on file with us his permit will be subject to revocation.

O R D E R

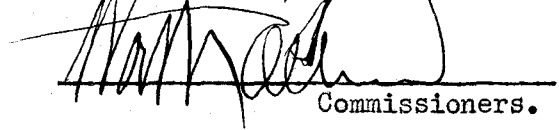
IT IS THEREFORE ORDERED, That the above entitled case be, and the

same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. SPANGLER.)

PERMIT NO. A-369

April 24, 1934

S T A T E M E N T

By the Commission:

On May 23, 1933, the Commission entered its order suspending motor vehicle private permit No. A-369, heretofore issued to the above J. D. Spangler, for a period of one year from November 7, 1932.

It was provided in said suspension order that said permit No. A-369 would be reinstated at any time during said period of suspension if respondent would file all reports due, pay all highway compensation taxes, and file the necessary insurance, together with a statement to the effect that he had not operated for hire during said period of suspension.

Said period of suspension expired November 7, 1933, and respondent has not requested reinstatement of his permit nor complied with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-369, heretofore issued to J. D. Spangler, should be revoked for failure to file reports and the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-369, heretofore issued to J. D. Spangler, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Daniel S. Jones

Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

(Decision No. 5727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. RAWLINGS.) PERMIT NO. A-398

April 24, 1934

S T A T E M E N T

By the Commission:

On March 22, 1933, the Commission entered its order suspending private permit No. A-398, heretofore issued to W. O. Rawlings, for a period of one year from July 1, 1932.

It was provided in said suspension order that respondent might reinstate said permit during said period of suspension by full compliance with all the laws, rules and regulations concerning the filing of reports, payment of highway compensation taxes, and the filing of the necessary insurance policy or surety bond, together with an affidavit that he had not performed any transportation service for hire during said period of suspension.


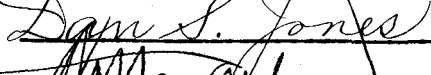

Information has come to the Commission that respondent is now deceased.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-398, heretofore issued to W. O. Rawlings, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-398, heretofore issued to W. O. Rawlings, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. BURKDOLL.)

APPLICATION NO. 1590

April 28, 1934

S T A T E M E N T

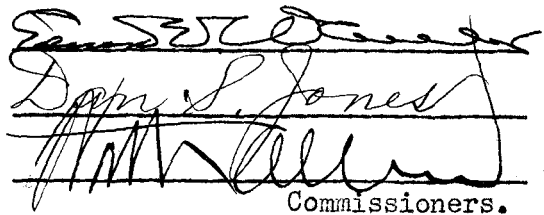
By the Commission:

On April 24, 1934, the Commission made an order herein suspending the certificate of public convenience and necessity heretofore issued to R.H. Burkdoll in the above entitled application. Since said date we have had our attention called to the fact that the said certificate was heretofore revoked on April 3, 1934. That being the case the Commission is of the opinion, and so finds, that the order made herein on April 24 should be set aside and canceled.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on April 24, 1934, purporting to suspend the certificate of public convenience and necessity heretofore issued to R. H. Burkdoll in Application No. 1590, be, and the same is hereby, set aside and canceled and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF NORTH EASTERN MOTOR FREIGHT, INC.,)
AND ROY J. ROBERTSON, AN INDIVIDUAL,) APPLICATION NO. 2093-A
FOR AUTHORITY TO TRANSFER A PORTION)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

April 30, 1934

Appearances: Mr. J. R. Arnold, 2140 Arapahoe St.,
Denver, Colorado, for North Eastern
Motor Freight, Inc.;
Mr. Roy J. Robertson, 416 Chestnut St.,
Sterling, Colorado, pro se;
Mr. E. G. Knowles, Denver, Colorado,
for protestant, Union Pacific Railroad
Company.

S T A T E M E N T

By the Commission:

North Eastern Motor Freight, Inc., seeks authority to transfer to Roy J. Robertson the certificate of public convenience and necessity heretofore issued to it in Application No. 2093 by Decision No. 5048, dated June 5, 1933. The application was protested by the Union Pacific Railroad Company upon the ground that the proposed transferee did not have sufficient financial backing to engage in the transportation of freight, and upon the further ground that the public convenience and necessity does not now require the continuance of the operation granted under said certificate between Sterling, Colorado, and Julesburg, Colorado.

The evidence disclosed that since the granting of said certificate to North Eastern Motor Freight, Inc., Roy J. Robertson has actually been conducting said operation under an arrangement whereby he received all revenue from same. The highway compensation tax has been paid by, and the insurance carried in the name of the North Eastern Motor Freight, Inc., but the money for both actually has been paid by said Robertson. He testified that his gross income from said operation would average approximately \$1,000

per month, or about \$200.00 per month net.

Robertson owns one automobile valued at \$400.00 and one truck valued at \$850.00, besides personal property consisting of household goods and restaurant fixtures valued at \$2,000.00. Outside of his operation of this line between Sterling and Julesburg, he has had considerable other trucking experience, and he believes that he can make a financial success of said operation. No debts exist against this portion of the certificate of North Eastern Motor Freight, Inc.

The actual consideration being paid for the transfer of this certificate, which does not include any equipment, is the sum of \$987.55. This sum represents an unpaid balance due transferor from a former operator of said route, and which amount transferee assumes and agrees to pay in monthly installments.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.


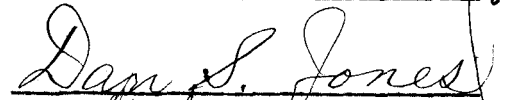

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to North Eastern Motor Freight, Inc., to transfer to Roy J. Robertson the certificate of public convenience and necessity heretofore issued to it by the Commission in Application No. 2093, Decision No. 5048.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has the necessary insurance on file.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FLORENCE C. MOLLOY FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE PASSENGER)
SERVICE BETWEEN BOULDER, COLORADO,)
AND THE DOUBLE M RANCH, NEAR GOLD)
HILL, BOULDER COUNTY, COLORADO.)

APPLICATION NO. 2153

May 3, 1934.

Appearances: Frank L. Moorhead, Esq., Boulder, Colorado,
attorney for applicant;
Mr. Albert J. Walter, Gold Hill, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant is the owner of a summer resort hotel known as the Double M Ranch located about 15 miles from Boulder and one and one-half miles beyond the town of Gold Hill, in Boulder County, Colorado.

The operation of said summer resort hotel depends largely upon the patronage it receives from people of the city of Boulder who may go there for the purpose of riding horseback and having dinner. In order to properly serve the guests of said hotel, applicant seeks authority to operate passenger service between Boulder and said Double M Ranch for the transportation of guests of said hotel. She does not seek authority to serve any intermediate points and does not expect to operate on schedule.

At the present time, Albert J. Walter is conducting a scheduled passenger service between Boulder and said Double M Ranch, which provides for two trips daily, leaving Gold Hill at 8:00 A. M. and returning at 12:00 noon; in the afternoon leaving Gold Hill at 1:30 P.M. and returning at approximately 6:00 P.M. It is applicant's contention that this schedule does not permit residents of Boulder to come up to the Double M Ranch, have their dinner and go back the same day. Protestant stated that he would have no objection to the granting of a certificate to applicant, provided he knew that she would confine her operations to the transportation of guests or patrons of her hotel

and would not serve the intermediate point of Gold Hill.

Applicant proposes to charge a round trip fare of \$2.00 from Boulder to said Double M Ranch. Protestant's tariff for the same trip is \$2.75, and he objects to the apparent discrimination that would ensue if applicant should be permitted to put in a \$2.00 rate. No evidence was introduced to establish the fact that the present rate of \$2.75 is excessive, although the statement was made that in all probability all carriers in the Boulder district would shortly petition the Commission for permission to reduce a number of the filed scheduled rates.

The Commission does not believe that applicant should be permitted to furnish the service she proposes at less than the established tariff of the present certificate holder, at least not until such time as the question of the reasonableness of the said rates may be passed upon by the Commission. It must also be borne in mind that if applicant is granted the authority sought and the Commission should hereafter ascertain that she has violated the terms of her certificate, the same in all probability would be immediately revoked.

It is rather apparent to the Commission that the type of service proposed by applicant is needed in the conduct of her hotel business, and it is questionable whether the granting of same would, to any material extent, deplete the revenues of the present certificate holder.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operation of applicant to operate a passenger service between Boulder, Colorado, and the Double M Ranch in Boulder County; provided, however, that this certificate shall not authorize applicant to transport passengers between any points intermediate to Boulder and said Double M Ranch, including Gold Hill; and provided further that applicant's tariffs shall not be less than those on file with the Commission by the present certificate holder now operating on schedule between said points.

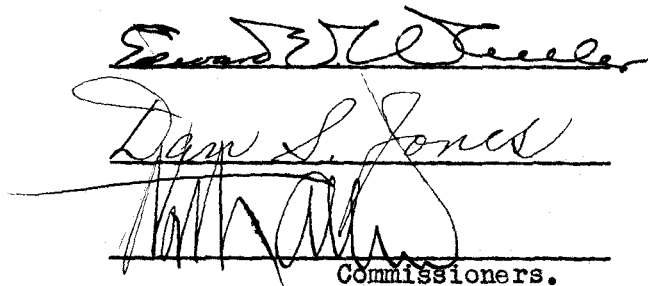
O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operation of Florence C. Molloy for the transportation of passengers between Boulder, Colorado, and the Double M Ranch, in Boulder County, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; provided, however, that this certificate shall not authorize applicant to transport passengers between any points intermediate to Boulder and said Double M Ranch, including Gold Hill; and provided further that applicant's tariffs shall not be less than those on file with the Commission by the present certificate holder now operating on schedule between said points.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. McAfee.) CASE NO. 1377

May 3, 1934

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, C. C. McAfee, to show cause why his motor vehicle private permit No. A-61, should not be revoked for failure to file monthly reports and pay highway compensation tax as required by law and the rules and regulations of this Commission.

Since the said order was made we have received reports and a check for taxes due. With the distinct understanding that hereafter the respondent will file his reports and pay his taxes when due, we have concluded to dismiss the above entitled case.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 3rd day of May, 1934.

Edward W. O'Connell
James S. Jones
W. H. [Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. D. RAY.)

CASE NO. 1367

May 5, 1934

S T A T E M E N T

By the Commission:

The Commission is in receipt of the following communication from
the above named respondent:

"This is to advise that I have not been operating
in Colorado since last summer. You were advised at that
time and all taxes are paid. Therefore, please cancel
this permit #395-A.

(Signed) A. D. Ray."


After a careful consideration of said request, the Commission is
of the opinion, and so finds, that permit No. A-395, heretofore issued to
the above named respondent, should be cancelled and revoked, and that the
instant case should be dismissed.

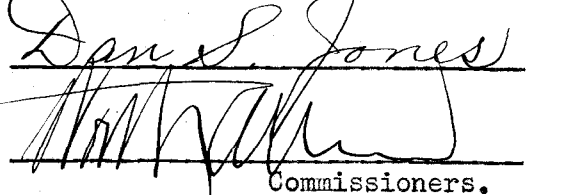
O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-395, heretofore
issued to A. D. Ray, be, and the same is hereby, cancelled and revoked.

IT IS FURTHER ORDERED, That the instant case be, and the same is
hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel S. Jones


Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE APPLICATION OF)
NORTHERN TRANSPORTATION COMPANY.)

CASE NO. 1385

May 3, 1934

S T A T E M E N T

By the Commission:

On April 10, 1934, the Commission made an order revoking the private permit, No. 451-A, heretofore issued to Anna Harris, doing business as Harris Truck Line. According to the evidence the said operation was being conducted by C. T. Harris as manager or as his own business under the name of said Anna Harris. On April 27, 1934, there was filed with the Commission by Northern Transportation Company, a corporation, an application for a private motor vehicle permit. Information has come to the Commission that possibly Anna Harris or C. T. Harris is the real partner in interest in said application and that he or she is using the corporation as a mere instrumentality.

In view of the facts and circumstances the Commission is of the opinion, and so finds, that it should set this application down for hearing to determine whether or not the applicant should receive from the Commission the permit asked for.

O R D E R

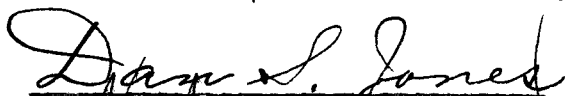
IT IS THEREFORE ORDERED, That the application of Northern Transportation Company for a private motor vehicle permit be, and the same is hereby, set down for hearing in the Hearing Room of the Commission in Denver, Colorado, on May 10, 1934, at 10:30 o'clock A. M.

IT IS FURTHER ORDERED, That the applicant produce at the said

hearing two of its incorporators and the said C. T. Harris for examination under oath.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado
this 3rd day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CORAL WHEELER, DOING BUSINESS)
AS SHERIDAN-DENVER EXPRESS.)

CASE NO. 1360

* * * * *

May 7, 1934.

* * * * *

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Coral Wheeler, to show cause why his motor vehicle private permit No. 495-A should not be revoked for failure to file monthly reports for the months of August to December, 1933, both inclusive, and January, February and March, 1934, and for failure to pay highway compensation tax for the month of July, 1933. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the monthly reports for the months stated have not been filed with the Commission and the tax for the month stated has not been paid. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 495-A, heretofore issued to Coral Wheeler, doing business as Sheridan-Denver Express, be, and the same is hereby, revoked and canceled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
James S. Jones
W. H. Jones
Commissioners.

Dated at Denver, Colorado,
this 7th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. WHITNEY.) CASE NO. 1358

May 7, 1934.

Appearances: Messrs. E. S. Johnson and A. A. Von
Egidy for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, C. W. Whitney, to show cause why his certificate of public convenience and necessity issued to him in Application No. 563 should not be revoked for failure to file his monthly reports for the months August to December, 1933, inclusive, and January, February and March, 1934, and for failure to pay highway compensation taxes for the months of June and July, 1933.

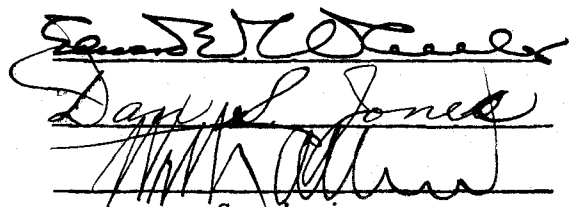
Since the order was made the respondent filed his reports and paid his taxes. We informed him that we would dismiss the case but with the distinct understanding that hereafter his reports would be filed and his tax paid seasonably.

The Commission is of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY DEPARTMENT FOR)
AUTHORITY TO CONSTRUCT AN OVERPASS) APPLICATION NO. 2158
AND DISCONTINUE A GRADE CROSSING AT)
MILE POST 84.06, DENVER AND SALT)
LAKE RAILWAY.)

May 9, 1934.

S T A T E M E N T

By the Commission:

On April 28, 1934, the State Highway Department filed an application accompanied by situation plans with the Commission, requesting authority to establish and construct an overpass crossing at Mile Post 84.06, and discontinue a grade crossing at Mile Post 84.09, of The Denver and Salt Lake Railway, on the completion of the overpass.

The application states that a separation of grades by the proposed overpass structure is in furtherance of the relocation and reconstruction of the highway under U. S. Public Works Project No. NRH 151-F, now under contract at this point.

A copy of the contract between the State Highway Department and The Denver and Salt Lake Railway Company that has been approved by said parties granting the right-of-way for the aforesaid overpass structure and approaches thereto is submitted with the application.

The application also states that the nearby grade crossing on the present highway can be abandoned when the overpass structure and necessary approaches thereto are constructed.

The contract referred to with its approval by all the parties concerned clearly indicates that the right to construct said overpass over the right-of-way of the said railway company at this point has been fully considered by the parties concerned herein and all matters in connection

therewith have been fully agreed upon.

The Commission being fully advised as to the situation at this point and the great dangers on this important Federal Aid Highway No. 40 at the present grade crossing located at Mile Post 84.09, fully recognizes the necessity and convenience of a separation of grades at this point, and the topography at the place fully justifies the overpass structure. The construction of the overpass very evidently obviates any further necessity for the grade crossing.

Reference is made in the application to the necessity for a nearby temporary grade crossing at the west end of railroad bridge No. 83.97 to use while the overpass is under construction, and it is understood that this is now satisfactory to all parties concerned.

The Commission, therefore, finds that all the facts warrant the granting of this application and will make its order accordingly.

O R D E R

IT IS THEREFORE ORDERED, In compliance with Section 29 of The Public Utilities Act, as amended, that an overpass crossing over the right-of-way and main line track of The Denver and Salt Lake Railway Company is hereby permitted to be established on a center line location of Mile Post 84.06 of said railroad or station No. 113+ 59.5 of Project No. NRH 151-F, same to be constructed in accordance with plans agreed upon between the Highway Department of the State of Colorado and The Denver and Salt Lake Railway Company and in accordance with the contract entered into between said parties on December 15, 1933.

IT IS FURTHER ORDERED, That when the aforesaid overpass with all its necessary approaches, is constructed and ready for public use, the present public highway grade crossing at Mile Post 84.09 shall with all appurtenances be discontinued, abandoned and be removed by said railroad company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 9th day of May, 1934.

Edward J. Wheeler
Sam S. Jones
W. M. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY L. SCHRAM, DOING BUSINESS AS) CASE NO. 1357
THE SCHRAM SCENIC AUTO TOURS.)

--- (2135 - 2nd 44th Ave.) ---

May 9, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Roy L. Schram, doing business as The Schram Scenic Auto Tours, to show cause why his certificate of public convenience and necessity issued to him in Application No. 677 should not be revoked for failure to file monthly highway compensation tax reports for the months of June to December, 1933, inclusive, and January, February and March, 1934. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the monthly reports for the months stated have not been filed with the Commission and the tax has not been paid. The Commission is, therefore, of the opinion, and so finds, that the said certificate should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Roy L. Schram, doing business as Schram Scenic Auto Tours, in Application No. 677, be, and the same is hereby, revoked and canceled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Decker
Don S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE H. MILLER.)

CASE NO. 1363

(422 - E. Pike Peak Ave.
Calo. Spgs.)

May 9, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

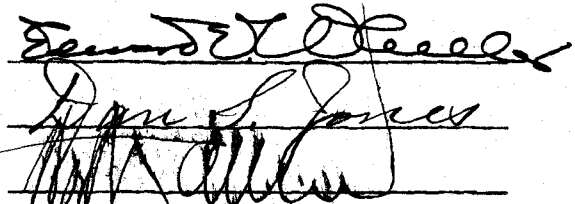
An order was made requiring the respondent, George H. Miller, to show cause why his certificate of public convenience and necessity issued to him in Application No. 643 should not be revoked or suspended for failure to file monthly reports for the months of October, November, and December, 1933, and January, February and March, 1934, and for failure to pay highway compensation tax for the month of July, 1933.

Since the order to show cause was made the respondent has filed his reports and paid his tax. We are of the opinion, and so find, that the case should be dismissed, but with the distinct understanding that hereafter the respondent will notify the Commission when his seasonable operations cease and file his reports when they are due.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. N. S. NOLAN.) CASE NO. 1359

--- (Box 144 - Manitou) ---

May 10, 1934

Appearances: Messrs. E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Mrs. N. S. Nolan, to show cause why her certificate of public convenience and necessity issued to her in Application No. 640-A should not be revoked or suspended for failure to file monthly highway compensation tax reports for the months of June to December, 1933, inclusive, and January, February and March, 1934, and for failure to keep on file with the Commission insurance as required by law and the rules and regulations of this Commission. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the reports for the months in question had not been filed and that the respondent has never had on file any insurance since the certificate in question was transferred to her in the year 1930.

The Commission is of the opinion, and so finds, that the said certificate should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Mrs. N. S. Nolan in Application No. 640-A be, and the same is hereby, revoked and canceled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. C. Deere
Ray S. Jones
W. M. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
S. G. DUNGER.)
-----)

CASE NO. 1386

May 10, 1934

S T A T E M E N T

By the Commission:

On December 23, 1932, the Commission entered an order suspending the certificate of public convenience and necessity heretofore issued to S. G. Dunger in Application No. 1351, until the necessary insurance was filed.

While the Commission has been attempting to be considerate of holders of certificates, we are of the opinion that if the rights granted thereby are not exercised after a considerable period of time, the same should be revoked.

No insurance has been filed with the Commission since June 13, 1932, and apparently the respondent has not been operating. At least he should not operate until such insurance is filed.

The Commission is of the opinion, and so finds, that an order should be made on its own motion, requiring the respondent, S. G. Dunger, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1351, should not be revoked for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission, and for failure to operate under his certificate.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that the respondent, S. G. Dunger, be, and he is hereby, required to show cause by written answer to be filed herein within ten days from this date, why his certificate of public convenience and necessity heretofore issued to him in Application No. 1351, should not be revoked for failure to operate thereunder and

for failure to file the necessary insurance as required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on May 24, 1934, at 10:00 o'clock A. M. thereof, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
Dan S. Jones
W. W. Allen
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. P. CLOW AND H. N. BEEBE.)

CASE NO. 1335

May 9, 1934

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
attorney for respondents;
Elmer L. Brock, Esq., Denver, Colorado,
attorney for The Denver & Salt Lake
Railway Company;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

The Commission made an order requiring the respondents, D. P. Clow and H. N. Beebe, to show cause why motor vehicle private permit No. A-487, theretofore issued to them by this Commission, should not be suspended or revoked and why they should not be ordered to cease and desist from operating as motor vehicle carriers.

We had two hearings, at which it appeared that the said private permit held by them was issued to them on June 26, 1933. Since said time they have taken in another partner, a Mr. Hunt. Clow has been in the creamery business in Craig and Steamboat Springs for some years. The three partners at the time of the hearing and prior thereto were engaged in the transportation of beer and in the operation of the truck line between Denver and Craig and a number of intermediate points, including Steamboat Springs, Hayden, Oak Creek, Mt. Harris, Phippsburg and Yampa.

The application on which the said permit was issued was signed by Beebe. Immediately above his signature in said application appears the following language:

"The applicant understands and agrees that if a permit is issued to it to operate as a private carrier as prayed in this application that it is not thereby entitled to, nor will said applicant, operate as a 'motor vehicle carrier' as that term is defined in Subsection 1 (d) of Chapter 134, Session Laws 1927, as amended. The undersigned solemnly swears that the above statements are true to the best of his knowledge and belief."

The term "motor vehicle carrier" is, as defined by the statute, synonymous with the term "common carrier by motor vehicle." Moreover, the private carrier act, under which the Commission has been issuing private permits, has been in effect since May 20, 1931. During all of that time the Commission had done all in its power to acquaint the private carriers with the fact that one operating under a private permit must operate as a private carrier and not as a common carrier.

The evidence showed that the respondents had printed and circulated to some extent a card, which bears in bold type the name of the company, the words "FOR FAST FREIGHT SERVICE!" and states that the respondents' trucks leave Denver on certain days of the week at a certain hour, and stating also the address of their dock in Denver and the telephone numbers in Denver and Craig.

The evidence showed also that for the month of January of this year respondents had hauled merchandise for fourteen consignors and fifty consignees in Craig and for sixty-two consignors and twenty consignees in Denver, as well as some twenty-nine consignees at other points. There was some evidence that respondents had solicited all merchants of any consequence in Craig, possibly in one or more other towns. The respondents testified that they had not solicited business from the public generally, although they admitted that they had made solicitations in six or eight instances. They admitted that for awhile they accepted freight generally from those who offered it to them. They testified that they were ignorant of the law and that finally they got some information from some other private carrier or carriers that possibly they were hauling for too many people, and immediately began eliminating customers. One of them testified that this process of elimination of customers began in October or November, possibly December, 1933. However, their monthly highway compensation tax reports do not show that they cut their tonnage or the number of customers. Their tax, based on the ton miles, for November amounted to \$57.58; in December it amounted to \$77.84. In January it amounted to \$83.23. The number of consignors for the three months were, November, 63; December, 100;

January, 112. The consignees were, November, 59; December, 98; January, 108.

Their own testimony on cross examination wholly failed to show any attempt to cut down the number of their customers until after the order herein had been made.

They cited two or three instances where they had ceased serving customers, but they were customers who had a kind of business that was not desirable or whose business was of a kind which the respondents were not holding themselves out as being ready and willing to handle. For instance, one man who ordinarily shipped potatoes by rail, had a fraction of a car left over which he wanted them to haul. Because of the fact that he was not a regular customer and because also their trucks ordinarily are pretty well loaded on the eastbound movement with their own products, such as milk, cream, butter and beer cases, the shipment was refused. In another case some man wanted them to go many miles into the country to pick up a load of sheep. Apparently they did not hold themselves out as being ready and willing to go to interior points off of their line. Another instance of their refusing business was some offered them for delivery in Idaho Springs. The witness testified that they go through Idaho Springs in the night and cannot conveniently make deliveries when business houses are closed. On the whole, the respondents continued to take any and all business offered them of the kind which they held themselves out as willing to accept until the order was made herein.

We do not see how we can effectively enforce the law in question if we are to permit those who have private permits to be absolved of all blame for operating as common carriers by the mere statement that they did not know that they were operating unlawfully. Even if we should accept such a statement, it appears from the testimony of the respondents themselves that they did know as early as December or January that the scope of their operations was too wide and that they did not limit those operations but extended them thereafter.

Recently we revoked the private motor permit of one Harris for operating as a common carrier, Case No. 1336.

We have open no other finding in this case than that the respondents, after knowing that they should limit the scope of their operations, served substantially any and all persons who offered them business. In other words, we find that they knowingly operated as motor vehicle or common carriers.

Section 17 of the private motor carrier act in House Bill No. 173, Session Laws of 1931, provides that the Commission may, if it has been established to its satisfaction that the holder of a private permit has "violated any of the provisions of this Act, or any of the terms and conditions of his permit, or has exceeded the authority granted by such permit, revoke, suspend, alter or amend any such permit issued hereunder."

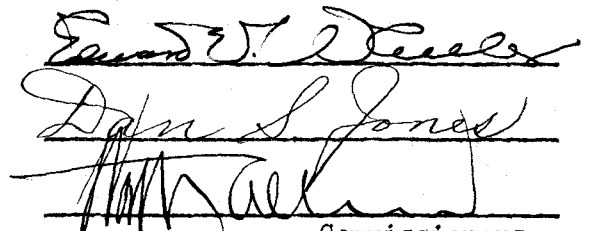
The Commission is of the opinion, and so finds, in view of all the facts and circumstances, that private motor vehicle permit No. 487A heretofore issued to the respondents, D. P. Clow and H. N. Beebe, should be revoked and cancelled, and that the effective date of such cancellation should be ten days from this day.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 487-A, heretofore issued to D. P. Clow and H. N. Beebe, be, and the same is hereby, revoked and cancelled, and that the effective date of this order shall be ten days from this date.

IT IS FURTHER ORDERED, That beginning ten days from this date the respondents, D. P. Clow and H. N. Beebe, shall cease and desist from transporting any freight for hire by motor vehicle upon the public highways of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 9th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF AUSTIN AND AUSTIN, A CO-PARTNER-
SHIP, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 1382-A

(Denver, Colo.)

May 10, 1934

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Mrs. Bess Austin asking that permit No. 375 be suspended. We assume without any knowledge to the contrary that reference is made to the certificate of public convenience and necessity originally issued in Application No. 1382 to R. H. Austin and Bess Austin, and which was thereafter transferred, at least in part.

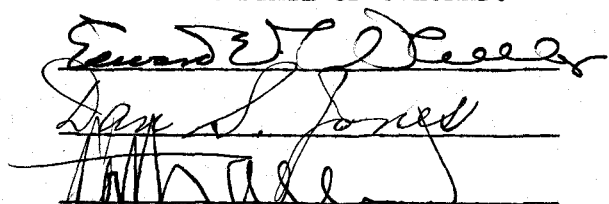
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1382 be, and the same is hereby, suspended for one year from this date.

IT IS FURTHER ORDERED, That at any time within one year the holder of said certificate may resume operations upon first giving the Commission written notice of intention so to do, and upon filing with the Commission the necessary insurance.

IT IS FURTHER ORDERED, That unless resumption of operations is made within said time and unless a further suspension order is made, the Commission will revoke said certificate at the end of one year from this date without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHRIS CHRISTENSEN.)

CASE NO. 1315

(F. F. Collins)

May 11, 1934

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Chris Christensen, to show cause why his certificate of public convenience and necessity issued to him in Application No. 1375 should not be revoked or suspended for failure to file an insurance policy or surety bond as required by law and the rules and regulations of this Commission. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the respondent's public liability and property damage insurance was cancelled on October 24, 1933, and has not been renewed. The Commission is, therefore, of the opinion, and so finds, that the said certificate should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to Chris Christensen in Application No. 1375 be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. A. THEOBOLD.) CASE NO. 1365

May 11, 1934

Appearances: Messrs. E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, L. A. Theobold, to show cause why his motor vehicle private permit No. 261-A, heretofore issued to him by the Commission, should not be revoked or suspended for failure to file monthly highway compensation tax reports for the months of January to December, 1933, inclusive, and January, February and March, 1934, and for failure to keep on file with the Commission an effective insurance policy as required by law and the rules and regulations of this Commission. Notice was duly given to the respondent,

Since the date of said order the respondent has taken up with the Commission the matter of the suspension of his permit for one year. We are of the opinion, and so find, that the same should be suspended for one year.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 261-A, heretofore issued to L. A. Theobold, be, and the same is hereby, suspended for a period of one year from this date.

IT IS FURTHER ORDERED, That at any time within the said period of one year the respondent may resume operations under said permit upon the filing of the necessary insurance with the Commission and the giving to the Commission a written notice of his intention so to resume.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Dayton Jones
W. A. Allen

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT GREEN.) CASE NO. 1366

May 11, 1934.

Appearances: Messrs. E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:


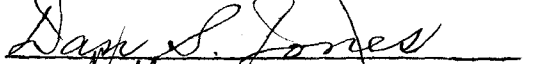

An order was made requiring the respondent, Albert Green, to show cause why his motor vehicle private permit No. 287-A should not be revoked or suspended for failure to file monthly highway compensation tax reports for the months January to December, 1933, inclusive, and January, February and March, 1934, and for failure to keep on file with the Commission an effective insurance policy as required by law and the rules and regulations of the Commission. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that said monthly reports had not been filed and that the respondent has had on file with the Commission no property damage or public liability insurance since August, 1932. The Commission is, therefore, of the opinion that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-287, heretofore issued to Albert Green, be, and the same is hereby revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER SHIELDS.) CASE NO. 1368

May 11, 1934.

Appearances: Messrs. E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Walter Shields, to show cause why his motor vehicle private permit No. 482-A should not be revoked or suspended for failure to file monthly highway compensation tax reports for the months of October, November and December, 1933, and January, February and March, 1934, and for failure to pay highway compensation taxes for the months of July, August and September, 1933. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that said monthly reports for the months in question had not been filed with the Commission, the tax for the months in question had not been paid and that no public liability and property damage insurance had been on file with the Commission since November 27, 1933. The Commission is, therefore, of the opinion that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 482-A, heretofore issued to Walter Shields, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
Ray S. Jones
W. A. Schell

Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS F. MULVANY.)

CASE NO. 1280

May 11, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1615, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

At the hearing the evidence disclosed that respondent's public liability, property damage and cargo insurance had expired in May, 1933, and had never been renewed.

The respondent has asked us not to revoke his said certificate. It is impossible to allow the same to continue in force and effect without there being proper insurance on file with the Commission. We have concluded to suspend the same for a period of six months from this date.



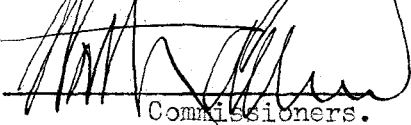
O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Thomas F. Mulvany in Application No. 1615, be, and the same is hereby, suspended for a period of six months from this date, during which suspension he shall not engage outside of the city of Salida, in any motor vehicle operations for hire.

IT IS FURTHER ORDERED, That at any time within said six months period the said Thomas F. Mulvany may resume operations upon first giving

written notice of his intention so to do to the Commission, and filing with the Commission the necessary insurance, and that if operations are not resumed within said time under the conditions stated, the Commission will then revoke the certificate without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
NELLIE M. IDOL, LOREN IDOL AND) CASE NO. 1121
IRIS I. IDOL, DOING BUSINESS AS)
MEEKER TRANSFER COMPANY.)

May 11, 1934.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on February 25, 1933, suspending for a period of six months the certificate of public convenience and necessity heretofore issued in Application No. 1691 to Nellie M. Idol, Loren Idol and Iris I. Idol, doing business as Meeker Transfer Company. The conditions with respect to the making of monthly reports, paying highway compensation taxes and the filing of necessary insurance have not been complied with.

We are, therefore, of the opinion, and so find, that the said certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 1691, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1691 to Nellie M. Idol, Loren Idol and Iris I. Idol, doing business as Meeker Transfer Company, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Lee

Sam S. Jones

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MAKE NO

COPY

RE MOTOR VEHICLE OPERATIONS OF)
H. C. BEACH.)

CASE NO. 1388

May 11, 1934

S T A T E M E N T

By the Commission:

The certificate of public convenience and necessity heretofore issued to the respondent, H. C. Beach, in Application No. 1200, was suspended on March 3, 1933, until the said Beach would file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

The general rule has been that one having a motor vehicle certificate should operate thereunder or that the certificate should be cancelled. Due to depressed business conditions, we have allowed a number of certificate holders to have their certificates suspended. However, we feel that probably a year's suspension is long enough and that if the operators do not desire to resume operations at the end of the year, the certificate should be revoked.

The Commission is therefore, of the opinion, and so finds, that an order should be made requiring the respondent, H. C. Beach, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1200, should not be revoked and cancelled for his failure to operate thereunder and for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.


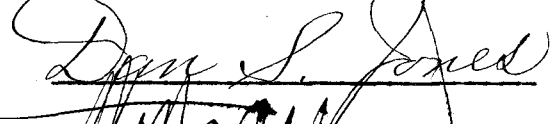

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that the respondent, H. C. Beach, be, and he is hereby, required to show cause by written answer to be filed herein within ten days from this date, why his certificate of public convenience and necessity heretofore issued in Application No. 1200, should not be revoked for failure to operate thereunder and for failure

to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on May 23, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS C. CRAIG.)

May 11, 1934.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On March 22, 1933, the Commission made its order suspending private permit No. 26-A, heretofore issued to Lewis C. Craig, for a period of one year, effective August 1, 1932.

It was provided in said suspension order that respondent might reinstate said permit during said period of suspension by full compliance with all the laws, rules and regulations concerning the filing of reports, payment of highway compensation taxes, and the filing of the necessary insurance policy or surety bond, together with an affidavit that he had not performed any transportation service for hire during said period of suspension.

To date the respondent has not complied with any of the above requirements. Highway compensation taxes due at the time the order to show cause was made are still unpaid. With lawful penalty they amount to \$47.44.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private motor vehicle permit No. 26-A, heretofore issued to Lewis C. Craig, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 26-A, heretofore issued to Lewis C. Craig, be, and the same is hereby,

cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Keeler

Dan S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. NEIS.)

CASE NO. 1294

May 11, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, an order was entered herein requiring the respondent C. A. Neis to show cause why his private motor vehicle permit No. A-420, heretofore issued to him, should not be revoked and cancelled for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

At the hearing, it developed that respondent had allowed his insurance, which the law and the rules and regulations of the Commission, require him to keep on file with the Commission, to expire on July 12, 1933, and that he had not since that date filed any other insurance.

The Commission is of the opinion, and so finds, that private motor vehicle permit No. A-420, heretofore issued to C. A. Neis, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-420, heretofore issued to C. A. Neis, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 11th day of May, 1934.

Edward E. O'Connell

Ray S. Jones

W. M. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MONTE THOMPSON.)

CASE NO. 1264

May 11, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on October 2, 1933, requiring the respondent, Monte Thompson, to show cause why his private motor vehicle permit No. 403-A, should not be revoked and cancelled for failure to file highway compensation tax reports for the months of January to August, 1933, both inclusive, and for failure to pay highway compensation taxes due for the months of October, November and December, 1932.

At the hearing the evidence showed that the reports for the months in question had not been filed and that the taxes for the months in question had not been paid. Moreover, respondent has allowed his insurance to expire October 8, 1933, and the same has not been renewed.

The Commission is of the opinion, and so finds, that private motor vehicle permit No. 403-A, heretofore issued to Monte Thompson, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 403-A, heretofore issued to Monte Thompson, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 11th day of May, 1934.

[Signature]
[Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES HETER.)

CASE NO. 1569

May 12, 1934.

Appearances: Mr. E. S. Johnson and Mr. A. A. von Egidy,
Denver, Colorado, for the Public
Utilities Commission.

S T A T E M E N T

By the Commission:

On April 16, 1934, the Commission entered its order requiring the respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 856, should not be suspended or revoked for his failure to make monthly reports for the months of June to December, 1933, both inclusive, and for the months of January, February and March, 1934, and also for his failure to file with the Commission an effective insurance policy as required by law and our Rules and Regulations.

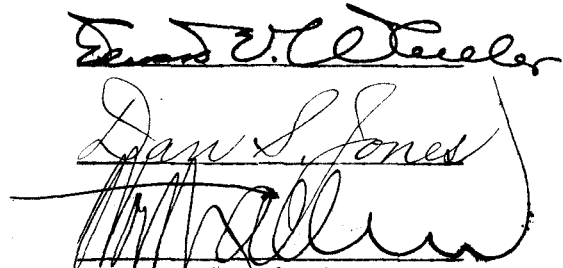
The Commission is in receipt of a letter from respondent advising that he did not operate during the year 1933, or to date in 1934, and requesting that his certificate be not revoked.

After careful consideration of said matter, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent in Application No. 856, should be suspended for a period of one year from the date hereof; provided, however, that at any time during said suspension period respondent may resume operations by filing the necessary insurance and otherwise complying with our rules and regulations, and provided further that if respondent fails to resume operations within said period of one year, his said certificate may be revoked without further notice.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Charles Heter in Application No. 856, be, and the same is hereby, suspended for a period of one year from the date hereof; provided, however, that at any time during said period of suspension respondent may resume operations by filing the necessary insurance and otherwise complying with our rules and regulations, and provided further that if respondent fails to resume operations within said period of one year, his said certificate may be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM SCHIERMEYER.)

CASE NO. 1281

May 12, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on November 2, 1933, requiring the respondent, William Schiermeyer, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1630, should not be revoked and cancelled for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

At the hearing the evidence showed that at the time the order was made and for some time prior thereto, no such insurance had been on file with the Commission. Moreover, none has been filed since.

The Commission is therefore of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to the respondent, William Schiermeyer, in Application No. 1630, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to William Schiermeyer in Application No. 1630, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 12th day of May, 1934.

Edward J. Decker
Dan S. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. H. BAXSTROM.)

CASE NO. 1378

May 12, 1934.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On April 16, 1934, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-210 should not be suspended or revoked for his failure to file reports for the months of September, October, November and December, 1933, and January, February and March, 1934.

At the hearing, the evidence disclosed that the reports in question had not been filed. No appearance was made by respondent at said hearing.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-210, heretofore issued to A. H. Baxstrom, should be revoked for failure to file reports.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-210, heretofore issued to A. H. Baxstrom, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones

Samuel S. Jones

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DON P. TAYLOR.) CASE NO. 1139
-----)

May 12, 1934.

Appearances: E. S. Johnson and A. A. von Egidy,
Denver, Colorado, for the Public
Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1933, requiring the respondent Don P. Taylor, to show cause why his certificate of public convenience and necessity, heretofore issued in Application No. 1374, should not be cancelled for failure to file highway compensation tax reports for the months of August, 1932, and January, 1933, and for failure to pay highway compensation taxes for the months of June, July, September, October, November and December, 1932, and for failure to file necessary insurance as required by law and the rules and regulations of the Commission.

At the hearing, the evidence showed that the monthly reports had not been filed and that the highway compensation taxes had not been paid for the months in question.

We allowed the matter to continue with the idea that although we had ground for revoking the certificate of the respondent, we might not do so if he would promptly file his said reports and pay his said taxes.

While the reports were filed and the taxes paid for the months in question, he has allowed his insurance to expire again and there has been on file with the Commission no insurance since January 10, 1934. Moreover, he is indebted to the Commission for a balance of \$50.08 on account of taxes for the months of January to October, 1933, both inclusive, and for taxes for the months of February and March, 1934. No report for the month of November, 1933, has been filed.

The Commission is of the opinion, and so finds, that it cannot

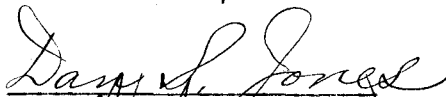
waive the grounds for revocation which existed on the date the order was first made herein on March 2, 1933, and that the certificate of public convenience and necessity heretofore issued to said Don P. Taylor in Application No. 1374 should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Don P. Taylor in Application No. 1374, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. MONTGOMERY AND C. A.)
JACKSON, DOING BUSINESS AS)
MONTGOMERY AND JACKSON.)

PRIVATE MOTOR VEHICLE PERMIT NO. 479-A

May 12, 1934

S T A T E M E N T

By the Commission:


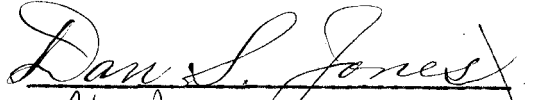

In a letter dated April 24, 1934, the holders of the above numbered permit have asked us to revoke the same.

After careful consideration of said request, the Commission is of the opinion, and so finds, that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 479-A, heretofore issued to J. B. Montgomery and C. A. Jackson, doing business as Montgomery and Jackson, be, and the same is hereby, cancelled and revoked. However, this order is made, of course, without prejudice of the right of the State to collect highway compensation taxes due it.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 12th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN A. PARO.) CASE NO. 1379

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

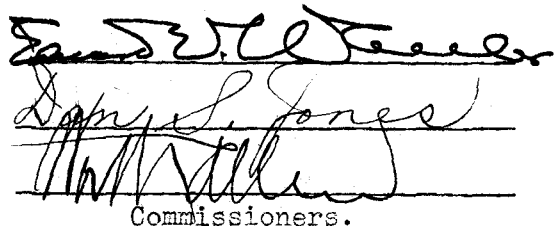
An order was made requiring the respondent, John A. Paro, to show cause why his motor vehicle private permit No. A-386 should not be revoked or suspended for failure to pay highway compensation tax for the months of July to December, 1933, both inclusive, and January and February, 1934. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the respondent had not paid the highway compensation tax for the months stated, which amounted, with penalties, to \$17.87. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-386, heretofore issued to John A. Paro, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF A. H. BUNNELL AND WILLIAM)
WILLIAMS.)

CASE NO. 1389

May 14, 1934

S T A T E M E N T

By the Commission:

On May 19, 1933, the Commission made an order in Application No. 820-A, authorizing the transfer of a certificate of public convenience and necessity by A. H. Bunnell to William Williams.

The evidence on which the order was based was to the effect that Williams would pay the transferor \$175.00 within a period stated in the order.

Information has come to the Commission that said Williams has totally ignored his obligation in the matter and **refuses** to make payment of a substantial amount due.

The Commission is of the opinion, and so finds, that said William Williams should be required to show cause by written answer to be filed within ten days from this date, why the order of May 19, 1933, should not be vacated and set aside, and why the certificate of public convenience and necessity now held by him should not be revoked and **cancelled**, and why a new certificate, if necessary, should not be issued to Mrs. A. H. Bunnell.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that the respondent, William Williams, be, and he is hereby, **required** to show cause by written answer to be filed with the Commission within ten days from this date, why the order of May 19, 1933, made in Application No.

820-A, should not be vacated and set aside, and why the certificate of public convenience and necessity heretofore transferred by A. H. Bunnell to him should not be revoked and cancelled in his hands, and why a new certificate of public convenience and necessity should not be issued, if necessary, to said Mrs. A. H. Bunnell.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M. on Saturday, May 26, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell
Samuel S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE JACK COOPER TRANSPORT CO.,) CASE NO. 1380
INCORPORATED.)

May 14, 1934

Appearances: E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

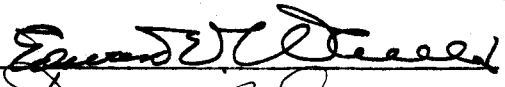
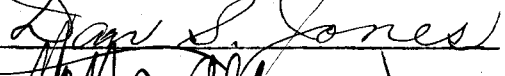

An order was made requiring the respondent, The Jack Cooper Transport Company, Inc., to show cause why its motor vehicle private permit No. A-384 should not be revoked for failure to file monthly reports for the months of July to December, 1933, inclusive, and January, February and March, 1934, and for failure to pay highway compensation tax for the months of May and June, 1933. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the respondent's monthly reports for the months stated had not been filed and the tax for the months in question had not been paid. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-384, heretofore issued to The Jack Cooper Transport Company, Incorporated, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF O. T. STORZ FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECES-)
SITY.)

APPLICATION NO. 2150

May 14, 1934

Appearances: O. T. Storz, Weston, Colorado, pro se;
C. H. Allen, Esq., Alamosa, Colorado,
for San Luis Valley Transportation
Company and J. W. Barker, Jarosa,
Colorado;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company and Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

This is an application by O. T. Storz for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Trinidad and Del Norte, and intermediate points, the terminal and all intermediate points being within the State of Colorado.

There are a number of small points lying west of Trinidad and east of the mountain range dividing the San Luis Valley and the Trinidad territory. Those towns include Cokedale, Segundo, Stonewall and Tercio. According to the evidence there is no common carrier freight operation over the route in question. The evidence fairly disclosed that the public convenience and necessity require such an operation if there is business enough to maintain the same.

The applicant will not need to invest a large amount of capital. Since he will be rendering no serious competition to any other common carrier, we are inclined to believe that he should be permitted to operate between Trinidad and Tercio and intermediate points.

The mountain range which we mentioned has an elevation of 11,800 feet. While some work has been done towards constructing a highway over the range, there was no evidence indicating that the said highway would be opened at any time in the near future. Even if it should be opened it doubtless would be used as a secondary road for a number of years and would be closed for a substantial portion of the year. Moreover, the strong preponderance of the evidence was to the effect that there would be no demand for any truck transportation over said mountain range even if the highway were opened. The evidence showed that freight moving into and out of the San Luis Valley naturally passes to, from or through Walsenburg, either by truck or railroad.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle operation of the applicant for the transportation of freight between Trinidad and Tercio and intermediate points.

The Commission is further of the opinion, and so finds, that the public convenience and necessity do not require the operation of a motor vehicle system by the applicant for the transportation of freight to or from points in the San Luis Valley.

O R D E R

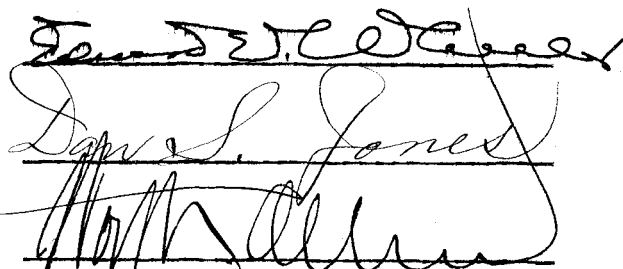
IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, O. T. Storz, for the (transportation of freight between Trinidad and Tercio, Colorado, and intermediate points,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity do not require the operation of a motor vehicle system by the applicant for the transportation of freight to or from points in the San Luis Valley.)

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules, as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLO-MEX TRANSPORTATION COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1769

May 14, 1934

S T A T E M E N T

By the Commission:

On October 28, 1932, the Commission entered an order suspending the certificate of public convenience and necessity heretofore issued to Colo-Mex Transportation Company in Application No. 1769, from said date to June 1, 1933. A further suspension of two months was granted on June 7, 1933, and ^{on} October 6, 1933, said certificate was suspended to May 15, 1934.

The Commission is now in receipt of a letter from Mr. E. Cory, President of Colo-Mex Transportation Company, requesting that said certificate be suspended for one year, due to business and health conditions.

After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Colo-Mex Transportation Company, be, and the same is hereby, suspended for one year from May 15, 1934; provided, however, that during said suspension period operations under said certificate may be resumed at any time upon full compliance with all of our laws, rules and regulations, and provided further that at the expiration of said period of suspension, if said certificate has not been reinstated, the same may be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
James L. Jones
W. M. Allen

Dated at Denver, Colorado,
this 14th day of May, 1934.

(Decision No. 5764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. E. NOONAN AND IVAN C. WILLIAMS,) PRIVATE PERMIT NO. A-556
DOING BUSINESS AS COLORADO FAST)
EXPRESS.)

May 14, 1934

S T A T E M E N T

By the Commission:

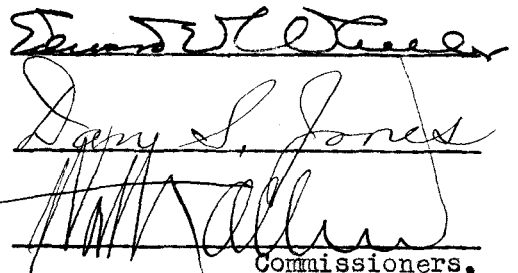
The Commission is in receipt of a written communication from Colorado Fast Express, requesting that its permit No. A-556 be suspended, due to the fact that it ceased operations on March 22, 1934.

After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-556, heretofore issued to J. E. Noonan and Ivan C. Williams, doing business as Colorado Fast Express, be, and the same is hereby, suspended for a period of one year from March 22, 1934; provided, however, that during said suspension period operations under said permit may be resumed at any time upon full compliance with all of our laws, rules and regulations, and provided also that at the expiration of said period of suspension, if said permit has not been reinstated, the same may be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES PAPPAS.)

PRIVATE PERMIT NO. A-641

May 14, 1934

S T A T E M E N T

By the Commission:

The Commission has a written communication dated May 10, 1934, from Charles Pappas asking us to revoke his motor vehicle private permit No. A-641. The Commission is, therefore, of the opinion that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-641, heretofore issued to Charles Pappas, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

(Decision No. 5766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON FREDENBURG.) CASE NO. 1355

May 14, 1934

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Vernon Fredenburg, to show cause why his motor vehicle private permit No. A-548 should not be revoked for failure to file the insurance required by law and the rules and regulations of this Commission.

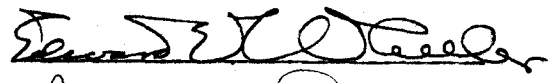


The evidence showed that the respondent's public liability and property damage insurance was cancelled on December 14, 1933. However, on May 2, 1934, public liability and property damage insurance was filed with the Commission by the respondent.

The Commission is of the opinion, and so finds, that the above entitled case should be dismissed, with the distinct understanding that in the future the respondent will not permit his insurance to lapse or be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

(Decision No. 5767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN T. SCHMITT, DOING BUSINESS) CASE NO. 1005
AS THE SCHMITT-ARVADA TRANSFER.)

May 14, 1934

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 16, 1932, the Commission entered its order requiring the above named respondent to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 662, should not be suspended or revoked by reason of his failure to file the necessary insurance policy or surety bond as required by law and our rules and regulations.

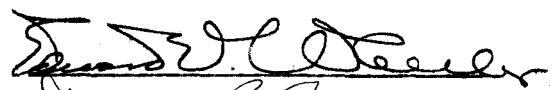

The evidence disclosed that on April 2, 1934, respondent filed with the Commission the necessary insurance as required by law and our rules and regulations.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondent, however, that in the future more drastic action will have to be taken if he fails to keep on file with the Commission the necessary and required insurance.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

107
128
447
(Decision No. 5768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ART W. QUINLAN, DOING BUSINESS) CASE NO. 1007
AS ALL WESTERN TRANSPORTATION)
COMPANY.)

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on January 17, 1933, suspending the certificate of public convenience and necessity heretofore issued in Application No. 905 to the above named respondent. Thereafter within the time limit in the order, the respondent complied with the conditions for reinstatement of his certificate.

The Commission is therefore, of the opinion, and so finds, that the said case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Sam L. Jones

Arthur L. Allen
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

(Decision No. 5769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILDON BEACH.)

CASE NO. 1125

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on January 27, 1933, requiring the respondent, Wildon Beach, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 962, should not be revoked for failure to file highway compensation tax reports for the months of July to December, 1933, both inclusive, and January and February, 1934, to pay highway compensation taxes for the month of June, 1932, and for failure to file the necessary insurance as required by law and the rules and regulations of the Commission.

A hearing was duly had at which the respondent did not appear. The evidence showed that the said monthly reports had not been filed, and that no insurance was on file at the time said order was made or at any time thereafter.

The Commission is therefore, of the opinion, and so finds, that said certificate of public convenience and necessity issued in Application No. 962, to the above named respondent should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 962, to Wildon Beach, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Leary
Sam S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

(Decision No. 5770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE WILLIAMS LIVERY COMPANY.)

CASE NO. 1002

May 14, 1934

Appearances: E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 16, 1932, requiring the above named respondent to show cause why its certificate of public convenience and necessity heretofore issued in Application No. 792, should not be revoked for failure to file monthly highway compensation tax reports for the months of September, October, November and December, 1933, and January and February, 1934, and for failure to file the necessary insurance required by law and the rules and regulations of the Commission.

The hearing was held on October 11, 1932. Respondent was given thirty days to file its insurance, but it has never filed such insurance. Our last letter warning it that unless proper insurance is filed, we would have to revoke the certificate was dated December 8, 1933.

The Commission is, therefore, of the opinion, and so finds, that the said certificate of public convenience and necessity heretofore issued to the respondent, The Williams Livery Company, in Application No. 792, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 792, to The

Williams Livery Company, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien

Dan L. Jones

W. H. Walker

Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. SLATER.)

CASE NO. 1078

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on January 14, 1933, suspending for six months the certificate of public convenience and necessity heretofore issued to the respondent, C. J. Slater, in Application No. 1617.

Since said time the respondent has not filed the reports which were then delinquent nor paid his highway compensation tax which was then past due.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the respondent, C. J. Slater, in Application No. 1617 should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to C. J. Slater, in Application No. 1617 be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN ROARK.)

CASE NO. 1362

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:




An order was made requiring the respondent, Martin Roark, to show cause why his motor vehicle private permit No. A-477 should not be revoked for failure to file monthly reports for the months of June to December, 1933, inclusive, and January, February and March, 1934. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the said monthly highway compensation tax reports for the months stated had not been filed with the Commission. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-477, heretofore issued to Martin Roark, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
S. R. GIDDINGS.)

CASE NO. 982

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made on September 15, 1932, requiring the above named respondent to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1632, should not be revoked for failure to file monthly reports for the months of June, July and August, 1932, pay highway compensation tax for the months of February, April and May, 1932, and for failure to keep on file with the Commission necessary insurance as required by law and the rules and regulations of the Commission.

At the hearing, of which the respondent was given due notice, it appeared that the highway compensation tax reports and taxes for the months in question had not been filed and paid, and that the insurance required by law and the rules and regulations of the Commission to be kept on file with the Commission had not been filed by him at the time order to show cause was made. He did make his reports, pay his said taxes and file his insurance thereafter.

We have withheld the making of any order revoking his certificate in order to determine whether or not he would promptly comply with the law in the future. This he has not done. No reports have been received for February and March of this year, and no taxes for the months of May, June, July, August, October, November and December, 1933, and for January, 1934, have been paid.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to S. R. Giddings, in Application No. 1632, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to S. R. Giddings, in Application No. 1632, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Leach

Dan S. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. A. CULVERSON, DOING BUSINESS) CASE NO. 1148
AS WYOMING FAST EXPRESS.)

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1933, requiring the respondent, B. A. Culverson, doing business as Wyoming Fast Express, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 2029-I, should not be revoked for failure to file monthly highway compensation tax reports for December, 1932, and January, 1933, and to pay highway compensation taxes for the months of August to November, 1932, both inclusive.

The evidence showed that the reports for the months in question had not been filed at the time the order was made and that the taxes for the months in question had not been paid. Moreover, said taxes have never been paid.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to B. A. Culverson, doing business as Wyoming Fast Express, in Application No. 2029-I, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to B. A. Culverson, doing business as Wyoming Fast Express, in Application No. 2029-I, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
Daniel S. Jones
W. H. Adams

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. STRICKLAND AND M. A. MULLINS.) CASE NO. 1227

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on September 8, 1933, requiring the respondents, H. D. Strickland and M. A. Mullins, to show cause why their certificate of public convenience and necessity heretofore issued in Application No. 1696, should not be revoked for failure to file highway compensation tax reports, pay highway compensation taxes, and file the necessary insurance as required by law and the rules and regulations of the Commission.



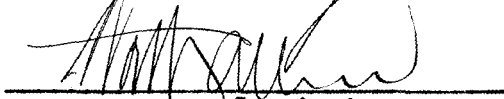
At the hearing the evidence showed that at the time of the making of the order there were highway compensation tax reports which were due but had not been filed; that the insurance required by law and the rules and regulations of the Commission to be kept on file with the Commission had expired May 5, 1933, and had not been renewed. The evidence further showed that the taxes for the months of July and August, 1933, had not been paid. Moreover, the reports for the months of September, October, November and December, 1933, and January, February, March and April, 1934, have never been filed. No insurance has been filed since the date of the hearing and no taxes have been paid.

The Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the respondents, H. D. Strickland and M. A. Mullins, in Application No. 1696, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to H. D. Strickland and M. A. Mullins, in Application No. 1696, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE.)

CASE NO. 1140

May 14, 1934

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1933, requiring the respondent, Ray Mercure, to show cause why his certificate of public convenience and necessity heretofore issued in Application No. 1487, should not be revoked and cancelled for failure to file a monthly highway compensation tax report for the month of January, 1933, and to pay highway compensation taxes for the months of August to December, 1932, both inclusive.

At the time of the hearing it appeared that the report had not been filed and the highway compensation taxes had not been paid for the months in question at the time the order to show cause was made. While there were grounds then existing for revoking the certificate of the respondent, we withheld the making of an order with the hope that the respondent would not only file his report and pay the taxes then due, but would for a reasonable time in the future make payment of taxes promptly.


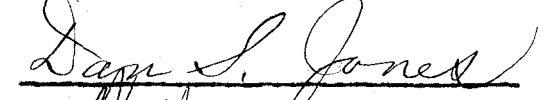
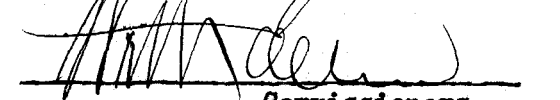
The respondent has filed the report in question and paid the taxes in question in the original order. However, there is now past due a balance for taxes for the months of May and June, 1933, and the total amount of taxes for the months of December, 1933, and January, February and March, 1934.

The Commission is, therefore, of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to Ray Mercure in Application No. 1487, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Ray Mercure in Application No. 1487, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES A. SCHAEFFER.)

CASE NO. 1382

May 16, 1934.

Appearances: Messrs. E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, James A. Schaeffer, to show cause why his motor vehicle private permit No. A-525 should not be revoked or suspended for failure to pay highway compensation tax and file monthly reports for the months of May to December, 1933, Inclusive, and January, February and March, 1934, and for failure to keep on file with the Commission an effective insurance policy as required by law and the rules and regulations of this Commission. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence showed that the respondent had not filed his highway compensation tax reports for the months stated, and that his insurance policy expired on December 4, 1933. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-525, heretofore issued to James A. Schaeffer, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
John L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 16th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL F. BUCKINGHAM.) CASE NO. 1383

May 16, 1934.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Earl F. Buckingham, to show cause why his motor vehicle private permit No. A-415 should not be revoked or suspended for failure to file monthly highway compensation tax reports for the months of July to December, 1933, inclusive, and January, February and March, 1934. Notice was duly given to the respondent, who did not appear at the hearing.

The evidence shows that the respondent did not file his highway compensation tax reports for the months stated. The Commission is, therefore, of the opinion, and so finds, that the said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-415, heretofore issued to Earl F. Buckingham, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Decker
Samuel S. Jones
Alvin S. Allen
Commissioners.

Dated at Denver, Colorado,
this 16th day of May, 1934.

(Decision No. 5779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
NORTHERN TRANSPORTATION COMPANY.)

CASE NO. 1385

May 17, 1934

S T A T E M E N T

By the Commission:

Northern Transportation Company, a corporation, filed with the Commission its application for a private motor vehicle permit. Due to informal protests made to the Commission, we set the matter down for hearing in the above entitled case. We are now in receipt of a letter from E. H. Houtchens, as attorney for applicant, withdrawing the said application.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Sam S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GREELEY TRANSPORTATION COMPANY, A) CASE NO. 1390
CORPORATION, AND F. E. JAMES.)

May 17, 1934

S T A T E M E N T

By the Commission:

Information has come to the Commission which warrants it in believing that Greeley Transportation Company, a corporation, or F. E. James individually, possibly both said corporation and said James, may be operating as motor vehicle or common carriers in the transportation of passengers by bus other than in the City of Greeley.

Neither James nor said company has a certificate of public convenience and necessity, although said company did have a motor vehicle private permit No. B-277, which expired May 15, 1934.

The Commission is of the opinion, and so finds, that it should institute an investigation, upon its own motion, to determine whether or not Greeley Transportation Company and F. E. James, or either of them, are operating as motor vehicle or common carriers in the transportation of passengers by motor bus outside of the city limits of Greeley, and that an order should be made requiring each of them to show cause why it or he, or both of them, should not be required to cease and desist from operating as such motor vehicle carrier.

O R D E R

IT IS THEREFORE ORDERED, On the Commission's own motion, that an investigation be, and the same is hereby, instituted to determine whether or not Greeley Transportation Company and F. E. James, or either of them, are operating as motor vehicle or common carriers in the transportation of

passengers by motor bus outside of the city limits of Greeley, Colorado.

IT IS FURTHER ORDERED, That Greeley Transportation Company and F. E. James show cause by written notice to be filed with this Commission within ten days from this date why the Commission should not require it or him, or both of them, to cease and desist from operating as motor vehicle carriers.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set for hearing in the Hearing Room of the Commission in Denver, Colorado, on Thursday, the 31st day of May, 1934, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. C. Deery

Daphne L. Jones

Commissioners.

Dated at Denver, Colorado,
this 17th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ANTLERS LIVERY AND TAXICAB COMPANY,)
A COLORADO CORPORATION, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE A SIGHTSEEING SERVICE FOR THE)
GOLD BELT TRIP, CRIPPLE CREEK VIA UTE)
PASS OR CORLEY MOUNTAIN HIGHWAY, CANON)
CITY, TEXAS CREEK, WESTCLIFF, BEULAH,)
PUEBLO AND COLORADO SPRINGS, OR REVERSE.)

129
APPLICATION NO. 2156

May 18, 1934

Appearances: Merrill E. Shoup, Esq., Colorado Springs,
Colorado, attorney for applicant.
Mr. Walter Colburn, Colorado Springs, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant seeks authority to establish a motor vehicle service for the transportation of passengers over what is termed the "Gold Belt Trail" which would extend from Colorado Springs to Cripple Creek via Ute Pass, or the Corley Mountain Highway, thence to Canon City, Texas Creek, Westcliff, Beulah, Pueblo, and back to Colorado Springs, or the reverse of said route, including service to intermediate points.

At the hearing, it was stated that applicant does not desire any monopoly of said trip, but is willing that all other sightseeing operators in the Colorado Springs district should be entitled to make the same. Said operation would not be conducted upon any fixed schedule, but is designed primarily to take care of traffic which may be brought into Colorado by the Missouri Pacific Railroad Company, which said company is contemplating extensive advertising of said trip in states which it serves east of Colorado.

The route to be traversed passes through the famous gold camps of Cripple Creek and Victor, as well as the scenic resorts of the Pikes Peak region, the Royal Gorge and the San Isabel National Forest. All service will be on the round trip basis, and outside of the originating point of

Colorado Springs, Pueblo will be the only other point where stops will be made for the purpose of taking on passengers. It is possible that applicant company has authority to render the service for which permission is herein sought under the certificates already held by it which authorizes service in the Pikes Peak region. However, as the Pikes Peak region territory has never been defined by the Commission, it was deemed advisable to obtain specific authority for the proposed operation. Applicant is an established operator in the Colorado Springs district and has ample equipment to properly render the service contemplated.

It is proposed to charge a flat private car rate of \$50.00 per car, with an \$80.00 charge, provided an overnight stop is necessary in the San Isabel Forest. The per-car charge would be the same whether one or seven passengers were carried. Some question was raised as to whether this rate would conflict with the present established tariff for what is known as the San Isabel Forest trip, which tariff provides for a charge of \$10.00 per person, with a minimum charge of \$50.00. The same question would also arise in connection with what is called the "Big Circle" trip. However, the sightseeing operators in the Colorado Springs district now have a tariff of 25 cents per mile for sightseeing trips, and under the present mileage of the proposed "Gold Belt Trail" trip and using said tariff, the charge would be approximately \$52.00. In view of the fact that no trip will be made for less than the minimum of \$50.00 and that it is not expected that more than five persons will be carried in any one car at any time, the Commission feels that no harmful discrimination will result in permitting the \$50.00 rate to become effective, as probably most of the other operators in the Colorado Springs district may be permitted to secure the same authority that is sought by the applicant in the instant case.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that applicant, The Antlers Livery and Taxicab Company, a Colorado Corporation, should be granted authority to operate a sightseeing service for the transportation of passengers over the so-called

"Gold Belt Trail" trip.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to The Antlers Livery and Taxicab Company, a Colorado corporation, to operate a sightseeing service over what is termed the "Gold Belt Trail" trip, originating at Colorado Springs, thence to Cripple Creek, via Ute Pass or the Corley Mountain Highway, thence to Canon City, Texas Creek, Westcliff, Beulah, Pueblo, and back to Colorado Springs, or the reverse, all of said trips to be made upon a round trip basis only from Colorado Springs or Pueblo, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Don L. Jones

W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BYRON K. GOODWIN FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY NO. 617 TO)
A. G. GOODWIN.)

APPLICATION NO. 1916-A

May 18, 1934

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written statement from A. G. Goodwin, requesting that the certificate of public convenience and necessity heretofore transferred to him in the above numbered application, be cancelled and revoked.

After careful consideration of said request the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, originally issued in Application No. 1916 and thereafter transferred to A. G. Goodwin in Application No. 1916-A, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
David S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
TO TRANSFER THE RIGHT OF LEWIS M.)
LITTLE TO USE OR OPERATE UNDER)
CERTIFICATE NO. 589 TO WES V.)
McKAUGHAN.)

APPLICATION NO. 1637-AA

May 18, 1934

Appearances: Mr. J. T. McCorkle, Pueblo, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

Lewis M. Little and Wes V. McKaughan have been operating as co-partners under the certificate of public convenience and necessity heretofore transferred to them in Application No. 1637-A.

It is now desired to dissolve said partnership and assign all of the right, title and interest of the said Lewis M. Little in said certificate to Wes V. McKaughan, who proposes hereafter to conduct operations under said certificate as an individual.

The evidence disclosed that only one or two small accounts are due from said firm of Lewis and McKaughan, and these accounts the transferee assumes and agrees to pay in full. No equipment is included in the transfer.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that the authority prayed for should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Lewis M. Little to transfer and convey to Wes V. McKaughan all of his right, title and interest in and to the certificate of public convenience and necessity heretofore transferred to the said Lewis M. Little and Wes V. McKaughan in Application No. 1637-A.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferors herein shall become and remain those of the transferee herein until changed in accordance with law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

Dan S. Jones

W. W. Quinn

Commissioners.

Dated at Denver, Colorado,
this 18th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE PERSCHBACKER.) CASE NO. 1381

May 19, 1934

Appearances: Mr. E. S. Johnson and Mr. A. A. Von Egidy,
Denver, Colorado, for the Public
Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, George Perschbacker, to show cause why his motor vehicle private permit No. A-441 should not be revoked for failure to file monthly reports for the months of September to December, inclusive, 1933, and January, February and March, 1934, for failure to pay highway compensation tax amounting to \$16.85 for the months of June and August, 1933, and for failure to keep on file with the Commission an effective insurance policy as required by law and the rules and regulations of the Commission.

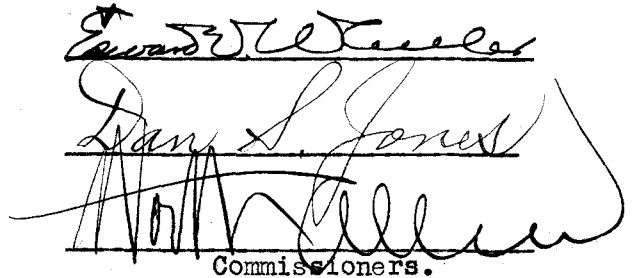
Since the hearing was had the Commission has received \$4.00 from the respondent to apply on the highway compensation tax due for the two months stated. However, the evidence showed that the reports for the months in question have not been filed and that the necessary insurance expired on April 18, 1934, and has not been renewed.

The Commission is of the opinion, and so finds, that the said permit should be revoked. If the respondent should file the necessary insurance in twenty days, and file reports up-to-date, and pay the taxes due within the same time, we would consider a written application for reinstatement of the permit with the distinct understanding that the reports would be made, taxes paid and insurance filed when due according to law.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit
No. A-441, heretofore issued to George Perschbacker, be, and the same
is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of May, 1934.

(Decision No. 5785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. E. HAISLETT.)

PRIVATE PERMIT NO. A-533

May 19, 1934

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from F. E. Haislett, requesting that his private permit No. A-533 be cancelled so far as Eckley and Yuma are concerned.

After careful consideration of said request the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-533, heretofore issued to the said F. E. Haislett, be, and the same is hereby, declared cancelled so far as authorizing any operation to the towns of Eckley and Yuma is concerned.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deery
Lawrence S. Jones
Walter A. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 19th day of May, 1934.

BEFORE THE PUCUIT UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD J. AND HAROLD J. LAFFERTY,)
DOING BUSINESS AS D & L TRANSFER)
COMPANY.)

CASE NO. 1146

May 24, 1934

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1933, requiring the respondents to show cause why their certificate of public convenience and necessity issued to them in Application No. 1718 should not be revoked and cancelled for failure to make monthly reports for the months of November and December, 1932, and January, 1933, and for failure to pay highway compensation tax for the months of August and October, 1932, and also for failure to file an insurance policy with the Commission.

At the hearing it appeared that the reports for the three months in question and the insurance policy had not been filed with the Commission on the date of the order to show cause, and that the taxes for the two said months had not been paid at that time.

While we had ground for revoking the certificate we purposely waited with the hope that the respondents would appreciate that we must insist on their obeying the law. It was our purpose if they promptly complied with the law and continued to do so for a reasonable time, to dismiss the case. However, matters got worse instead of better. Up until very recently reports for a number of months were in default. The amount of the tax due has increased until the same today amounts to \$36.04. No insurance is now on file and none has been for a long time. We advised the respondents in a letter dated May 10 that these matters must be attended to before the 21st of this month.

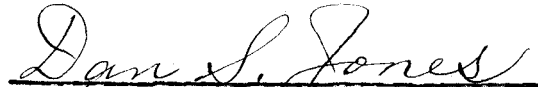
We have open no other course than to find, and we do find, that the certificate of public convenience and necessity heretofore issued to the respondents should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued in Application No. 1718 to Howard J. and Harold J. Lafferty, doing business as D & L Transfer Company, be, and the same is hereby,revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1934.

File
(Decision No. 5787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. W. JAMES.)

CASE NO. 1128

May 24, 1934

S T A T E M E N T

By the Commission:

Since the order was made herein revoking the certificate of public convenience and necessity issued to M. W. James in Application No. 849-A, said James has paid all taxes to date. We have concluded to vacate the order of revocation with the distinct understanding that respondent must not hereafter resume operations, however limited they be, unless he has first filed the necessary insurance with the Commission, and with the further understanding that he will hereafter promptly make reports and pay his highway compensation taxes.

O R D E R

IT IS THEREFORE ORDERED, That the order of revocation dated February 9, 1934, revoking the certificate of public convenience and necessity heretofore issued to M. W. James in Application No. 849-A, be, and the same is hereby, vacated and set aside.

IT IS FURTHER ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Weaver
James S. Jones
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE.)

CASE NO. 1140

May 24, 1934

S T A T E M E N T

By the Commission:

An order was made herein on May 14, 1934, revoking the certificate of public convenience and necessity heretofore issued to Ray Mercure for failure to pay highway compensation taxes due the State and for failure to file tax reports when they are due according to law.

We are now advised in a letter by Mr. Mercure's attorney and the fact is that the reports and payments have been made up to date.

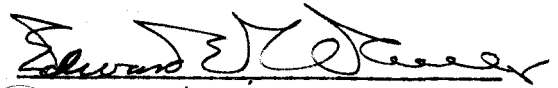


We have concluded to grant the request of Mr. Mercure to vacate and set aside the order of revocation, but with the distinct understanding that if he expects to operate under the certificate of public convenience and necessity granted to him, he must comply with the law, with the further warning that his failure again to do so cannot be tolerated.

O R D E R

IT IS THEREFORE ORDERED, That the order made herein on May 14, 1934, revoking and cancelling the certificate of public convenience and necessity issued in Application No. 1487 to Ray Mercure, be, and the same is hereby, vacated and set aside.

IT IS FURTHER ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY MUSCATI.)

CASE NO. 1364

May 24, 1934

S T A T E M E N T

By the Commission:

On April 16 an order was made herein requiring the respondent, Henry Muscati, to show cause why his certificate of public convenience and necessity, heretofore issued to him in Application No. 651, should not be revoked and cancelled for failure to file highway compensation tax reports and for failure to keep on file with the Commission such insurance as is required by law and the rules and regulations of this Commission.

The case was set for hearing on May 7. On May 4, we received a letter from Muscati, saying that he had not operated "during the last year." In the letter he informed us also that the car had been transferred to Rol L. Willie. We wrote to Muscati on the 9th, saying that if he would file an application for authority to transfer the certificate within ten days from the date of our letter, we would re-set this case for hearing with the application for authority to transfer. We further stated that if he needed more time than ten days in which to file the application for authority to transfer, we would give him twenty days. We concluded with the statement "But something must be done, otherwise we will be compelled to revoke your certificate." Nothing further has been heard from him in spite of the fact that we have done all we could to help clear up the situation.

The law requires monthly reports. It also requires insurance to be kept on file with the Commission. The law requires also a sworn report showing whether or not any business has been done. At the hearing it appeared that no such report had been made and that no insurance had been on file with the Commission since September 14, 1932. The respondent

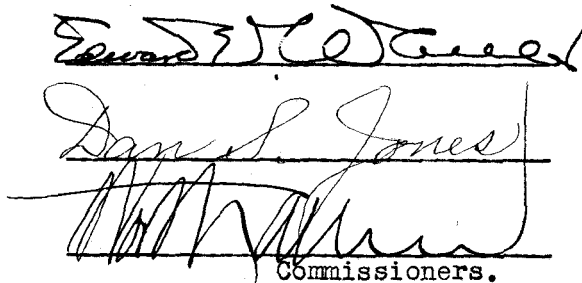
apparently is not sufficiently concerned to give the matter attention.

We are, therefore, of the opinion, and so find, that for failure to file highway compensation tax reports for the months of August to December, 1933, both inclusive, and January, February and March, 1934, and for failure to keep on file with the Commission any insurance since September 14, 1932, the certificate of convenience and necessity heretofore issued to Henry Muscati should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Henry Muscati in Application No. 651, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF INTERSTATE TRANSIT LINES, AN)
INCORPORATION OF THE STATE OF)
NEBRASKA, FOR AUTHORITY TO SUSPEND) APPLICATION NO. 1790
OPERATION OVER ITS LINES BETWEEN)
GREELEY, COLORADO, AND JULESBURG,)
COLORADO, UNTIL JUNE 1, 1935.)

May 26, 1934.

Appearances: Mr. E. G. Knowles, Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On May 1, 1933, the Commission made an order authorizing Interstate Transit Lines, a corporation, to suspend its motor bus operations between Greeley and Julesburg, Colorado, for a period extending to and including June 1, 1934. On April 21, 1934, said applicant filed its petition seeking a further suspension "until and including June 1, 1935."

The grounds upon which said application is based are that, due to economical conditions prevailing in the territory in question, a profitable regular operation cannot be maintained. Applicant is not permitted to do any local business between Greeley and Sterling and alleges that the through business from Denver to points in Nebraska is now being handled via Cheyenne and thence east along the Lincoln Highway.

Notice was given to all of the cities through which said operation extends, and no objections to the further suspension sought have been received.

After careful consideration of the record the Commission is of the opinion, and so finds, that said further suspension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the period in which the Interstate

Transit Lines, a corporation, has been authorized to ~~suspend~~ its motor bus operations between Greeley and Julesburg, Colorado, be, and the same is hereby, extended to and including June 1, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell
Dan S. Jones
W. M. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. P. CLOW AND H. N. BEEBE. .) CASE NO. 1335

May 26, 1934

S T A T E M E N T

By the Commission:

An application for rehearing has been filed herein. We have read the same carefully and are of the opinion, and so find, that it should be denied.

One of the three alleged grounds for rehearing is that respondents in several specific instances refused to extend their services to persons on their route who had requested such services. While it is true that a common carrier is generally defined as one who serves or holds himself out to serve the public indiscriminately, the refusal of business in some three or four isolated instances does not prevent one from being such a carrier. It is true that if we issue a certificate of public convenience and necessity, authorizing one to operate as a common carrier, he cannot refuse business of a kind which he is authorized to do. However, that is a requirement that we impose on those common carriers under our jurisdiction.

Whether one is a common carrier or not does not turn on whether he in rare cases refuses to haul freight offered him. Moreover, in at least two of the instances cited, the respondents were asked to do business of a kind which they were not holding themselves out to do for anybody. In one case they were asked to haul freight to a town that they were not serving. In another case they were requested to go off their route some twenty-five miles to pick up some sheep.

O R D E R

IT IS THEREFORE ORDERED, That the application for rehearing herein be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. C. Steele

Samuel S. Jones

W. M. [Signature]

Commissioners.

Dated at Denver, Colorado,
this 26th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO STATE HIGHWAY DEPARTMENT)
FOR THE OPENING OF A PUBLIC HIGHWAY)
OVER THE RIGHT-OF-WAY AND TRACKS OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY AT A POINT ABOUT ONE)
MILE WEST OF HOLLY, COLORADO.)

APPLICATION NO. 2045

May 28, 1934.

Appearances: Oliver Dean, Esq., Denver, Colorado,
Assistant Attorney General for State
Highway Department of Colorado;
Erl H. Ellis, Esq., Denver, Colorado,
Attorney for The Atchison, Topeka and
Santa Fe Railway Company.

S T A T E M E N T

By the Commission:

This proceeding arises from the application of the Highway Department of the State of Colorado for the establishment of a public highway crossing, at grade, at a point about one mile west of Holly, which point is further described as being at a point from which the quarter corner between Sections 16 and 17, Twp. 23 South, Range 42 West, bears approximately north five degrees ten minutes east a distance of 587 feet, and being on the Arkansas Valley branch of The Atchison, Topeka and Santa Fe Railway.

The application alleges "that the State of Colorado and the United States Bureau of Public Roads are joining in the construction of a new highway between the towns of Granada and Holly, Colorado, which will be of great benefit to the citizens of the State and the traveling public, greatly reducing the mileage between the two points and greatly improving the character of the highway."

After due notice to all the parties concerned, a public hearing was held at the Hearing Room of the Commission on the 28th day of March, 1933, and also a further hearing was held on the 23rd day of March, 1934, at the same place.

The first hearing developed that there was no objection to the establishment of a grade crossing at this point, except the general location of the new state highway by the railway company which would make this crossing necessary. The railway company, by its representatives, contended that if the new highway was established by the county highway along the north line of Sections 16 and 17, that the present grade crossing, about 1100 feet northwest of this point, could be utilized. This contention was opposed by the State Highway Department for several reasons, the most important of which was that a better alignment would be secured for the new highway into Holly by the route proposed. The question of the abandonment of the present grade crossing above referred to in case the new crossing is established came up and the Commission had its engineer investigate the matter and he found that this crossing could be so abandoned without any serious inconvenience to the public. This question was also taken up with the County Commissioners of Prowers County and they have given their written approval of the abandonment of this crossing. These facts were brought out at the last hearing on March 23, 1934, and at that time there was no objection by the railway company to the proposed new crossing, or to the bearing of the expense in the installation of the new crossing, provided the old crossing heretofore referred to is abandoned.

The Commission, after careful consideration of the necessity and convenience for the construction of the new highway on the route proposed by the State Highway Department, finds that the establishment of a public highway crossing, at grade, at the point proposed should be approved and will, therefore, make its order accordingly.

O R D E R

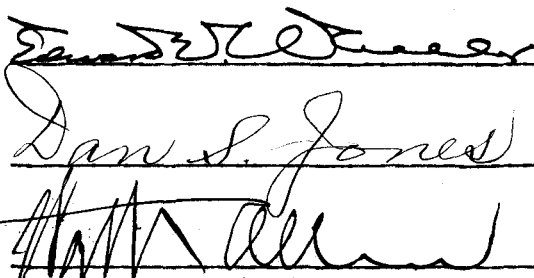
IT IS THEREFORE ORDERED, In accordance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established over the right-of-way and main line track of the Arkansas Valley branch of The Atchison, Topeka and Santa Fe Railway Company at a point about

one mile west of Holly, Colorado, and from which point the quarter corner between Sections Sixteen (16) and Seventeen (17), Township Twenty-three (23) South, Range Forty-two (42) West, bears approximately north five (5) degrees, ten (10) minutes east a distance of five hundred and eighty-seven (587) feet, conditioned, however, that the aforesaid crossing shall be constructed and maintained in accordance with the specifications for grade crossings, as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the present grade crossing on the county highway about eleven hundred (1100) feet northwest of the aforesaid new crossing shall be discontinued and abandoned when the said new crossing is opened to public travel.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of the grading of the highway up to the railway track, including the drainage therefor, shall be borne by the State Highway Department and that the expense for the installation and maintenance of the crossing plank or crossing material, including the crossing signs and any cattle guards with the usual wing fences that may be necessary, shall be borne by the respondent, The Atchison, Topeka and Santa Fe Railway Company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1934.

(Decision No. 5793)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. H. STUDEBAKER.) PRIVATE PERMIT NO. B-610

May 28, 1934

S T A T E M E N T

By the Commission:


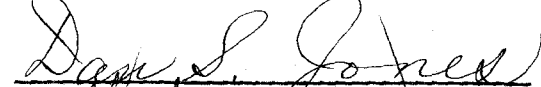
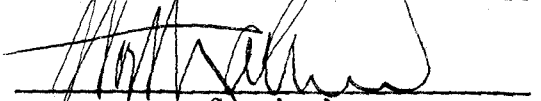
The Commission is in receipt of a request from the above named L. H. Studebaker that private permit No. B-610, heretofore issued to him, be suspended for the reason that he ceased operations under same on March 29, 1934.

After careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-610, heretofore issued to L. H. Studebaker, be, and the same is hereby, suspended for a period of six months, effective March 29, 1934; provided, however, that operations under said permit may be resumed at any time during said suspension period by filing with the Commission the necessary insurance and otherwise complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
S. G. DUNGER.) CASE NO. 1386

May 28, 1934

Appearances: E. S. Johnson and A. A. Von Egidy, Denver,
Colorado, for the Public Utilities
Commission.

S T A T E M E N T

By the Commission:

On May 10, 1934, the Commission entered its order requiring the respondent S. G. Dunger, to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1351 should not be revoked for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission, and for failure to operate under his certificate.

The evidence disclosed that respondent's certificate was suspended on December 23, 1932, until such time as the necessary insurance should be filed. It was further disclosed that respondent's public liability, property damage and cargo insurance all expired in June, 1932, and has never been renewed.

The evidence further showed that no reports of any operations had been received from respondent since September, 1932.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1351, should be cancelled and revoked by reason of the above delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to S. G. Dunger, in Application No. 1351,

be, and the same is hereby, revoked and cancelled for the failure of respondent to file with the Commission the necessary insurance required by law and our rules and regulations, and for failure of respondent to operate under said certificate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dancy
Sam L. Jones
W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1934.

(Decision No. 5795)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO STATE HIGHWAY DEPARTMENT)
FOR THE OPENING OF A PUBLIC HIGHWAY)
CROSSING OVER THE RIGHT-OF-WAY AND)
TRACKS OF THE ATCHISON, TOPEKA AND)
SANTA FE RAILWAY COMPANY AT A POINT)
NEAR THE WESTERN BOUNDARY OF HOLLY,)
COLORADO.)

APPLICATION NO. 2046

May 28, 1934

Appearances: Oliver Dean, Esq., Denver, Colorado,
Assistant Attorney General, for
State Highway Department of Colorado;
Erl H. Ellis, Esq., Denver, Colorado,
Attorney for The Atchison, Topeka and
Santa Fe Railway Company.

S T A T E M E N T

By the Commission:

This proceeding arises from the application of the Highway Department of the State of Colorado, for the establishment of a public highway crossing, at grade, over four industrial tracks of The Atchison, Topeka and Santa Fe Railway Company at the Holly Sugar Factory near the western boundary of Holly, Colorado, said crossing being at a point from which the sectional corner common to Sections 9, 10, 15 and 16, Township 23 South, Range 42 West, bears approximately north 14 degrees, 5 minutes East, a distance of approximately 1362 feet.

The application alleges "that the State of Colorado and United States Bureau of Public Roads are joining in the construction of a new highway between the towns of Granada and Holly, Colorado, which will be of great benefit to the citizens of the State and the traveling public, greatly reducing the mileage between the two points and greatly improving the character of the highway."

After due notice to all the parties concerned, a public hearing was held at the Hearing Room of the Commission at Denver, on the 28th day of March, 1933, also a further hearing was held on the 23rd day of March, 1934, at the

same place.

The respondent in this case, The Atchison, Topeka and Santa Fe Railway Company, by its attorney and engineer, protested the establishment of this crossing, claiming that a favorable route for the new highway could have been found by way of the present county road along the north line of Sections 16 and 17, to or near the northwest corner of Section 15, where the road could have continued to Holly by a diagonal route. In this way the crossing of the industrial tracks at the Holly Sugar Factory could have been avoided. The Highway Department contended that this route would have been longer and be more expensive to construct principally on account of the cost of right-of-way than the route that had been selected. There is no question that the route selected by the Highway Department is more direct, and would have better alignment. The route suggested by the respondent would have some sharp curves in it, while the route selected by the Highway Department is practically straight. Furthermore, it was contended that the tracks at the Sugar Factory where the crossing is required are not much used and practically none at all recently. Other minor reasons were given against the route suggested by the railway company's representatives.

The Commission views any proposition where a grade crossing is involved with considerable apprehension, but there are conditions involved in this case that makes it different from the usual case where main line tracks are concerned. Industrial tracks have more of a private nature, or are for the benefit of personal interests. Private interests cannot stand in the way of public interests. The construction of the highway by the route proposed by the State Highway Department will undoubtedly be of great benefit to the public, and better than by any other route that has been proposed so far as the Commission can see. This crossing might be some inconvenience to this Sugar Factory and to the railroad company in shifting the cars on the tracks concerned, but the convenience to the public is much greater by crossing the tracks on this route. Also with the care that should be used by the railroad company when using the tracks for car movements there need be no danger. In this respect the conditions are different from main

line crossings. That is, it is the usual rule, and justly so, for railroads to have a flagman at a crossing when car movements are made over industrial tracks. In this way the public is protected.

The respondent also protests the liability for any expense in the construction or installation of this crossing if permitted to be established. The Commission sees no reason for deviating from its usual rule in these cases. In fact, it does believe that there is more reason for using its usual rule in cases of industrial track crossings. As a matter of fairness it has long been the custom of the Commission to apportion the expense for the installation of grade crossings on the basis of the property interests concerned. That is, each party concerned should bear the expense of the construction of the part of the property involved in a crossing that is a pertinent part of each party's property. The grading of the highway with necessary drainage facilities is the part of the State or County's property. The crossing plank or crossing material, together with cattle guards and railroad signs, is a part of the railroad's property so that in order to accommodate the public it is necessary for each party concerned to construct and maintain its own property.

Therefore, after giving careful consideration to all the facts brought out in this case the Commission finds that a crossing, at grade, should be established at this point, and that the usual rule in the apportionment of the costs should prevail, and an order will be made accordingly.


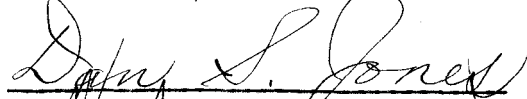

O R D E R

IT IS THEREFORE ORDERED, In accordance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established over the right-of-way and the industrial tracks of The Atchison, Topeka and Santa Fe Railway Company, at the Holly Sugar Factory near the western boundary of Holly, Colorado, and being at a point from which the section corner common to Sections Nine (9), Ten (10), Fifteen (15) and Sixteen (16), Township Twenty-three (23) South, Range Forty-two (42) West, bears approximately North fourteen (14) degrees, five (5) minutes East,

a distance of approximately thirteen hundred and sixty-two (1362) feet, conditioned, however, that the aforesaid crossing shall be constructed and maintained in accordance with the specifications for grade crossings, as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the expense for the construction and maintenance of the public highway up to the aforesaid tracks, including the drainage therefor, shall be borne by the State Highway Department, and that the expense for the installation, construction and maintenance of the crossing plank or other crossing material, together with all sign posts and cattle guards with the usual wing fences that may be required, shall be borne by the respondent, The Atchison, Topeka and Santa Fe Railway Company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE H. SULTZ FOR AUTHORITY)
TO CONSTRUCT AND MAINTAIN IN THE)
TOWN OF ELBERT, COLORADO, A)
GENERATING PLANT FOR THE GENERA-)
TION OF ELECTRIC CURRENT.)

175
206
APPLICATION NO. 2140 ✓

May 29, 1934

Appearances: J. Nelson Truitt, Esq., Kiowa, Colorado,
attorney for applicant;
Frank McDonough, Jr., Esq., Denver, Colorado,
attorney for Mountain Utilities Corpora-
tion.

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1934, denying authority to Mountain Utilities Corporation to dismantle its electric line extending from Kiowa to Elbert, Colorado, and denying the application of George H. Sultz for authority to construct, maintain and operate a generating plant in Elbert. Thereafter an application for rehearing was filed by Sultz. The Commission made an order on April 19 granting a rehearing in Application No. 2140. Thereafter a hearing was had.

We stated in our previous order that prior to the default of Chapin, predecessor of Mountain Utilities Corporation, Chapin had paid Sultz \$2,500 on the purchase price of the Elbert plant "as well as having expended a substantial amount upon the distribution system." At the hearing the statement was made, without contradiction, that the amount which had been paid by Chapin to Sultz was \$3,300, which did not include the claim of Chapin or his company, the Mountain company, against certain consumers for unpaid light bills. It was further stated that the cost to Chapin or the Mountain company of rebuilding the Elbert distribution system, which had been purchased from Sultz, was \$2,200. We assume that in rebuild-

ing the distribution system in Elbert there was some material which had some slight value, possibly for junk purposes. It thus appears that Sultz has received in cash from Chapin or the latter's company (the Mountain company) a minimum of \$2,500 in cash, possibly as high as \$3,300, and that he has received back his original system after same had been reconstructed at an expense of \$2,200.

While there is no evidence that Sultz had anything to do with encouraging the five consumers taking energy from the Mountain company to expend money for the taking of such energy, the fact is those people living along the Elbert transmission line have incurred such expense, and Sultz must have known they might and probably were incurring the same after he had made his original deal with Chapin by which Sultz had extended credit to Chapin in connection with the sale of the Elbert system.

In a written inventory and appraisal filed by Sultz on February 14, he shows the claimed value, called "Investment", in the plant and system in Elbert. According to that statement the value without any depreciation is \$8,101.17. This apparently is the cost of reproduction new without depreciation. If Sultz had not made any deal with Chapin, the system would probably be worth some \$2,000 less than it is today. If we should deduct \$2,000, depreciation and the minimum of \$2,500 which he received from Chapin, his investment in the system would probably not exceed \$2,000 to \$3,000.

Of the total of \$8,101.17, \$3,567.25 represents a building valued at \$2,200 used to house generating equipment, and \$1,367.25 generating equipment which has not been in use since energy has been furnished from the Mountain company and delivered by it over its Kiowa-Elbert line.

At the last hearing Sultz introduced an exhibit showing his total annual expense under the present set-up to be \$3,340.40, and the total expense of \$2,934.60 which he would have if he were permitted to construct his own generating plant, or, rather, to reconstruct the same. However, one of the items of the expense is a claim for a return of six per cent on "Investment" of \$8,000. Another item is three per cent depreciation on \$8,000, making a total for return on investment and depreciation of \$720.00.

It is elementary that a utility is entitled to a return on that property only which is used and useful.

"The general rule is that in establishing public utility rates a return should be allowed only on the property which is used and useful in the public service, or such as is economically a necessary factor in furnishing the service required." Vol. 2, page 64, Spurr Guiding Principles of Public Service Regulation.

When we consider the facts that Sultz has received such a substantial amount of money in cash from Chapin, and has had the distribution system, originally built by him, rebuilt at a cost of some \$2,200, and the system then returned to him for failure of Chapin or the Mountain company to pay the balance of the purchase price, we see no reason whatever for allowing Sultz, as long as he is not using said building and machinery for generating energy, to have a return thereon. We should, therefore, deduct six per cent of \$3,567.25 from the total annual expense and three per cent on account of depreciation from the same amount. This would make a deduction on account of those two items of \$331.04. This would leave only \$72.76 more expense under the present set-up than Sultz claims he would have in the case of his generating his own energy.

Moreover, the allowance for labor in operating the generating plant is only \$900.00 a year, or \$75.00 a month. This seems to the Commission a wholly inadequate amount of money for the continuous operation of an electric generating plant. Nothing apparently is allowed by Sultz for maintenance of the plant, which would cost a substantial amount. We are not certain whether the item of \$10,500, which is the alleged amount of the "Investment" he would have if he were permitted to buy new machinery for the generation of electricity, includes the cost of a mile of line which he offers to build to the customer on the present transmission line nearest Elbert. At any rate, it appears rather obvious that he would lose a substantial amount of money annually on account of the said mile of line constructed and maintained to serve one ordinary customer.

The electrical engineer for the Commission in his report of February 6, which was made a part of the record, in commenting upon the fear of witnesses in Elbert that the service would not be dependable if Sultz resumes the generation of energy himself, stated that the natural result of the operation of a very small generating plant such as the one Sultz desires to operate is that the supply of electricity is variable and **inconstant as to voltage**. He further reported that the claim by Sultz that he could furnish electricity at a lower charge per Kwh when generated by himself rather than buying it at wholesale, seems to him to be "a rather ridiculous statement". His conclusion, after commenting upon other considerations, was, as stated by him, that "the most economical manner in which to solve this problem is for Mr. Sultz to buy wholesale from the Mountain Utilities Corporation". The evidence is undisputed that Sultz's service before energy was supplied from the generating plant at Kiowa, furnishing energy for Kiowa, Elizabeth and Elbert, was unsatisfactory and undependable. We know from common experience that a small generating plant run in such a manner as Sultz proposes to operate his is not dependable or economical. The public at Elbert is now getting good service at a cost to Sultz which is approximately the same, according to his own figures, as the cost of giving the service with energy generated by himself.

It is elementary that the public does not guarantee what is ordinarily considered a reasonable return to every public utility. The public can be charged only the reasonable value of the service. Smyth v. Ames, 169 U.S. 466; Re Leadville Water Co., 9 Colo. P.U.C. 82, 93.

The evidence developed that a substantial saving could be effected by Sultz if his transformer capacity were reduced. With the oversupply of such capacity the energy loss is greater than is necessary. There was no positive evidence as to the saving that could be effected by reducing the transformer capacity, although Sultz's testimony would warrant the inference that the saving would approach "a quarter".

There was some evidence at the hearing that the expense that Sultz had incurred in purchasing energy had been due to some extent to the fact that

some street lights had been permitted to burn all night. Although the evidence rather indicated that this was for a short period, we are of the opinion that the cutting down of the transformer capacity and a determined effort to make the best of the present situation will result in considerable saving to Sultz.

After careful consideration of all the evidence introduced at the last hearing and the original one, the Commission is of the opinion, and so finds, that the public convenience and necessity do not require but forbid the purchase by Sultz of additional generating equipment and the generation of energy for distribution in the town of Elbert.

O R D E R

IT IS THEREFORE ORDERED, That the order of March 2, 1934, be, and the same is hereby, ordered to continue in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 29th day of May, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. D. FLOWERS AND W. E. TURNER.) CASE NO. 1142

June 8, 1934

Appearances: E. S. Johnson and A. A. Von Egidy,
Denver, Colorado, for the Public
Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein on March 2, 1933, requiring the respondents H. D. Flowers and W. E. Turner to show cause why their certificate of public convenience and necessity heretofore issued to them in Application No. 1516, should not be revoked for failure to file monthly highway compensation tax reports for the months of September, October, November, December, 1932, and January, 1933, and for failure to file with the Commission the necessary insurance as required by law and the rules and regulations of the Commission.

At the hearing it appeared that the monthly highway compensation tax reports for the months in question had not been filed and were delinquent on the date of the order to show cause. It further appeared that on that date there was no effective insurance on file with the Commission.

Since the said hearing was held the respondents have filed the reports in question, paid the taxes due thereon and have filed the proper insurance.

The Commission is of the opinion, and so finds, that the above entitled case should be dismissed, with the distinct understanding that the respondents will hereafter more promptly comply with the rules and regulations of the Commission and the statute relating to their operations.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Dan S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 8th day of June, 1934.

(Decision No. 5799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BEN F. SCOTT AND JESSE A. SCOTT,)
DOING BUSINESS AS SCOTT BROTHERS.)

APPLICATION NO. 1450

June 8, 1934

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated June 1, 1934, from Ben F. Scott and Jesse A. Scott, doing business as Scott Brothers, in which they informed the Commission that since the mail contract "changes hands" July 1, they are compelled to cease their motor vehicle operations and would like to have their certificate of public convenience and necessity cancelled as of that date.

The Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued in Application No. 1450, to Ben F. Scott and Jesse A. Scott, doing business as Scott Brothers, be, and the same is hereby, revoked and cancelled, the order to be effective on July 1, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dwyer
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 8th day of June, 1934.