

(Decision No. 73170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DON A. SNYDER
RT. 1, BOX 283C
LOVELAND, COLORADO 80537

PERMIT NO. M-2208

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

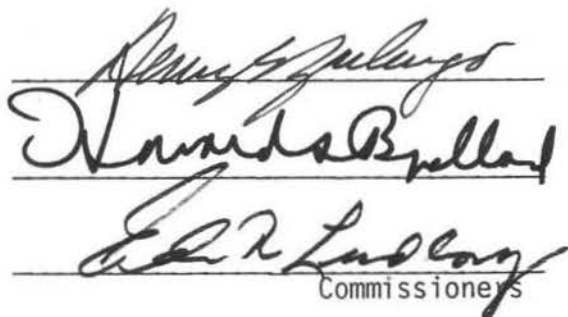
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
sl

(Decision No. 73171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WADES RANCH RAMBLER
SPRINGFIELD
COLORADO 81073

PERMIT NO. M-6250

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
s1

(Decision No. 73172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
KENNETH & OSCAR OAKLEY
DBA OAKLEY BROS.
BENKELMAN, NEBRASKA 69021

)
)
)
)
)

PERMIT NO. M-1101

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

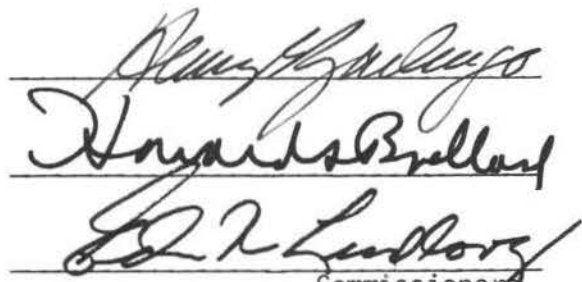
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
s1

(Decision No. 73173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

MR. ORVILLE D. HENDERSON
FAIRPLAY CABINS
FAIRPLAY, COLORADO 80440

PERMIT NO. M-4302

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

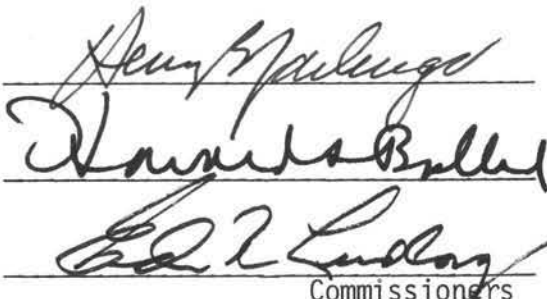
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 31, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
s1

(Decision No. 73174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

R. V. MASON)

BOX 1460)

STERLING, COLORADO 80751)

PERMIT NO. M-3797

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

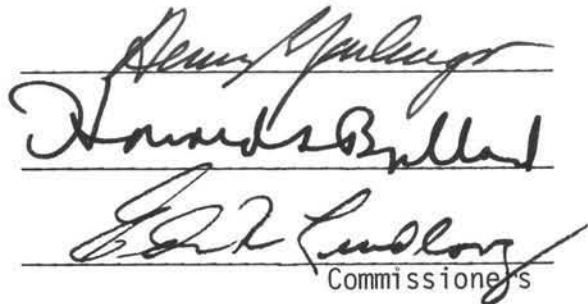
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 10, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
s1

(Decision No. 73175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

DEE C. CARTER)
949 NORTH ORCHARD AVENUE)
CANON CITY, COLORADO 81212)

PERMIT NO. M-5042

_ June 23, 1969 _

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

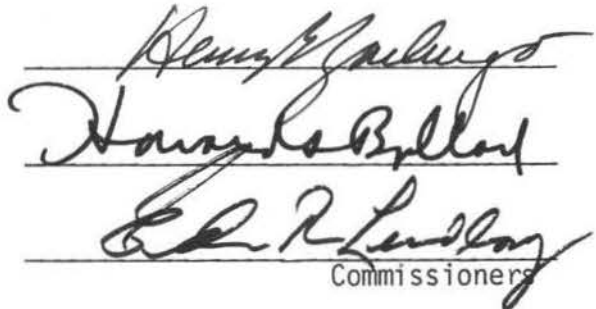
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 14, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DOROTHY HOPE TRUJILLO)
470 WILLS STREET)
CENTER, COLORADO 81125)

PERMIT NO. B-6184

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

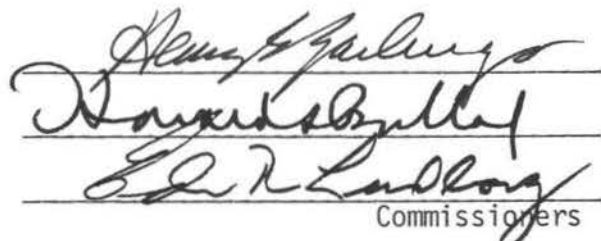
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 13, 1969 to and including December 13, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SAM L. MARTINELLI)
6894 SOUTH ULSTER CIRCLE)
ENGLEWOOD, COLORADO 80110)

PUC NO. 7327-I

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

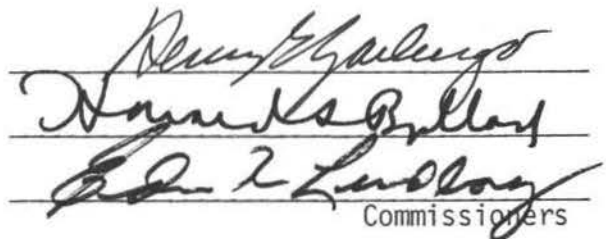
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 30, 1969 to and including December 30, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.

(Decision No. 73178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
CLAUDE I. DUNN)
1130 SOUTH ALTON)
DENVER, COLORADO 80222)
-----)

PERMIT NO. B-7293

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

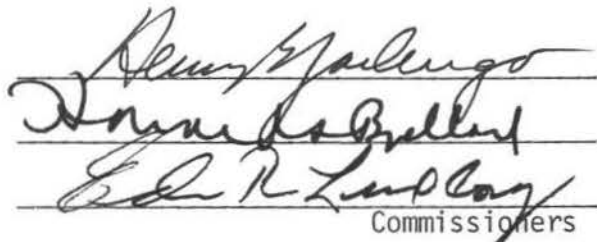
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from May 31, 1969 to and including November 30, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. J. STEWART & CRAIG T. GARNER)
DOING BUSINESS AS "FOUR WHEEL DRIVE)
TOURS,")
WOODLAND PARK, COLORADO 80863)

PUC NO. 6960

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

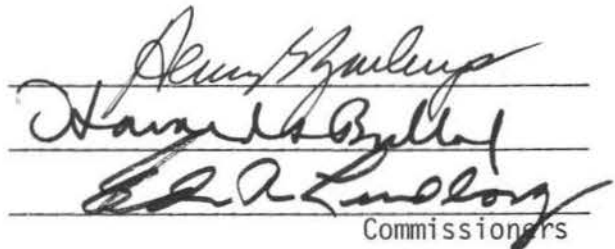
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 4, 1969 to and including December 4, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
GEORGE E. OLIVER
ROUTE 2, BOX 210
MONTROSE, COLORADO 81401

PERMIT NO. B-6629

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

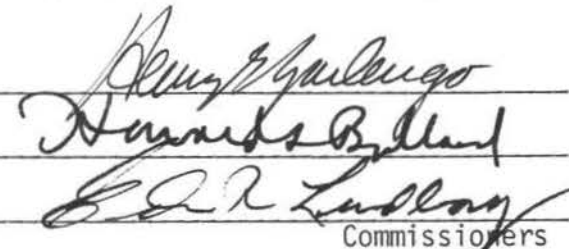
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 19, 1969 to and including December 19, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EMERSON FINCH, ROBERT FINCH AND)
JOHN SWARM, DOING BUSINESS AS)
"F S F TRUCK LINE")
BOX 132, FOUNTAIN, COLORADO 80817)

PUC NO. 2057-I

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

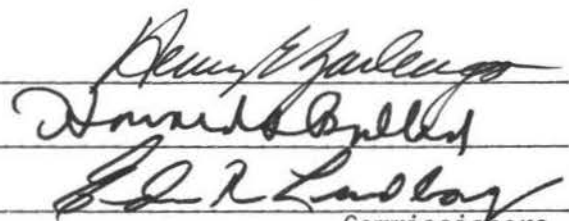
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 30, 1969 to and including December 30, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT & EMERSON FINCH & JOHN)
SWARM, DOING BUSINESS AS)
"F S F TRUCK LINE")
BOX 132, FOUNTAIN, COLORADO 80817)

PERMIT NO. A-755

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

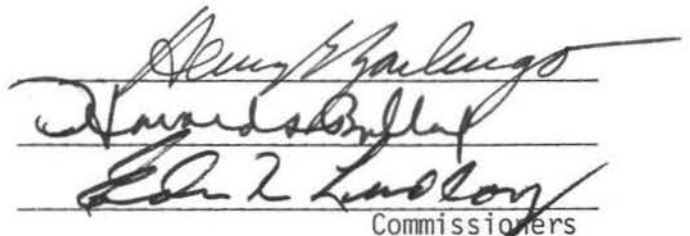
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 30, 1969 to and including December 30, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DEE C. CARTER)
949 N. ORCHARD AVENUE)
CANON CITY, COLORADO 81212)

PERMIT NO. B-7246

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

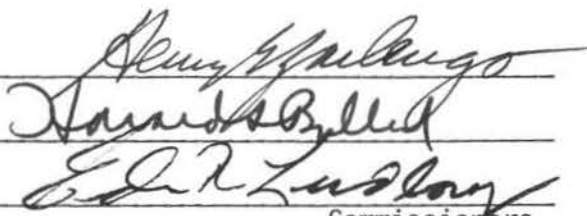
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 14, 1969 to and including December 14, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PERMIT NO. B-7268

June 23, 1969

Henry G. Hughes
 Harold Bullard
 Edw. E. Loring
 Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.

(Decision No. 73185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
PAUL V. CHRISTENSON
4800 GRANT STREET
DENVER, COLORADO 80216

PERMIT NO. B-6322

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

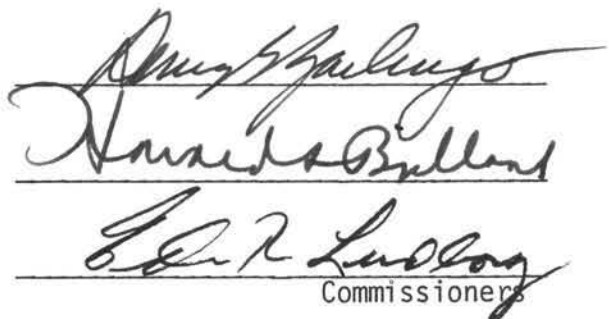
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 29, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CHARLES R. SMITH
4750 GRANT STREET
DENVER, COLORADO 80216

PUC NO. 3251

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

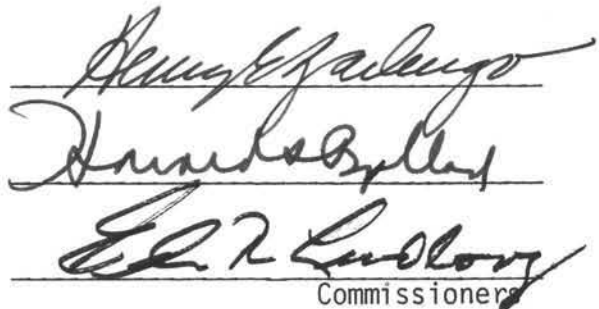
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 20, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ADOLPH ELLIS
BOX 532
BASALT, COLORADO 81621

PUC NO. 6566

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

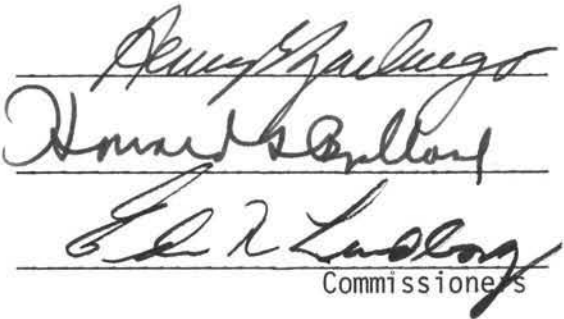
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 30, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

(Decision No. 73188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. JAMES AVERETT & DONALD J. KELSEY)
DOING BUSINESS AS "AVERETT & SON)
TRUCKING CO.," P.O. BOX 226)
COWLEY, WYOMING 82420)

PERMIT NO. B-6130-I
SUPPLEMENTAL ORDER

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.


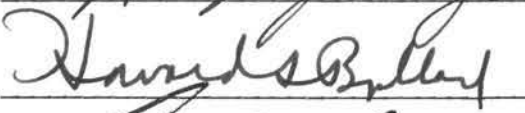

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of June 3, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of June, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATE, COLLECT ON)
DELIVERY SHIPMENTS, PETROLEUM)
AND PETROLEUM PRODUCTS)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 639

June 24, 1969

STATEMENT AND FINDINGS

BY THE COMMISSION:

On May 29, 1969, William Hogarth, Traffic Manager, Ruan Transport Corporation, Keosauqua at Third, Des Moines, Iowa 50309, filed Third Revised Page No. 14-A, to its Local and Distance Commodity Tariff, Colorado PUC No. 5, naming an increased rate applicable to Petroleum Products, defined in Item 10 thereto, scheduled to become effective June 30, 1969, as follows:

Item No. RULES AND REGULATIONS

COLLECT-ON-DELIVERY SHIPMENTS

140 When instructed by the consignor, the carrier will collect, upon delivery, invoice charges in the following acceptable forms of payment:

- (A) Certified check, money order or bank cashier's check payable to the shipper.
- (B) Assigned Credit Slips.
- (C) Personal checks when specifically authorized in writing by consignor.

When payment form (B) is utilized, carrier will not be liable for the credit slips or for the correctness of their total.

Transmittal in the exact form received from the consignee will be made by the carrier to the consignor within five (5) days after delivery of the shipment. The charge for performing the service described in this Item shall be
* \$5.00 for each such collection requested by the consignor. Such charges shall be billed to and collected from the consignor.

* denotes increase

The Commission is of the opinion that the increased rate from \$2.50 to \$5.00 for each collection requested by the consignor, as set forth

above, may be in violation of the Public Utilities Law. It therefore finds that the schedule should be suspended and an investigation and hearing entered into concerning the lawfulness thereof.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings be, and the same are hereby, made a part hereof.

2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges set forth in the schedule enumerated in the statement of this Order.

3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including October 28, 1969, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedule under the Public Utilities Law.

5. That neither the schedule hereby suspended nor that sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.


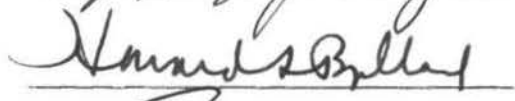
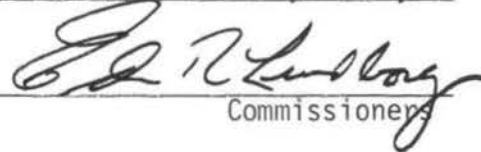
6. That a copy of this Order shall be filed with the schedules in the office of the Commission, and that a copy hereof be served upon William Hogarth, Traffic Manager, Ruan Transport Corporation, Keosauqua at Third, Des Moines, Iowa 50309, and that Ruan is hereby, made a respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the respective tariff referred to in the statement and findings hereof.

7. That 14 days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all

exhibits which it intends to introduce in evidence in support of its case.

8. That this Investigation and Suspension Docket No. 639, be,
and the same is hereby, set for hearing before the Commission on the
14th day of August, 1969, at 10:00 a.m., in the Hearing Room of the
Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado
80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
24th day of June, 1969. av

* * *

Dwight W. Daniels dba
Dan Daniels Roofing Co.
151 Rose St. N.
Twin Falls, Idaho 83301

CASE NO. 1511-H-Ins.

June 23, 1969

BY THE COMMISSION:

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

ORDER

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Don Williams
David Butler
Ed R. Lusk
Commissioners

s11

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Glen Owen Jr. dba)
Glen Owen Jr. Trucking)
1927 Mt. Vernon)
Springfield, Missouri 65802)

AUTHORITY NO. 7335-I

CASE NO. 1567-H-Ins.

June 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 10, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
23rd day of June 1969 .

(Decision No. 73193)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY, DENVER,)
COLORADO, DISCONTINUING COMBINATION FLAT)
AND SEMI-PUBLIC TELEPHONE SERVICE IN THE)
GREELEY, FORT COLLINS AND BOULDER)
EXCHANGES OF SAID COMPANY.)

CASE NO. 5399

June 24, 1969

S T A T E M E N T

BY THE COMMISSION:

By letter of June 16, 1969, the Mountain States Telephone and Telegraph Company informed this Commission that it had advised certain of its customers in Greeley, Fort Collins and Boulder who presently have Combination Flat and Semi-Public Service that the Company proposed to terminate this service as of July 1, 1969; that subsequent to such termination date these customers would be offered regular service under tariffs on file with this Commission. Attached to the letter of June 16, 1969, were sample copies of letters sent to the customers of the Company located in the Greeley, Fort Collins and Boulder exchanges stating, in effect, that the Company planned to terminate the service on July 1, 1969 and setting forth the type of service offered by the Telephone Company in lieu of their present service. The letter to the customer also advised him that if he had any objection he could complain to the Commission within ten days prior to July 1, 1969, the effective date of the proposed termination.

The Commission has received several protests from customers presently receiving this service objecting to the termination of the service.

F I N D I N G S

THE COMMISSION FINDS:

In view of the protests received by the Commission objecting to the termination of this service, the Commission on its own motion should suspend the effective date of the termination and hold a hearing in regard to this matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of July 1, 1969, being the proposed termination date for the Combination Flat and Semi-Public Telephone Service in the Greeley, Fort Collins and Boulder Exchanges of the Mountain States Telephone and Telegraph Company, be and hereby is suspended until further order of this Commission.

That a hearing be held in regard to this matter at a date to be determined later.

That a copy of this Order should be sent to all customers protesting the termination of this service.

That a copy of this Order be filed in Case No. 5399, and a copy served on the Mountain States Telephone and Telegraph Company.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of June, 1969.

(Decision No. 73194)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE PUBLIC SERVICE COMPANY OF COLORADO,)	
DENVER, COLORADO, FOR AUTHORITY TO)	
ABANDON CERTAIN ELECTRIC DISTRIBUTION	)	<u>APPLICATION NO. 23805</u>
LINE IN ITS FRONT RANGE DIVISION IN)	
CLEAR CREEK AND GILPIN COUNTIES,)	
COLORADO.)	

June 24, 1969

S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 25 of the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado, the Public Service Company of Colorado on April 25, 1969 filed a notice with the Commission signifying its intent to abandon certain portions of its electric distribution lines in its Front Range Division in Clear Creek and Gilpin Counties, Colorado. The Company proposed to abandon said lines effective June 1, 1969. By letter of May 23, 1969, the Public Service Company advised the Commission that because of heavy rains which occurred in late April it was unable to fulfill the requirements of Rule 25 because of a man shortage due to emergency repairs as a result of floods; that it wished to postpone the proposed abandonment from June 1, 1969 to July 1, 1969.

The lines that are proposed to be abandoned are described as follows:

CADDO ELECTRIC DISTRIBUTION LINE (PORTION OF) AND LATERAL
Commencing at a point approximately 1450 feet east of and 850 feet south of the west ¼ corner of Section 2, Township 3 South, Range 74 West of the Sixth Principal Meridian and extending in a general northwesterly direction a distance of 3550 feet more or less to a point of service to the Alice Mining Company:

Alice Mine Lateral

A lateral from the above described line commencing at a point approximately 680 feet west of and 75 feet north of the east $\frac{1}{4}$ corner of Section 3, Township 3 South, Range 74 West and extending in a general southerly direction a distance of 1250 feet more or less to a point of service to the Alice Mining Company, Clear Creek County, Colorado.

FEDERAL MILL DISTRIBUTION LINE

Commencing at a point of terminus of the Federal Mine Line located approximately 460 feet east of and 1755 feet south of the northwest corner of Section 23, Township 3 South, Range 73 West and being further identified as a point being approximately 801 feet east of Line 3-4 of the Federal Lode #107 running thence in a generally northerly direction a distance of 911 feet more or less to a point of service to the Federal Mill, Gilpin County.

No customers are presently being served from any of the above lines, and there does not appear to be any prospect of future customers.

Also, in compliance with Rule 25, the Company, on June 18, 1969, filed its affidavit with the Commission stating it had complied with the provisions of said rule by posting a notice on May 28, 1969 at a conspicuous place near each of the said distribution lines to be abandoned in the form prescribed by the Commission.

No one has notified the Commission protesting the removal by the Public Service Company of its electric distribution lines, and there is no apparent further need of said lines.

F I N D I N G S

THE COMMISSION FINDS:

That the Public Service Company of Colorado should be permitted to abandon the electric lines described in the preceding Statement, said Statement, by reference, being made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity no longer require, or will require, the distribution lines located as follows:

CADDO ELECTRIC DISTRIBUTION LINE (PORTION OF) AND LATERAL

Commencing at a point approximately 1450 feet east of and 850 feet south of the west $\frac{1}{4}$ corner of Section 2, Township 3 South, Range 74 West of the Sixth Principal Meridian and extending in a general northwesterly direction a distance of 3550 feet more or less to a point of service to the Alice Mining Company:

Alice Mine Lateral

A lateral from the above described line commencing at a point approximately 680 feet west of and 75 feet north of the east $\frac{1}{4}$ corner of Section 3, Township 3 South, Range 74 West and extending in a general southerly direction a distance of 1250 feet more or less to a point of service to the Alice Mining Company, Clear Creek County, Colorado.

FEDERAL MILL DISTRIBUTION LINE

Commencing at a point of terminus of the Federal Mine Line located approximately 460 feet east of and 1755 feet south of the northwest corner of Section 23, Township 3 South, Range 73 West and being further identified as a point being approximately 801 feet east of Line 3-4 of the Federal Lode #107 running thence in a generally northerly direction a distance of 911 feet more or less to a point of service to the Federal Mill, Gilpin County, Colorado.

That Public Service Company of Colorado be, and hereby is, authorized to remove and abandon said lines on or after July 1, 1969.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 24th day of June, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FOUR (DAILY, MONTHLY, QUARTERLY)
OR YEARLY) INCENTIVE OR VOLUME TENDER)
PLANS FOR THE TRANSPORTATION OF)
PETROLEUM PRODUCTS, AS DEFINED, IN)
BULK, IN TANK VEHICLES, BETWEEN)
POINTS WITHIN COLORADO)
-----)

CASE NO. 1585

June 26, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28th and 29th, 1969, Ward Transport, Inc., (individually) and Colorado Motor Carriers' Association, Agent, hereinafter called the Association, filed tariff schedules to become effective July 1, 1969, respectively; subsequently, Ruan Transport Corporation (individually) filed similar tariff schedules on June 5, 1969, to become effective July 7, 1969.

The new plans on Incentive or Volume Tender Rates and Charges are as set forth in Appendix "A", attached hereto. The Association's tariff is denoted as Tariff No. 22, Colorado PUC No. 21; Ward's Tariff No. C-5, Colorado PUC No. 5, and Ruan's, Colorado PUC No. 6. For simplicity the Association's tariff will be cited for identification purposes. These new schedules cancel the current incentive rates applicable in columns A-1 and B-1 as defined in Items No. 12 and No. 45; and, also, the rates applicable on deliveries under continuous service provisions (period of not less than thirteen consecutive weeks), Item No. 137, Motor Freight Tariff No. 7-A, Colorado PUC No. 12.

In support of and as justification for the proposals, letters have been submitted to the Commission by D. S. Smith, Sales and Traffic Manager, Ward Transport, Inc., and Loren G. Markley, Petco, Inc., of Colorado, dated June 12, 1969.

It is stated that:

August 7, 1968, an informal meeting with shippers at the Commission's office agreeing to investigate new incentive programs.

September 8, 1968, letters were forwarded to shippers requesting suggestions and advice on incentive plans.

October 22, 1968, Carrier meeting was held - six shippers replied to letter and various programs discussed.

November and December meetings were held at various times and on

January 30, 1969, final draft of proposals was sent to carriers for approval.

February 12, 1969, Proposals mailed to all interested shippers for comments.

March 11, 1969, Carrier meeting was held to discuss shipper response. Certain revisions were made to the plans.

March 15, 1969, A letter was mailed to all carriers indicating the changes made and also containing a proposed letter to be sent the shippers - containing the revisions.

March 24, 1969, Letter forwarded to shippers with changes in incentive proposals.

April 16, 1969, A Carrier meeting was held - unanimous approval of proposals as amended. Decided to proceed with publication.

The incentive plans filed with the Commission, it is stated, are very similar to plans now in operation in states adjacent to Colorado - - Utah and New Mexico - - which have proven beneficial to all parties concerned.

The following are comparative figures using actual movements on one carrier's equipment unit operating on the existing 13-week incentive Rule No. 137. Two weeks were picked at random. The weeks used are November 10-16, 1968 and January 5-11, 1969. This unit for the year 1968 had a gross income of \$61,814.59 or approximately 40% more income than any other unit in this carrier's operation. The total expenses were \$58,525.32, showing a profit of \$3,289.27 or 5.3%.

(See Tables on Pages 3 and 4)

BILLING FOR THE WEEK OF 11-10-68 to 11-16-68
13 WEEK INCENTIVE PLAN - BILLING NO. 45

Origin: Fountain, Colorado

DATE	DESTINATION	GALLONS	A or B	AMOUNT	HOURS	PLAINS MILES	MOUNTAIN MILES
11-10	ALAMOSA	8050-D	1.582	127.35	10.00	300	
11-10	PIKEVIEW	9025-G	.340	30.69	2.50	40	
11-11	SALIDA	9025-G	1.266	114.26	8.00	118	112
11-11	MINNEQUA	8000-D	.523	41.84	3.50	64	
11-11	MONTE VISTA	8800-G	1.539	135.43	11.00	334	
11-12	PIKEVIEW	9025-G	.340	30.69	2.50	40	
11-12	MONTE VISTA	8050-D	1.725	138.86	11.00	334	
11-12	WOODLAND PARK	4620-D	1.164	52.61			
		2830-G	1.038	29.38	6.00	40	46
11-13	MONTE VISTA	8800-G	1.539	135.43	11.25	334	
11-13	PIKEVIEW	4000-D	.381	15.24			
		4250-G	.340	14.45	2.75	40	
11-13	PIKEVIEW	9025-G	.340	30.69	2.50	40	
11-13	CANON CITY	9025-G	.679	61.28	4.75	116	
11-14	ALAMOSA	8800-G	1.411	124.67	11.00	300	
11-14	FOWLER	7000-D	.797	55.79	4.50	128	
11-14	AVONDALE	8000-D	.666	53.28	4.00	92	
11-15	SIMLA	9025-G	.711	64.17	5.00	128	
11-15	PIKEVIEW	9025-G	.340	30.69	2.50	40	
11-15	ROCKY FORD	8050-D	.988	79.53	6.00	164	
11-16	PIKEVIEW	4250-G	.340	14.45			
		4000-D	.381	15.24	2.50	40	
TOTALS				\$1,396.02	111.50	2,692	158

BILLING FOR THE WEEK OF 1-5-69 to 1-11-69
13 WEEK INCENTIVE PLAN - BILLING NO. 2

Origin: Fountain, Colorado

DATE	DESTINATION	GALLONS	A or B	AMOUNT	HOURS	PLAINS MILES	MOUNTAIN MILES
1-5	SIMLA	8050-D	.797	64.16	5.25	128	
1-5	PIKEVIEW	9025-G	.340	30.69	2.50	40	
1-5	PIKEVIEW	3750-D	.381	14.29			
		5275-G	.340	17.94	2.75	40	
1-5	SPRINGFIELD	8050-D	1.998	160.84	11.50	392	
1-6	SALIDA	9025-G	1.266	114.26	8.25	118	112
1-6	CANON CITY	8050-D	.761	61.26	4.75	116	
1-6	MONTE VISTA	8800-G	1.539	135.43	11.00	334	
1-7	CANON CITY	9025-G	.679	61.28	4.75	116	
1-7	CANON CITY	9025-G	.679	61.28	4.75	116	
1-7	MONTE VISTA	8050-D	1.725	138.06	11.25	334	
1-8	WOODLAND PARK	6950-D	1.164	89.80			
		1050-G	1.038	10.90	5.75	40	46
1-8	PIKEVIEW	9025-G	.340	30.69	2.50	40	
1-8	ALAMOSA	8800-G	1.411	124.67	10.75	300	
1-9	PIKEVIEW	9025-G	.340	30.69	2.50	40	
1-9	LAS ANIMAS	8050-D	1.261	101.51	7.50	226	
1-9	MONTE VISTA	8800-G	1.539	135.43	11.00	334	
1-10	SIMLA	4250-D	.797	33.87			
		4775-G	.711	33.95	5.25	128	
1-10	SIMLA	9025-G	.711	64.17	5.25	128	
1-10	CANON CITY	9025-G	.679	61.28	5.25	116	
1-11	MONTROSE	8000-D	2.771	221.68	17.00	116	372
TOTALS				\$1,798.93	139.50	3,202	530

G - denotes Applying on Gasoline, Jet Fuel, Naphthas or solvents and turbine fuel weighing 6.6 pounds per gallon or less. Minimum weight 8,000 gallons.

D - denotes applying on Kerosene, distillate fuel oils, jet fuel, naphthas or solvents and turbine fuel weighing more than 6.6 pounds per gallon. Minimum weight 7,000 gallons.

RECAP OF BILLING NO. 45

	13 WEEK PLAN	PROPOSED 13 WEEK PLAN	MONTHLY PLAN	YEARLY PLAN
111.5 HOURS	x \$6.00 PER HR. EQUALS \$669.00	x \$6.18 PER HR. EQUALS \$689.07	x \$4.66 PER HR. EQUALS \$519.59	x \$4.66 PER HOUR EQUALS \$519.59
2692 PLAINS MILES	x .17¢ PER MILE " \$457.64	x .18¢ PER MILE " \$484.56		
158 MOUNTAIN MILES	x .19¢ PER MILE " 30.02	x .20¢ PER MILE " \$31.60		
	<u>\$1,156.66</u>	<u>\$1,205.23</u>		
MILES AS COMPUTED ACCORDING TO RULE II IN NEW INCENTIVE TARIFF				
2534 PLAINS MILES			x .16½¢ PER MILE " \$418.10	x .14½¢ PER MILE " \$367.43
316 MOUNTAIN MILES			x .18½¢ PER MILE " \$ 58.46	x .16½¢ PER MILE " \$ 52.14
BASE CHARGE AS IN SECTIONS 3 AND 4				
\$1,150.00 PER MONTH WITH PUMP -				
\$1,150.00 x 12 DIVIDED BY 52 = \$265.38 PER WEEK			PER WEEK " \$265.38	PER WEEK " \$265.38
TOTALS	<u>\$1,156.66</u>	<u>\$1,205.23</u>	<u>\$1,261.53</u>	<u>\$1,204.54</u>
SAVINGS IN PERCENTAGE OVER A-B RATES	17.14%	13.66%	9.63%	13.71%

RECAP OF BILLING NO. 2

	13 WEEK PLAN	PROPOSED 13 WEEK PLAN	MONTHLY PLAN	YEARLY PLAN
139.5 HOURS	x \$6.00 PER HR. EQUALS \$837.00	x \$6.18 PER HR. EQUALS \$862.11	x \$4.66 PER HR. EQUALS \$650.07	x \$4.66 PER HR. EQUALS \$650.07
3202 PLAINS MILES	x .17¢ PER MILE " 54.34	x .18¢ PER MILE " \$575.36		
530 MOUNTAIN MILES	x .19¢ PER MILE " \$100.70	x .20¢ PER MILE " \$106.00		
	<u>\$1,482.04</u>	<u>\$1,544.47</u>		
MILES AS COMPUTED ACCORDING TO RULE II IN NEW INCENTIVE TARIFF				
2928 PLAINS MILES			x .16½¢ PER MILE " \$483.12	x .14½¢ PER MILE " \$424.56
804 MOUNTAIN MILES			x .18½¢ PER MILE " \$148.74	x .16½¢ PER MILE " \$132.66
BASE CHARGE AS IN SECTIONS 3 AND 4				
\$1,150.00 PER MONTH WITH PUMP -				
\$1,150.00 x 12 DIVIDED BY 52 = \$265.38 PER WEEK			PER WEEK " \$265.38	PER WEEK " \$265.38
TOTALS	<u>\$1,482.04</u>	<u>\$1,544.47</u>	<u>\$1,547.31</u>	<u>\$1,472.67</u>
SAVINGS IN PERCENTAGE OVER A-B RATES	17.61%	14.14%	13.98%	18.13%

The Commission is in receipt of two letters from oil and refining companies, stating:

- (1) "We have no objections to this action by the carriers, if they feel that this will enable them to better serve the shipping public. We are still striving toward a program that will enable us to use the incentive rates in Colorado. Even though we are unable to do so at the present time, we hope to take advantage of them sometime in the future."
- (2) "This is to advise you that we have received Ward Transport, Inc., Ruan Transport, and Colorado Motor Carriers' tariff pertaining to incentive or volume tender rates and charges on petroleum products. We have reviewed this tariff and find that we are in favor of such a program and expect to utilize these rates in the near future."

"We think the proposed tariff on incentive rates is a step in the right direction. We have not used the A-1 and B-1 rate scale and do not oppose the deletion of these rates."

Since the proposed schedules appear to represent just and reasonable rates and productive benefits to carriers and shippers alike, the Commission finds that an Order should be entered in Case No. 1585, prescribing the said tariffs.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" attached hereto be, and they are hereby, made a part hereof.
2. That the rates and charges as set forth in Appendix "A" of this Order, subject to the rules and regulations as provided therein, should be the prescribed rates, rules and regulations, and provisions of the Commission.
3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein, to be effective July 1, 1969.
4. That all private carriers by motor vehicle, to the extent they are affected by the changes herein, shall publish, or cause to be published tariffs reflecting the changes prescribed herein, which shall not be less than those herein prescribed for motor vehicle common carriers, effective July 1, 1969.
5. That this Order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common


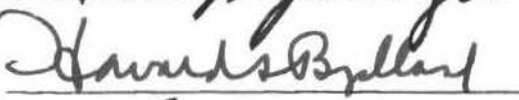
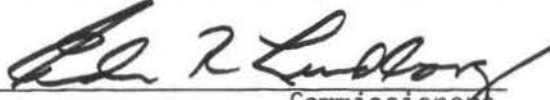
carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

7. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
26th day of June, 1969. av

APPENDIX "A"

naming

INCENTIVE OR VOLUME TENDER RATES AND CHARGES

FOR THE TRANSPORTATION OF

PETROLEUM PRODUCTS

In bulk in Tank Vehicles

Between Points Within the State of

COLORADO

ISSUED MAY 29, 1969

EFFECTIVE JULY 1, 1969

Case No. 1585
Decision No. 73195
June 26, 1969

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

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SECTION 1

RULE	GENERAL RULES AND REGULATIONS																																								
1	<p><u>EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS:</u></p> <table> <tr> <td>AVE.</td><td>AVENUE</td></tr> <tr> <td>BLVD.</td><td>BOULEVARD</td></tr> <tr> <td>COLO.</td><td>COLORADO</td></tr> <tr> <td>INC.</td><td>INCORPORATED</td></tr> <tr> <td>NO. OR NOS.</td><td>NUMBER OR NUMBERS</td></tr> <tr> <td>PUC</td><td>PUBLIC UTILITIES COMMISSION</td></tr> <tr> <td>So.</td><td>SOUTH</td></tr> <tr> <td>ST.</td><td>STREET</td></tr> <tr> <td>U. S.</td><td>UNITED STATES</td></tr> <tr> <td>VIZ.</td><td>NAMELY</td></tr> <tr> <td>OF.</td><td>DEGREES FAHRENHEIT</td></tr> <tr> <td>¢</td><td>CENTS</td></tr> <tr> <td>\$</td><td>DOLLARS</td></tr> <tr> <td>%</td><td>PER CENT</td></tr> <tr> <td>(N)</td><td>NO CHANGE IN RATE</td></tr> <tr> <td>+</td><td>ADDITION</td></tr> <tr> <td>o</td><td>INCREASES</td></tr> <tr> <td>o</td><td>REDUCTIONS</td></tr> <tr> <td>Δ</td><td>CHANGES, RESULTING IN NEITHER INCREASES NOR REDUCTIONS</td></tr> <tr> <td>(E)</td><td>ELIMINATE</td></tr> </table>	AVE.	AVENUE	BLVD.	BOULEVARD	COLO.	COLORADO	INC.	INCORPORATED	NO. OR NOS.	NUMBER OR NUMBERS	PUC	PUBLIC UTILITIES COMMISSION	So.	SOUTH	ST.	STREET	U. S.	UNITED STATES	VIZ.	NAMELY	OF.	DEGREES FAHRENHEIT	¢	CENTS	\$	DOLLARS	%	PER CENT	(N)	NO CHANGE IN RATE	+	ADDITION	o	INCREASES	o	REDUCTIONS	Δ	CHANGES, RESULTING IN NEITHER INCREASES NOR REDUCTIONS	(E)	ELIMINATE
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2	<p><u>GOVERNING PUBLICATION:</u></p> <p>THIS TARIFF IS SUBJECT TO THE PROVISIONS OF MOTOR CARRIERS' EXPLOSIVES AND DANGEROUS ARTICLES TARIFF NO. 13, COLO. PUC 11, SUPPLEMENTS THERETO AND/OR SUCCESSIVE ISSUES THEREOF.</p>																																								
3	<p><u>DEFINITIONS:</u></p> <p>AS USED IN THIS TARIFF --</p> <p>"VEHICLE UNIT" MEANS ANY SINGLE IDENTIFIED POWER UNIT, TANK MOTOR TRUCK, TANK TRAILER, OR TANK SEMI-TRAILER, OR ANY COMBINATION OF SUCH HIGHWAY VEHICLES OPERATED AS A SINGLE UNIT, AND SHALL ALSO INCLUDE ANY OF SUCH VEHICLES OR PORTION THEREOF USED IN REPLACEMENT OF CARRIER'S VEHICLE UNIT WHICH SHALL HAVE BECOME INOPERABLE WHILE ENGAGED IN TRANSPORTATION UNDER THIS TARIFF. THE TERM DOES NOT INCLUDE VEHICLES EQUIPPED WITH PRESSURE CARGO VESSELS. THE TERM INCLUDES A ONE-MAN CREW.</p> <p>"ONE DAY" OR "DAILY PERIOD" MEANS A PERIOD OF TWENTY-FOUR (24) CONSECUTIVE HOURS.</p> <p>"A CALENDAR MONTH" OR "A MONTH" MEANS THAT PERIOD OF TIME COMMENCING AT 12:01 O'CLOCK IN THE MORNING OF THE FIRST DAY OF ANY MONTH AND EXPIRING AT MIDNIGHT, 12:00 O'CLOCK P.M., ON THE LAST DAY OF THE MONTH, WITHOUT REGARD TO THE NUMBER OF DAYS IN THE PARTICULAR MONTH.</p> <p>"A YEAR" MEANS TWELVE (12) CONSECUTIVE CALENDAR MONTHS.</p> <p>"SHIPMENT" MEANS A QUANTITY OF PRODUCT WHICH QUALIFIES FOR TRANSPORTATION UNDER THE TARIFF, TENDERED AT ONE TIME TO BE PICKED UP AND/OR DELIVERED IN ONE VEHICLE UNIT OF CARRIER'S EQUIPMENT.</p>																																								

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 1

RULE	GENERAL RULES AND REGULATIONS
4	<p><u>COMMODITIES FOR WHICH RATES AND CHARGES ARE NAMED IN THIS TARIFF:</u></p> <p>PETROLEUM AND PETROLEUM PRODUCTS, VIZ.:</p> <p>ABSORPTION OIL BLENDED GASOLINE (SEE NOTE 1) GASOLINE (EXCEPT CASINGHEAD (NATURAL) GASOLINE) JET FUEL NAPHTHA REFINED OIL, VIZ.: ILLUMINATING OR BURNING (SEE NOTE 2) GAS OIL DIESEL FUEL DISTILLATE TURBINE FUEL</p> <p>IN BULK, IN TANK VEHICLES.</p> <p>NOTE 1: THE TERM "BLENDED GASOLINE" COVERS MOTOR FUELS CONTAINING 50 PER CENT OR MORE OF GASOLINE.</p> <p>NOTE 2: DOES NOT INCLUDE RESIDUAL FUEL OIL OR BURNER FUEL NOS. 3, 4, 5 AND 6.</p>
5	<p><u>DESCRIPTION OF PLAINS TERRITORY AND MOUNTAIN TERRITORY:</u></p> <p>AS USED IN THIS TARIFF, THE PLAINS TERRITORY AND THE MOUNTAIN TERRITORY SHALL BE THOSE PORTIONS OF THE STATE OF COLORADO WHICH ARE DESCRIBED AS FOLLOWS:</p> <p>PLAINS TERRITORY SHALL CONSTITUTE THAT TERRITORY LYING ON AND EAST OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE COLORADO-WYOMING STATE LINE FIVE MILES WEST OF U. S. HIGHWAY 287; THENCE SOUTH VIA AIRLINE TO MASONVILLE; THENCE SOUTH ALONG UNNUMBERED ROAD TO JUNCTION OF SAME WITH U. S. HIGHWAY 34 (WEST OF LOVELAND); THENCE VIA AIRLINE TO LYONS; THENCE VIA COLORADO HIGHWAY 7 TO BOULDER; THENCE VIA COLORADO HIGHWAY 93 THROUGH GOLDEN TO MORRISON; THENCE VIA AIRLINE TO JUNCTION OF COLORADO 67 AND 105 (WEST OF SEDALIA); THENCE VIA COLORADO HIGHWAY 105 TO PALMER LAKE AND CONNECTION WITH INTERSTATE HIGHWAY 25; THENCE ALONG INTERSTATE HIGHWAY 25 TO ITS JUNCTION WITH COLORADO HIGHWAY 83; THENCE VIA AIRLINE DISTANCE TO JUNCTION OF COUNTY HIGHWAY APPROXIMATELY 2 MILES EAST OF MANITOU SPRINGS, INCLUDING MANITOU SPRINGS, STRATTON PARK DISTRICT (NORTHWEST OF BROADMOOR DISTRICT ADJOINING THERETO) AND BROADMOOR DISTRICT; THENCE VIA COLORADO HIGHWAY 115 TO ITS JUNCTION WITH U. S. HIGHWAY 50; THENCE VIA U. S. HIGHWAY 50 TO CANON CITY; THENCE VIA AIRLINE THROUGH WETMORE, BEULAH AND COLORADO CITY TO INTERSTATE HIGHWAY 25; THENCE ALONG INTERSTATE HIGHWAY 25 THROUGH WALSBURG TO TRINIDAD; THENCE WEST ALONG COLORADO HIGHWAY 12 TO STONEWALL; THENCE VIA AIRLINE DUE SOUTH TO THE COLORADO-NEW MEXICO STATE LINE.</p> <p>EXCEPTION: POINTS ON AND ENCLOSED BY THE FOLLOWING DESCRIBED LINE SHALL BE CONSIDERED AS BEING IN PLAINS TERRITORY: BEGINNING AT WALSBURG, THENCE WEST OF U. S. HIGHWAY 160 TO JUNCTION WITH UNNUMBERED HIGHWAY APPROXIMATELY 5 MILES WEST OF BLANCA; THENCE NORTH VIA UNNUMBERED HIGHWAY TO ITS JUNCTION WITH STATE HIGHWAY 150; THENCE NORTH VIA AIRLINE THROUGH CRESTONE TO VILLA GROVE; THENCE SOUTH VIA U. S. HIGHWAY 285 TO CENTER; THENCE WEST VIA STATE HIGHWAY 112 TO DEL NORTE; THENCE EAST VIA U. S. HIGHWAY 160 TO MONTE VISTA; THENCE SOUTH VIA STATE HIGHWAY 15 TO CAPULIN; THENCE SOUTH VIA AIRLINE TO THE COLORADO-NEW MEXICO STATE LINE; THENCE EAST ALONG THE COLORADO-NEW MEXICO STATE LINE TO U. S. HIGHWAY 85; THENCE NORTH TO THE POINT OF BEGINNING.</p> <p>EXCEPTION: POINTS ON AND ENCLOSED BY THE FOLLOWING DESCRIBED LINE SHALL BE CONSIDERED AS BEING IN PLAINS TERRITORY: BEGINNING AT A POINT ON THE COLORADO-WYOMING STATE LINE ON COLORADO HIGHWAYS 13 AND 789 TO CRAIG; THENCE EAST VIA COLORADO HIGHWAY 2 AND U. S. HIGHWAY 40 TO THE JUNCTION OF COLORADO HIGHWAY 131 SOUTH OF STEAMBOAT SPRINGS; THENCE VIA COLORADO HIGHWAY 131 THROUGH OAK CREEK, PHIPPSBURG, YAMPA, TOPONAS, MCCOY AND BOND TO JUNCTION OF COLORADO HIGHWAY 131, COLORADO HIGHWAY 4, U. S. HIGHWAYS 6 AND 24 AND INTERSTATE HIGHWAY 70 AT WOLCOTT; FROM WOLCOTT EAST ON COLORADO HIGHWAY 4 AND U. S. HIGHWAY 24 TO MINTURN; THENCE VIA AIRLINE THROUGH ASPEN AND MAHER TO A POINT 8 MILES EAST OF MONTROSE ON COLORADO HIGHWAY 6 AND U. S. HIGHWAY 50; THENCE VIA U. S. HIGHWAY 50 TO THE COLORADO-UTAH STATE LINE; THENCE NORTH ON THE COLORADO-UTAH STATE LINE TO THE COLORADO-WYOMING STATE LINE; THENCE EAST ALONG THE COLORADO-WYOMING STATE LINE TO THE POINT OF BEGINNING.</p> <p>MOUNTAIN TERRITORY SHALL INCLUDE THAT PORTION OF THE STATE NOT INCLUDED IN THE ABOVE-DESCRIBED PLAINS TERRITORY.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION I

RULE	GENERAL RULES AND REGULATIONS								
6	<p><u>DESCRIPTION OF DENVER METROPOLITAN AREA:</u></p> <p>AS USED HEREIN, THE DENVER METROPOLITAN AREA WILL BE THAT PORTION OF THE STATE OF COLORADO DESCRIBED AS FOLLOWS:</p> <p>ON AND WITHIN AN AREA BEGINNING AT A POINT AT THE INTERSECTION OF STATE HIGHWAY 2 AND EAST 120TH AVENUE; THENCE WEST ON 120TH AVENUE VIA AN AIRLINE TO THE INTERSECTION OF 120TH AVENUE AND MCINTYRE STREET; THENCE SOUTH VIA AN AIRLINE ROUTE ON MCINTYRE STREET TO THE INTERSECTION OF MCINTYRE STREET AND COAL MINE ROAD; THENCE EAST VIA AN AIRLINE ROUTE ON COAL MINE ROAD AND/OR ARAPAHOE ROAD TO AN INTERSECTION OF COAL MINE ROAD AND/OR ARAPAHOE ROAD AND TOWER ROAD; THENCE NORTH VIA AN AIRLINE ROUTE ON TOWER ROAD TO THE INTERSECTION OF TOWER ROAD AND 120TH AVENUE; THENCE WEST VIA 120TH AVENUE VIA AN AIRLINE ROUTE TO THE POINT OF BEGINNING.</p>								
8	<p><u>DENVER, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTION 3 AND SECTION 4 OF THIS TARIFF, THE PRIMARY POINT OF ORIGIN OF DENVER, COLORADO, WILL BE DEEMED TO INCLUDE THE FOLLOWING REFINERIES AND TERMINALS LOCATED IN THE DENVER AREA:</p> <table border="0"> <tr> <td>CONTINENTAL OIL REFINERY</td><td>PHILLIPS PIPELINE TERMINAL</td></tr> <tr> <td>DENVER PRODUCTS TERMINAL</td><td>SHAMROCK OIL & GAS CORPORATION TERMINAL</td></tr> <tr> <td>EMPIRE PETROLEUM COMPANY</td><td>TENNECO OIL COMPANY REFINERY</td></tr> <tr> <td>ORIENTAL OIL REFINERY</td><td>WYCO PIPELINE TERMINAL (DUPONT)</td></tr> </table> <p>PROVIDED THE TERMINAL OR REFINERY NAMED IS WITHIN FIFTEEN AIRLINE MILES OF THE COLORADO STATE CAPITOL BUILDING.</p> <p><u>FOUNTAIN, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTION 3 AND SECTION 4 OF THIS TARIFF, THE PRIMARY POINT OF ORIGIN OF FOUNTAIN, COLORADO, WILL BE DEEMED TO INCLUDE THE FOUNTAIN PIPE LINE TERMINAL.</p> <p><u>LA JUNTA, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTION 3 AND SECTION 4 OF THIS TARIFF, THE PRIMARY POINT OF ORIGIN OF LA JUNTA, COLORADO, WILL BE DEEMED TO INCLUDE THE PHILLIPS PETROLEUM PIPE LINE TERMINAL AND SHAMROCK PETROLEUM PIPE LINE TERMINAL, IF THE TERMINAL NAMED IS WITHIN 5 AIRLINE MILES OF THE OTERO COUNTY COURT HOUSE.</p>	CONTINENTAL OIL REFINERY	PHILLIPS PIPELINE TERMINAL	DENVER PRODUCTS TERMINAL	SHAMROCK OIL & GAS CORPORATION TERMINAL	EMPIRE PETROLEUM COMPANY	TENNECO OIL COMPANY REFINERY	ORIENTAL OIL REFINERY	WYCO PIPELINE TERMINAL (DUPONT)
CONTINENTAL OIL REFINERY	PHILLIPS PIPELINE TERMINAL								
DENVER PRODUCTS TERMINAL	SHAMROCK OIL & GAS CORPORATION TERMINAL								
EMPIRE PETROLEUM COMPANY	TENNECO OIL COMPANY REFINERY								
ORIENTAL OIL REFINERY	WYCO PIPELINE TERMINAL (DUPONT)								
10	<p><u>PUMPING EQUIPMENT:</u></p> <p>EXCEPT AS OTHERWISE PROVIDED, CARRIER WILL, IF REQUESTED TO DO SO, FURNISH A PUMP FOR LOADING AND/OR UNLOADING THE TRANSPORT.</p>								
11	<p><u>METHOD FOR DETERMINING RATES AND CHARGES WHERE TRAVEL OVER MOUNTAIN HIGHWAYS IS INVOLVED:</u></p> <p>FOR PURPOSES OF APPLICATION OF RATES AND CHARGES SPECIFIED IN SECTION 3 AND SECTION 4 HEREOF THE MOUNTAIN SCALE OF RATES AND CHARGES WILL BE USED IN COMPUTING THE CHARGE FOR A MOVEMENT FROM ORIGIN TO DESTINATION AND TO NEXT POINT OF ORIGIN, ANY PART OF WHICH MOVEMENT IS OVER A HIGHWAY OR HIGHWAYS LOCATED IN THE AREA DESCRIBED IN RULE 5 AS MOUNTAIN TERRITORY.</p>								
12	<p><u>DIVERSION AND RECONSIGNMENT:</u></p> <p>PRODUCTS MOVING UNDER RATES AND CHARGES PROVIDED IN THIS TARIFF MAY BE DIVERTED OR RECONSIGINED IN TRANSIT OR AFTER ARRIVAL AT DESTINATION, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <p>(A) IF SHIPMENT CONSISTS OF MORE THAN ONE SEPARATE TANK, THE ENTIRE SHIPMENT OR ANY SEPARATE AND FULL TANK OR TANKS MAY BE DIVERTED OR RECONSIGINED, PROVIDED, HOWEVER, THAT ONLY ONE DIVERSION OR RECONSIGNMENT WILL BE PERMITTED ON ANY COMPLETE SHIPMENT OR PART THEREOF.</p> <p>(B) ORDERS FOR DIVERSION OR RECONSIGNMENT MUST BE PLACED WITH THE CARRIER AT ITS OPERATING TERMINAL.</p> <p>(C) CARRIER WILL MAKE DILIGENT EFFORT TO ACCOMPLISH DIVERSION OR RECONSIGNMENT, BUT WILL NOT BE RESPONSIBLE IF SUCH INSTRUCTIONS CANNOT BE CARRIED OUT DUE TO CIRCUMSTANCES OVER WHICH THE CARRIER HAS NO CONTROL.</p> <p>(D) CHARGE FOR DIVERSION OR RECONSIGNMENT OF EACH SHIPMENT OR TANKLOAD OF PRODUCTS, AS DEFINED IN THIS TARIFF, WILL BE \$5.00 IN ADDITION TO CHARGES COMPUTED AT RATES OR CHARGES APPLICABLE FROM POINT OF ORIGIN TO FINAL DESTINATION OF THE VEHICLE UNIT OR UNITS DIVERTED OR RECONSIGINED. THE DISTANCE OR MILEAGE CHARGES ON A DIVERTED OR RECONSIGINED SHIPMENT SHALL BE MEASURED OVER THE ACTUAL ROUTE OF MOVEMENT OF CARRIER'S VEHICLE UNIT FROM ORIGIN TO FINAL DESTINATION.</p>								

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION I	
RULE	GENERAL RULES AND REGULATIONS
13	<p><u>REJECTED SHIPMENTS:</u></p> <p>IF FOR ANY REASON NOT ASCRIBABLE TO THE CARRIER ALL OR A PORTION OF A QUANTITY OF PRODUCT MOVING UNDER THE PROVISIONS OF SECTION 2 HEREOF IS REJECTED OR REFUSED BY CONSIGNEE AT DESTINATION, AND UPON INSTRUCTIONS FROM THE SHIPPER OR HIS AGENT IS RETURNED TO POINT OF ORIGIN, THE TRANSPORTATION ON RETURN OF THE REJECTED OR REFUSED PRODUCT WILL BE SUBJECT TO TWENTY-FIVE PER CENT OF THE OUTBOUND RATES AND CHARGES BASED ON ACTUAL GALLONS RETURNED, SUBJECT TO A MINIMUM CHARGE OF \$25.00 FOR THE RETURN OF THE REJECTED OR REFUSED PRODUCT BACK TO POINT OF ORIGIN.</p>
14	<p><u>EMERGENCY ROUTING:</u></p> <p>IN THE CONDUCT OF OPERATIONS UNDER THIS TARIFF CARRIER WILL ATTEMPT TO USE THE SHORTEST PRACTICABLE ROUTING. WHERE, DUE TO FLOODS, FIRES, SNOW, CONDITIONS OF BRIDGES, ROADS, BARRIERS IMPOSED BY LAW ENFORCEMENT OFFICERS, OR OTHER CONDITIONS BEYOND THE CONTROL OF THE CARRIER, IT IS IMPRACTICABLE TO OPERATE VEHICLES OVER HIGHWAYS FORMING THE SHORTEST DISTANCE BETWEEN ORIGIN AND DESTINATION, THE VEHICLE WILL BE MOVED OVER THE MOST PRACTICAL ROUTE OVER WHICH IT CAN BE MOVED TO THE DESTINATION. IN SUCH INSTANCES, MILEAGE OR DISTANCE WILL BE DETERMINED OVER THE ROUTE OF MOVEMENT OF THE VEHICLE.</p>
15	<p><u>IMPRACTICABLE OPERATION:</u></p> <p>UNDER THE TARIFF THE CARRIER WILL NOT RECEIVE PRODUCTS FOR TRANSPORTATION TO DESTINATIONS WHICH ON ACCOUNT OF CONDITIONS OF ROADS IT IS IMPRACTICABLE TO OPERATE TANK TRANSPORT EQUIPMENT OR TO MAKE DELIVERIES AT LOCATION AT DESTINATION TO WHICH LOCATION ON ACCOUNT OF CONDITION OF STREETS OR ROADWAYS IT IS IMPRACTICABLE TO OPERATE TANK TRANSPORT EQUIPMENT.</p>
16	<p><u>STOPPING IN TRANSIT FOR PARTIAL DELIVERIES AT MULTIPLE DESTINATION:</u></p> <p>SUBJECT TO ALL APPLICABLE RATES AND CHARGES, SHIPMENT OF PRODUCTS MOVING PURSUANT TO THIS TARIFF MAY BE STOPPED IN TRANSIT FOR THE PURPOSE OF PARTIAL UNLOADING, SUBJECT TO THE FOLLOWING:</p> <p>BILL OF LADING MUST SPECIFY THE NAME OF CONSIGNEE, POINT OF FINAL DESTINATION, THE INTERMEDIATE STOP-OFF POINT OR POINTS AT WHICH TRUCK IS TO BE STOPPED FOR PARTIAL UNLOADING, A DESCRIPTION AND QUANTITY OF THE PRODUCT TO BE UNLOADED, AND THE NAME AND ADDRESS OF THE PERSON AT EACH INTERMEDIATE STOP-OFF POINT WHO IS TO UNLOAD THE FREIGHT.</p>
17	<p><u>COLLECT-ON-DELIVERY SHIPMENTS:</u></p> <p>WHEN INSTRUCTED BY THE CONSIGNOR, CARRIER WILL COLLECT UPON DELIVERY INVOICE CHARGES IN THE FOLLOWING ACCEPTABLE FORMS OF PAYMENT:</p> <p>(A) CERTIFIED CHECK, MONEY ORDER OR BANK CASHIER'S CHECK PAYABLE TO THE SHIPPER;</p> <p>(B) ASSIGNED CREDIT SLIPS;</p> <p>(C) PERSONAL CHECKS WHEN SPECIFICALLY AUTHORIZED IN WRITING BY CONSIGNOR.</p> <p>WHEN PAYMENT FORM (B) IS UTILIZED, CARRIER WILL NOT BE LIABLE FOR THE CORRECTNESS OF THEIR TOTAL.</p> <p>TRANSMITTAL IN THE EXACT FORM RECEIVED FROM THE CONSIGNEE WILL BE MADE BY THE CARRIER TO THE CONSIGNOR WITHIN FIVE DAYS AFTER DELIVERY OF THE SHIPMENT. THE CHARGE FOR PERFORMING THE SERVICE DESCRIBED IN THIS RULE SHALL BE \$2.50 FOR EACH SUCH COLLECTION REQUESTED BY THE CONSIGNOR. SUCH CHARGES SHALL BE BILLED TO AND COLLECTED FROM THE CONSIGNOR AND SHALL BE IN ADDITION TO ALL OTHER APPLICABLE RATES AND CHARGES.</p>
18	<p><u>UNATTENDED PICK-UP AND DELIVERY:</u></p> <p>THE TERM "FREE ACCESS", AS USED HEREIN, MEANS THAT SHIPPERS HAVE MADE THEIR PREMISES AVAILABLE TO CARRIERS FOR LOADING AT POINT OF ORIGIN AND UNLOADING AT POINT OF DESTINATION ANY TIME DURING THE TWENTY-FOUR HOURS OF A DAY.</p> <p>CARRIER WILL PERFORM LOADING OPERATIONS AT THE POINT OF ORIGIN AND UNLOADING OPERATIONS AT POINT OF DESTINATION IN THE ABSENCE OF THE CONSIGNEE, CONSIGNOR, OR THEIR AGENTS, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <p>(A) PRIOR ARRANGEMENTS MUST BE MADE BETWEEN CONSIGNOR, CONSIGNEE, OR THEIR AGENTS, AND THE MOTOR CARRIER SUPPLIED WITH KEY OR KEYS NECESSARY;</p> <p>(B) CONSIGNOR, CONSIGNEE, OR THEIR AGENTS, SHALL HAVE PREPARED THE PREMISES FOR UNATTENDED OPERATIONS;</p> <p>(C) CONSIGNEE SHALL SET INTAKE VALVES AND PROPERLY MARK UNLOADING SPOUTS SO THAT PRODUCT WILL FLOW TO DESIRED TANK OR TANKS. CARRIER WILL ASSUME NO RESPONSIBILITY FOR MIXTURE OF PRODUCTS.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 1

RULE	GENERAL RULES AND REGULATIONS
19	<p><u>HOLIDAYS:</u></p> <p>FOR PURPOSES OF THIS TARIFF, A HOLIDAY IS DEFINED AS THE PERIOD OF TIME A LOADING TERMINAL OR REFINERY IS CLOSED IN OBSERVANCE OF SUCH HOLIDAY, AND SHALL BE THE FOLLOWING NAMED HOLIDAYS: NEW YEAR'S DAY; WASHINGTON'S BIRTHDAY; MEMORIAL DAY; JULY 4TH; LABOR DAY; THANKSGIVING DAY; DECEMBER 24, AND CHRISTMAS DAY.</p>

SECTION 2

DAILY PLAN

THE RATES AND CHARGES IN THIS SECTION APPLY FOR THE TRANSPORTATION OF PETROLEUM PRODUCTS, IN BULK, IN TANK VEHICLES, AS DESCRIBED IN RULE 4, SECTION 1, FROM BULK PETROLEUM ORIGIN POINTS LOCATED WITHIN THE STATE OF COLORADO TO POINTS AND PLACES IN COLORADO, SUBJECT TO AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1 AND SECTION 2 OF THIS TARIFF.

SECTION 2 - DAILY PLAN

DISTANCE IN MILES		RATES IN CENTS PER GALLON		
OVER	NOT OVER	MINIMUM GALLONAGE		
		30,000	40,000	50,000
0	30	.39	.36	.33
30	40	.47	.43	.39
40	50	.55	.50	.45
50	60	.63	.57	.51
60	70	.71	.64	.57
70	80	.79	.71	.63
80	90	.87	.78	.69

RULE	RULES AND REGULATIONS
1	<p>MINIMUM GALLONAGE SHALL BE THAT GALLONAGE OF BULK PETROLEUM PRODUCTS DELIVERED BY THE CARRIER BY ONE VEHICLE UNIT OF THE CARRIER'S EQUIPMENT WITHIN TWENTY-FOUR CONSECUTIVE HOURS, SUBJECT TO RULE 2.</p> <p>(A) WHERE PRODUCT BEING SHIPPED CONSISTS OF GASOLINE, JET FUEL (JP 1, 2 OR 3), NAPHTHAS OR SOLVENTS WEIGHING 6.6 POUNDS PER GALLON OR LESS, OR TURBINE FUEL WEIGHING 6.6 POUNDS PER GALLON OR LESS, CARRIER'S VEHICLE UNIT SHALL BE LOADED WITH NOT LESS THAN 8,000 GALLONS AT THE POINT OF ORIGIN.</p> <p>(B) WHERE PRODUCT BEING SHIPPED CONSISTS OF KEROSENE, DISTILLATE FUEL OILS, JET FUEL (JP 4 AND 5), NAPHTHAS OR SOLVENTS WEIGHING MORE THAN 6.6 POUNDS PER GALLON, OR TURBINE FUEL WEIGHING MORE THAN 6.6 POUNDS PER GALLON, CARRIER'S VEHICLE UNIT SHALL BE LOADED WITH NOT LESS THAN 7,000 GALLONS AT THE POINT OF ORIGIN.</p> <p>(C) WHERE CARRIER'S VEHICLE IS LOADED WITH A MIXED SHIPMENT OF PRODUCTS NAMED IN (A) AND (B) ABOVE, CARRIER'S VEHICLE UNIT SHALL BE LOADED WITH NOT LESS THAN 7,000 GALLONS.</p> <p>(D) WHERE SHIPPER REQUIRES CARRIER'S VEHICLE UNIT TO BE OPERATED DEPARTING ORIGIN POINT WITH LESS THAN REQUIRED MINIMUM LOAD, AS SET FORTH IN (A), (B) AND (C) ABOVE, SUCH DEFICIT PORTION OF THE COMPOSITE SHIPMENT SHALL BE CHARGED FOR AS THOUGH THE REQUIRED MINIMUM LOAD HAD BEEN TRANSPORTED.</p> <p>(E) WHEN CHARGES ACCRUING UNDER THIS SECTION ARE COMPUTED ON MORE THAN ONE MILEAGE AND IT BECOMES NECESSARY TO ASSESS THE CHARGE FOR A GALLONAGE DEFICIENCY, SUCH DEFICIENCIES BETWEEN ACTUAL GALLONAGE DELIVERED AND THE MINIMUM SHALL BE COMPUTED ON THE BASIS OF THE LOWEST MILEAGE RATE ASSESSED FOR THE GALLONAGE ACTUALLY DELIVERED.</p>
2	<p>IF AT THE EXPIRATION OF THE TWENTY-FOUR HOUR PERIOD ANY PORTION OF THE QUANTITY TENDERED DURING THE PERIOD REMAINS UNDELIVERED IN THE CARRIER'S EQUIPMENT, IN ADDITION TO ALL OTHER RATES AND CHARGES A CHARGE OF \$2.00 PER ONE-QUARTER HOUR OR FRACTION THEREOF SHALL APPLY FOR THE TIME THEREAFTER REQUIRED TO COMPLETE DELIVERY OF SUCH PORTION.</p>
3	<p>FOR THE PURPOSE OF THIS SECTION, TIME SHALL BE COMPUTED FROM THE TIME OF ARRIVAL OF CARRIER'S EQUIPMENT AT FIRST POINT OF ORIGIN UNTIL THE RETURN OF CARRIER'S EQUIPMENT TO FIRST POINT OF ORIGIN OR CARRIER'S TERMINAL. WHEN, THROUGH NO FAULT OF SHIPPER, CARRIER'S EQUIPMENT IS DELAYED, SUCH DELAY TIME SHALL BE EXCLUDED FROM THE TWENTY-FOUR HOUR PERIOD.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 2 - DAILY PLAN

RULE	RULES AND REGULATIONS
4	<p>DISTANCES TO BE USED IN ASSESSING THE MILEAGE RATES PUBLISHED IN THIS SECTION WILL BE THOSE DETERMINED BY USE OF THE CURRENT YEAR'S OFFICIAL COLORADO STATE HIGHWAY DEPARTMENT MAP. THE DISTANCE SHALL BE DETERMINED FROM THE ACTUAL POINT OF ORIGIN TO THE ACTUAL POINT OF DESTINATION, EXCEPT AS HEREINAFTER PROVIDED.</p> <p>(A) FROM ORIGINS OR LOADING POINTS DEFINED AS DENVER ORIGIN IN RULE 8 OF SECTION 1, DISTANCES SHALL BE MEASURED FROM THE CORNER OF COLFAX AND BROADWAY IN DENVER, COLORADO.</p> <p>(B) ON SHIPMENTS ORIGINATING AT THE LA JUNTA PIPELINE TERMINAL, DISTANCES SHALL BE MEASURED FROM THE OTERO COUNTY COURT HOUSE IN LA JUNTA, COLORADO.</p>
5	<p>WHEN A SINGLE LOAD CONTAINS MULTIPLE DELIVERIES, MILEAGE OF THE FULL LOAD SHALL BE COMPUTED TO THE FARTHEST POINT OF DESTINATION VIA ALL OTHER POINTS OF DELIVERY, EXCEPT NO EXTRA MILEAGE SHALL BE APPLICABLE BETWEEN POINTS OF DESTINATION LOCATED IN THE SAME MUNICIPALITY.</p>
6	<p>WHEN SHIPMENTS ARE STOPPED IN TRANSIT TO PARTIALLY LOAD OR UNLOAD, A CHARGE OF \$5.00 PER STOP IN TRANSIT, IN ADDITION TO ALL OTHER CHARGES, WILL BE ASSESSED.</p>
7	<p>THE PROVISIONS OF THIS SECTION SHALL NOT APPLY UNLESS AT THE TIME OF OR PRIOR TO THE TENDER OF THE SHIPMENT A SINGLE BILL OF LADING OR OTHER SHIPPING DOCUMENT SHALL HAVE BEEN ISSUED FOR THE COMPOSITE SHIPMENT AND THE CARRIER SHALL HAVE BEEN FURNISHED WITH WRITTEN INSTRUCTIONS SHOWING THE NAME OF THE CONSIGNEE OR CONSIGNEES, POINT OR POINTS OF DESTINATION, AND THE NUMBER OF GALLONS IN EACH COMPONENT PART OF THE SHIPMENT. FREIGHT CHARGES MUST BE PREPAID BY THE SHIPPER.</p>
8	<p>WHEN CHARGES ACCRUING ON A SHIPMENT BASED UPON ACTUAL GALLONAGE EXCEED THE CHARGES COMPUTED UPON A RATE BASED UPON A GREATER MINIMUM GALLONAGE, THE LATTER SHALL APPLY.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 3 MONTHLY PLAN

RATES AND CHARGES PUBLISHED IN THIS SECTION WILL APPLY FOR THE TRANSPORTATION OF PETROLEUM PRODUCTS, IN BULK, IN TANK VEHICLES, AS DESCRIBED IN RULE 4 OF SECTION 1 OF THIS TARIFF, TENDERED DURING A CALENDAR MONTH, PROVIDED THE SHIPPER NOTIFIES THE CARRIER IN WRITING OF ITS ELECTION TO UTILIZE A SPECIFIC VEHICLE UNIT UNDER THE PROVISIONS OF THIS SECTION AND DESIGNATES A PRIMARY POINT OF ORIGIN AND A PARTICULAR CALENDAR MONTH DURING WHICH THE TRANSPORTATION SERVICE IS TO BE PERFORMED. SUCH NOTICE MUST BE GIVEN SEVEN DAYS IN ADVANCE OF THE FIRST DAY ON WHICH THE SERVICE IS TO START. IF THE SERVICE IS TO BEGIN ON OTHER THAN THE FIRST DAY OF A MONTH, THE PROVISIONS OF RULE 8 WILL APPLY, AND THE SERVICE MUST BE CONTINUED THROUGH THE REMAINDER OF THAT MONTH AND THE ENTIRE FOLLOWING CALENDAR MONTH. THE SERVICE UNDER THIS SECTION IS SUBJECT TO THE FOLLOWING RATES, CHARGES AND CONDITIONS.

SECTION 3 - MONTHLY PLAN

RATES PER VEHICLE UNIT

THE FREIGHT CHARGE PER VEHICLE UNIT PER CALENDAR MONTH SHALL BE THE SUM OF THE THREE INDIVIDUAL RATE FACTORS SET FORTH BELOW.

(1) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, A BASIC CHARGE PER VEHICLE UNIT PER CALENDAR MONTH OF \$1,100.00, PLUS ADDITIONAL CHARGES FOR RECORDING METER AND/OR PUMPING EQUIPMENT AS SET FORTH BELOW:

RECORDING METER \$50.00 PER METER
PUMPING EQUIPMENT, 50.00

(2) PLUS A CHARGE OF SIXTEEN AND ONE-HALF CENTS ($16\frac{1}{2}\text{¢}$) PER RUNNING MILE OR FRACTION THEREOF TRAVERSED IN PLAINS TERRITORY EXCEPT WITHIN DENVER METROPOLITAN AREA WHERE A CHARGE OF 30¢ PER RUNNING MILE WILL BE ADDED, AND PLUS A CHARGE OF EIGHTEEN AND ONE-HALF CENTS ($18\frac{1}{2}\text{¢}$) PER RUNNING MILE OR FRACTION THEREOF TRAVERSED IN MOUNTAIN TERRITORY.

(3) PLUS EITHER A CHARGE OF FOUR DOLLARS AND SIXTY-SIX CENTS (\$4.66) PER HOUR OR FRACTION THEREOF, OR A CHARGE OF SEVENTEEN AND ONE-HALF CENTS ($17\frac{1}{2}\text{¢}$) PER RUNNING MILE OF FRACTION THEREOF TRAVERSED, WHICHEVER IS GREATER.

WHEN, AT THE REQUEST OF THE SHIPPER, A DRIVER IS CALLED TO WORK AND, THROUGH NO FAULT OF THE CARRIER'S PERSONNEL OR EQUIPMENT, WORKS LESS THAN EIGHT HOURS, A MINIMUM CHARGE OF THIRTY-SEVEN DOLLARS AND THIRTY-FOUR CENTS (\$37.34) WILL APPLY TO THIS RATE FACTOR FOR SUCH EIGHT-HOUR PERIOD.

(4) THE MINIMUM FREIGHT CHARGE PER VEHICLE UNIT PER CALENDAR MONTH SHALL BE THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$3,750) FOR EACH VEHICLE UNIT PERFORMING SERVICE PURSUANT TO THE TERMS AND CONDITIONS OF THIS SECTION.

RULE	RULES AND REGULATIONS
2	IN ASSESSING THE CHARGES SET FORTH IN PARAGRAPHS (2) AND (3) ABOVE, THE MILEAGE AND/OR HOURLY CHARGES WILL ACCRUE FROM THE TIME OF ARRIVAL OF CARRIER'S VEHICLE AT THE PRIMARY POINT OF ORIGIN TO TRANSPORT THE FIRST SHIPMENT, AND WILL INCLUDE ALL TIME AND/OR MILEAGE INCURRED THEREAFTER, EXCEPT AS MAY BE REQUIRED TO SERVICE OR REPAIR THE VEHICLE, TO AND INCLUDING THE LAST DAY OF THE PARTICULAR CALENDAR MONTH, AND THE RETURN OF CARRIER'S VEHICLE UNIT TO THE PRIMARY POINT OF ORIGIN, AT WHICH TIME THE MILEAGE AND/OR HOURLY CHARGES WILL TERMINATE. CARRIERS WILL MAKE AVAILABLE TO THE SHIPPER AT LEAST SIX HUNDRED (600) HOURS OF USE PER CALENDAR MONTH ON EACH VEHICLE UNIT COMMITTED TO VOLUME INCENTIVE SERVICE AS PROVIDED IN THIS SECTION.

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 3 - MONTHLY PLAN	
RULE	RULES AND REGULATIONS
3	<p>ALL FREIGHT OR OTHER CHARGES INCURRED UNDER THE PROVISIONS OF THIS SECTION MUST BE PREPAID BY SHIPPER AND SHALL BE ASSESSED BY THE CARRIER IN THE FOLLOWING MANNER:</p> <p>(A) UPON RECEIPT OF THE SHIPPER'S REQUEST TO UTILIZE THE PROVISIONS OF THIS SECTION CARRIER WILL ISSUE A FREIGHT BILL ON THE FIRST DAY OF THE PARTICULAR CALENDAR MONTH DESIGNATED, IN THE AMOUNT OF THE BASIC CHARGE SET FORTH IN PARAGRAPH (1) ABOVE. IF THE PERIOD OF USE STARTS ON A DAY OTHER THAN THE FIRST DAY OF THE MONTH, THE BASIC CHARGE SHALL BE PRORATED IN ACCORDANCE WITH RULE 8, AND A FREIGHT BILL FOR SUCH PRORATED BASIC CHARGE WILL BE SUBMITTED BY THE CARRIER TO THE SHIPPER ON THE FIRST DAY OF USE.</p> <p>(B) CARRIER WILL PREPARE AND FURNISH TO THE SHIPPER A MANIFEST COVERING ALL OF THE TRANSPORTATION SERVICES PERFORMED BY THE VEHICLE UNIT DURING THE PARTICULAR CALENDAR MONTH OR PORTION THEREOF, AND SUCH MANIFEST SHALL SHOW THE FOLLOWING INFORMATION:</p> <ol style="list-style-type: none"> (1) NAME OF SHIPPER; TYPE OF EQUIPMENT ORDERED AND DATE OF SHIPPER'S LETTER REQUESTING THE USE OF VOLUME INCENTIVE RATE. (2) SERIAL NUMBERS OR UNIT NUMBERS OF THE EQUIPMENT (INCLUDING SUBSTITUTED EQUIPMENT) ASSIGNED TO THE SHIPPER. (3) DATE EACH SHIPMENT MOVED. (4) POINTS FROM AND TO WHICH THE VEHICLE UNIT MOVES, BOTH LOADED AND EMPTY. (5) MILEAGE TRAVERSED BY THE VEHICLE UNIT. (6) HOURS AND MILES THE VEHICLE UNIT IS IN SERVICE. <p>(C) IMMEDIATELY FOLLOWING THE SEVENTH DAY OF THE PARTICULAR CALENDAR MONTH, OR THE SEVENTH DAY OF SERVICE IF THE PERIOD STARTS ON OTHER THAN THE FIRST DAY OF A CALENDAR MONTH, CARRIER WILL ISSUE A FREIGHT BILL COVERING THE CHARGES WHICH HAVE ACCRUED DURING THE PRECEDING SEVEN DAYS UNDER THE PROVISIONS OF THIS SECTION. SUBSEQUENTLY CARRIER WILL ISSUE IN A LIKE MANNER A FREIGHT BILL EVERY SEVEN DAYS THEREAFTER, EXCEPT THAT AT THE CLOSE OF THE PARTICULAR CALENDAR MONTH CARRIER WILL ISSUE A FREIGHT BILL COVERING THE ENTIRE TRANSPORTATION SERVICE PERFORMED DURING THE PARTICULAR CALENDAR MONTH. THIS FINAL MONTHLY FREIGHT BILL SHALL SHOW THE TOTAL CHARGES APPLICABLE AS DETERMINED IN ACCORDANCE WITH THE RATES PER VEHICLE UNIT AS SET FORTH IN PARAGRAPHS (1), (2), AND (3) ABOVE, PLUS THE AMOUNTS OF THE CHARGES BILLED ON THE PRECEDING FREIGHT BILLS, TOGETHER WITH THE AMOUNT OF THE FREIGHT OR MINIMUM CHARGE TO BE COLLECTED, OR THE AMOUNT OF THE REFUND DUE THE SHIPPER, AS THE CASE MAY BE.</p> <p>(D) ALL FREIGHT BILLS ISSUED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL SHOW ON THE FACE THEREOF THE DATE OF THE SHIPPER'S LETTER REQUESTING THE UTILIZATION OF VOLUME INCENTIVE RATE AND THE SERIAL OR UNIT NUMBERS OF THE EQUIPMENT ASSIGNED TO PERFORM THE TRANSPORTATION SERVICE.</p>
4	<p>DURING THE PARTICULAR CALENDAR MONTH, OR LESSER PERIOD, THE SHIPPER MAY REQUEST THE SERVICES OF THE SAME SINGLE IDENTIFIED VEHICLE UNIT IN TRANSPORTING BULK PETROLEUM PRODUCTS AS DEFINED IN THIS SECTION FROM ANOTHER POINT OR POINTS OF ORIGIN (HEREINAFTER TERMED "SECONDARY POINT OF ORIGIN") OTHER THAN THAT DESIGNATED AS THE PRIMARY POINT OF ORIGIN, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <p>(A) SHIPPER MUST FURNISH THE CARRIER WITH ADVANCE NOTICE, BY DESIGNATION, THE SECONDARY POINT OF ORIGIN AND THE DESTINATION OF THE SHIPMENT TO BE TENDERED AT THE SECONDARY POINT OF ORIGIN PRIOR TO THE TIME OF DEPARTURE OF THE VEHICLE FROM THE PRIMARY POINT OF ORIGIN.</p> <p>(B) ONLY ONE SHIPMENT FROM ANY GIVEN SECONDARY POINT OF ORIGIN WILL BE PERMITTED WITHIN A PERIOD OF THIRTY HOURS. THE THIRTY-HOUR PERIOD SHALL START WHEN THE VEHICLE LEAVES THE PRIMARY POINT OF ORIGIN AND SHALL END UPON ITS RETURN THERETO, AND WILL INCLUDE ALL THE PRESCRIBED "LAY-OVER" TIME REQUIRED UNDER THE LAWS OR SAFETY REGULATIONS OF THE STATE OF COLORADO.</p>
5	<p>THE SHIPPER SHALL BE RESPONSIBLE FOR THE COST OF ANY SPECIAL FEES INCURRED WHEN CARRIER IS REQUIRED TO PERFORM A TRANSPORTATION SERVICE WHICH REQUIRES PAYMENT OF BRIDGE OR HIGHWAY TOLLS, OR THE SECURING OF SPECIAL PERMITS OR SCALE WEIGHT TICKETS, EXCEPT THAT THE AMOUNT OF SUCH SPECIAL FEES SHALL BE ADVANCED BY THE CARRIER.</p>
6	<p>IN APPLYING THE DISTANCE RATES PROVIDED IN THIS SECTION ALL MILEAGE SHALL BE ACTUAL RUNNING MILEAGE.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 3 - MONTHLY PLAN	
RULE	RULES AND REGULATIONS
7	CARRIER WILL PROVIDE INTERNAL CARGO TANK CLEANING IF REQUESTED BY SHIPPER DURING ANY VOLUME INCENTIVE PERIOD, SUBJECT TO AN ADDITIONAL CHARGE OF \$15.00 FOR EACH CLEANING OF EACH UNIT OF CARRIER'S EQUIPMENT. IN ADDITION THERETO CARRIER WILL ALSO ASSESS THE APPLICABLE MILEAGE AND HOURLY CHARGES SET FORTH HEREIN.
8	THE BASIC CHARGE PROVIDED IN PARAGRAPH (1) ABOVE FOR PERIODS OF USE OF CARRIER'S VEHICLE UNIT AS PROVIDED FOR IN THIS SECTION WHICH BEGIN ON A DAY OTHER THAN THE FIRST DAY OF A CALENDAR MONTH, SHALL BE DETERMINED BY ASSESSING ONE-THIRTIETH (1/30) OF THE BASIC CHARGE PER DAY OR FRACTION THEREOF FOR EACH DAY UP TO BUT NOT INCLUDING THE FIRST DAY OF THE NEXT CALENDAR MONTH. ONLY ONE FREIGHT BILL FOR THE BASIC CHARGE WILL BE RENDERED BY CARRIER FOR SUCH PARTIAL CALENDAR MONTH. THE MINIMUM CHARGE FOR THE USE OF CARRIER'S VEHICLE UNIT, AS ABOVE PROVIDED, FOR PARTIAL MONTHS SHALL BE DETERMINED BY ASSESSING ONE-THIRTIETH (1/30) OF THE MINIMUM CHARGE PER DAY OR FRACTION THEREOF FOR EACH DAY OF SERVICE UP TO BUT NOT INCLUDING THE FIRST DAY OF THE NEXT CALENDAR MONTH.
9	SUBSTITUTION OF VEHICLE UNIT BECAUSE OF BREAKDOWN OR ACCIDENT WILL BE MADE ONLY IF THE EQUIPMENT WILL BE OUT OF SERVICE FOR A PERIOD OF MORE THAN TWENTY-FOUR HOURS. HOURLY AND/OR MILEAGE CHARGES WILL NOT BE ASSESSED DURING PERIOD CARRIER'S UNIT OF EQUIPMENT IS OUT OF SERVICE BECAUSE OF BREAKDOWN OR ACCIDENT. HOURLY AND/OR MILEAGE CHARGES WILL BEGIN WHEN EQUIPMENT HAS BECOME OPERABLE AND/OR REPLACED BY ANOTHER UNIT OF EQUIPMENT.
10	AT EITHER CARRIER'S OR SHIPPER'S OPTION, CARRIER'S VEHICLE UNIT SHALL NOT BE OPERATED ON ANY HOLIDAY AS DEFINED IN RULE 19 OF SECTION 1. PARTIES DESIRING TO OBSERVE SUCH HOLIDAY SHALL NOTIFY OTHER PARTY SEVEN DAYS IN ADVANCE OF SUCH HOLIDAY IN WRITING OF ITS INTENTION TO SUSPEND SERVICE ON SUCH HOLIDAY. WHEN SUCH HOLIDAY IS OBSERVED, CARRIER'S VEHICLE UNIT SHALL BE PARKED AND NOT OPERATED, AND DRIVER SHALL NOT BE CALLED TO WORK FOR ANY PART OF THE DAY. WHERE SERVICE IS SUSPENDED FOR A HOLIDAY, SHIPPERS SHALL BE GIVEN A CREDIT AGAINST THE BASIC CHARGE SET FORTH IN (1) ABOVE IN THE AMOUNT OF ONE-THIRTIETH (1/30) OF THE BASIC CHARGE, AND THE MINIMUM CHARGE FOR THE USE OF CARRIER'S VEHICLE UNIT, AS ABOVE PROVIDED, SHALL BE REDUCED BY ONE-THIRTIETH (1/30) OF THE MINIMUM CHARGE. SUCH CREDIT OR REDUCTION SHALL BE MADE FOR EACH SUCH HOLIDAY ON WHICH SERVICE IS SUSPENDED.

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 4

YEARLY PLAN

RATES AND CHARGES PUBLISHED IN THIS SECTION WILL APPLY TO THE TRANSPORTATION OF MULTIPLE SHIPMENTS OF PETROLEUM PRODUCTS, IN BULK, IN TANK VEHICLES, AS DEFINED IN RULE 4, SECTION 1, TENDERED TO CARRIER DURING TWELVE CONSECUTIVE CALENDAR MONTHS, PROVIDED THE SHIPPER NOTIFIES THE CARRIER IN WRITING OF ITS ELECTION TO UTILIZE A SPECIFIC VEHICLE UNIT UNDER THE PROVISIONS OF THIS SECTION AND DESIGNATES A PRIMARY POINT OF ORIGIN AND NOTIFIES THE CARRIER IN WRITING OF ITS ELECTION TO UTILIZE A VEHICLE UNIT UNDER THE PROVISIONS OF THIS SECTION FOR TWELVE CONSECUTIVE CALENDAR MONTHS, DURING WHICH THE TRANSPORTATION SERVICE IS TO BE PERFORMED. SUCH NOTICE MUST BE GIVEN SEVEN DAYS IN ADVANCE OF THE FIRST DAY ON WHICH THE SERVICE IS TO START. IF THE SERVICE IS TO BEGIN ON OTHER THAN THE FIRST DAY OF A MONTH, THE PROVISIONS OF RULE 8 WILL APPLY, AND THE SERVICE MUST BE CONTINUED THROUGH THE REMAINDER OF THAT MONTH AND THE ENTIRE FOLLOWING CALENDAR YEAR. SERVICE UNDER THIS PART IS SUBJECT TO THE FOLLOWING CHARGES AND CONDITIONS.

RATES AND CHARGES PER VEHICLE UNIT

THE FREIGHT CHARGE PER VEHICLE UNIT PER CALENDAR MONTH FOR VEHICLE UNITS PERFORMING TRANSPORTATION SERVICE PURSUANT TO THIS SECTION SHALL BE BASED UPON THE SUM OF THE THREE INDIVIDUAL RATE FACTORS SET FORTH BELOW:

(1) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, A BASIC CHARGE PER VEHICLE UNIT PER CALENDAR MONTH OF \$1,100.00, PLUS ADDITIONAL CHARGES FOR RECORDING METER AND/OR PUMPING EQUIPMENT, AS SET FORTH BELOW:

RECORDING METER \$50.00 PER METER
PUMPING EQUIPMENT. 50.00

(2) PLUS A CHARGE OF FOURTEEN AND ONE-HALF CENTS (14½¢) PER RUNNING MILE OR FRACTION THEREOF TRAVERSED IN PLAINS TERRITORY AS DEFINED IN RULE 5 OF SECTION 1, EXCEPT WITHIN DENVER METROPOLITAN AREA WHERE A CHARGE OF 28¢ PER RUNNING MILE WILL BE ADDED, AND A CHARGE OF SIXTEEN AND ONE-HALF CENTS (16½¢) PER RUNNING MILE OR FRACTION THEREOF TRAVERSED IN MOUNTAIN TERRITORY AS DEFINED IN RULE 5 OF SECTION 1.

(3) PLUS EITHER A CHARGE OF FOUR DOLLARS AND SIXTY-SIX CENTS (\$4.66) PER HOUR OR FRACTION THEREOF, OR A CHARGE OF SEVENTEEN AND ONE-HALF CENTS (17½¢) PER RUNNING MILE OR FRACTION THEREOF TRAVERSED, WHICHEVER IS GREATER.

WHEN, AT THE REQUEST OF A SHIPPER, A DRIVER IS CALLED TO WORK AND, THROUGH NO FAULT OF THE CARRIER'S PERSONNEL OR EQUIPMENT, WORKS LESS THAN EIGHT HOURS, A MINIMUM CHARGE OF THIRTY-SEVEN DOLLARS AND THIRTY-FOUR CENTS (\$37.34) WILL APPLY TO THIS RATE FACTOR.

(4) THE MINIMUM FREIGHT CHARGE PER VEHICLE UNIT PER CALENDAR MONTH SHALL BE THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$3,750) FOR EACH VEHICLE UNIT PERFORMING SERVICE PURSUANT TO THE TERMS AND CONDITIONS OF THIS SECTION.

RULE	RULES AND REGULATIONS
2	IN ASSESSING THE CHARGES SET FORTH IN PARAGRAPHS (2) AND (3) ABOVE THE MILEAGE AND/OR HOURLY CHARGES WILL ACCRUE FROM THE TIME OF ARRIVAL OF CARRIER'S VEHICLE AT THE PRIMARY POINT OF ORIGIN TO TRANSPORT THE FIRST SHIPMENT, AND WILL INCLUDE ALL TIME AND/OR MILEAGE INCURRED THEREAFTER, EXCEPT AS MAY BE REQUIRED TO SERVICE, REPAIR, OR LAY-OVER THE VEHICLE, TO AND INCLUDING THE LAST DAY OF THE PARTICULAR CALENDAR MONTH, AND THE RETURN OF CARRIER'S VEHICLE UNIT TO THE PRIMARY POINT OF ORIGIN, AT WHICH TIME THE MILEAGE AND/OR HOURLY CHARGES WILL TERMINATE. CARRIERS WILL MAKE AVAILABLE TO THE SHIPPER AT LEAST SIX HUNDRED (600) HOURS OF USE PER CALENDAR MONTH ON EACH VEHICLE UNIT COMMITTED TO VOLUME INCENTIVE SERVICE AS PROVIDED IN THIS SECTION.

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 4 - YEARLY PLAN

RULE	RULES AND REGULATIONS
3	<p>ALL FREIGHT OR OTHER CHARGES INCURRED UNDER THE PROVISIONS OF THIS SECTION MUST BE PREPAID BY SHIPPER AND SHALL BE ASSESSED BY THE CARRIER IN THE FOLLOWING MANNER:</p> <p>(A) UPON RECEIPT OF THE SHIPPER'S REQUEST TO UTILIZE THE PROVISIONS OF THIS SECTION CARRIER WILL ISSUE A FREIGHT BILL ON THE FIRST DAY OF THE PARTICULAR CALENDAR MONTH DESIGNATED, IN THE AMOUNT OF THE BASIC CHARGE SET FORTH IN PARAGRAPH (1) ABOVE. IF THE PERIOD OF USE STARTS ON A DAY OTHER THAN THE FIRST DAY OF THE MONTH, THE BASIC CHARGE SHALL BE PRORATED IN ACCORDANCE WITH RULE 8, AND A FREIGHT BILL FOR SUCH PRORATED BASIC CHARGE WILL BE SUBMITTED BY THE CARRIER TO THE SHIPPER ON THE FIRST DAY OF USE.</p> <p>(B) CARRIER WILL PREPARE AND FURNISH TO THE SHIPPER A MANIFEST COVERING ALL OF THE TRANSPORTATION SERVICES PERFORMED BY THE VEHICLE UNIT DURING THE PARTICULAR CALENDAR MONTH OR PORTION THEREOF, AND SUCH MANIFEST SHALL SHOW THE FOLLOWING INFORMATION:</p> <ol style="list-style-type: none"> (1) NAME OF SHIPPER; TYPE OF EQUIPMENT ORDERED AND DATE OF SHIPPER'S LETTER REQUESTING THE USE OF VOLUME INCENTIVE RATE. (2) SERIAL NUMBERS OR UNIT NUMBERS OF THE EQUIPMENT (INCLUDING SUBSTITUTED EQUIPMENT) ASSIGNED TO THE SHIPPER. (3) DATE EACH SHIPMENT MOVED. (4) POINTS FROM AND TO WHICH THE VEHICLE UNIT MOVES, BOTH LOADED AND EMPTY. (5) MILEAGE TRAVERSED BY THE VEHICLE UNIT. (6) HOURS AND MILES THE VEHICLE UNIT IS IN SERVICE. <p>(C) IMMEDIATELY FOLLOWING THE SEVENTH DAY OF THE PARTICULAR CALENDAR MONTH, OR THE SEVENTH DAY OF SERVICE IF THE PERIOD STARTS ON OTHER THAN THE FIRST DAY OF A CALENDAR MONTH, CARRIER WILL ISSUE A FREIGHT BILL COVERING THE CHARGES WHICH HAVE ACCRUED DURING THE PRECEDING SEVEN DAYS UNDER THE PROVISIONS OF THIS SECTION. SUBSEQUENTLY CARRIER WILL ISSUE IN A LIKE MANNER A FREIGHT BILL EVERY SEVEN DAYS THEREAFTER, EXCEPT THAT AT THE CLOSE OF THE PARTICULAR CALENDAR MONTH CARRIER WILL ISSUE A FREIGHT BILL COVERING THE ENTIRE TRANSPORTATION SERVICE PERFORMED DURING THE PARTICULAR CALENDAR MONTH. THIS FINAL MONTHLY FREIGHT BILL SHALL SHOW THE TOTAL CHARGES APPLICABLE AS DETERMINED IN ACCORDANCE WITH THE RATES PER VEHICLE UNIT AS SET FORTH IN PARAGRAPHS (1), (2), AND (3) ABOVE, PLUS THE AMOUNTS OF THE CHARGES BILLED ON THE PRECEDING FREIGHT BILLS, TOGETHER WITH THE AMOUNT OF THE FREIGHT OR MINIMUM CHARGE TO BE COLLECTED, OR THE AMOUNT OF THE REFUND DUE THE SHIPPER, AS THE CASE MAY BE.</p> <p>(D) ALL FREIGHT BILLS ISSUED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL SHOW ON THE FACE THEREOF THE DATE OF THE SHIPPER'S LETTER REQUESTING THE UTILIZATION OF VOLUME INCENTIVE RATE AND THE SERIAL OR UNIT NUMBERS OF THE EQUIPMENT ASSIGNED TO PERFORM THE TRANSPORTATION SERVICE.</p>
4	<p>DURING THE PARTICULAR CALENDAR YEAR, OR LESSER PERIOD, THE SHIPPER MAY REQUEST THE SERVICES OF THE SAME SINGLE IDENTIFIED VEHICLE UNIT IN TRANSPORTING BULK PETROLEUM PRODUCTS AS DEFINED IN THIS SECTION FROM ANOTHER POINT OR POINTS OF ORIGIN (HEREINAFTER TERMED "SECONDARY POINT OF ORIGIN") OTHER THAN THAT DESIGNATED AS THE PRIMARY POINT OF ORIGIN, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <p>(A) SHIPPER MUST FURNISH THE CARRIER WITH ADVANCE NOTICE, BY DESIGNATION, THE SECONDARY POINT OF ORIGIN AND THE DESTINATION OF THE SHIPMENT TO BE TENDERED AT THE SECONDARY POINT OF ORIGIN PRIOR TO THE TIME OF DEPARTURE OF THE VEHICLE FROM THE PRIMARY POINT OF ORIGIN.</p> <p>(B) ONLY ONE SHIPMENT FROM ANY GIVEN SECONDARY POINT OF ORIGIN WILL BE PERMITTED WITHIN A PERIOD OF THIRTY HOURS. THE THIRTY-HOUR PERIOD SHALL START WHEN THE VEHICLE LEAVES THE PRIMARY POINT OF ORIGIN AND SHALL END UPON ITS RETURN THERETO, AND WILL INCLUDE ALL THE PRESCRIBED "LAY-OVER" TIME REQUIRED UNDER THE LAWS OR SAFETY REGULATIONS OF THE STATE OF COLORADO.</p>
5	<p>THE SHIPPER SHALL BE RESPONSIBLE FOR THE COST OF ANY SPECIAL FEES INCURRED WHEN CARRIER IS REQUIRED TO PERFORM A TRANSPORTATION SERVICE WHICH NECESSITATES PAYMENT OF BRIDGE OR HIGHWAY TOLLS, OR THE SECURING OF SPECIAL PERMITS OR SCALE WEIGHT TICKETS, EXCEPT THAT THE AMOUNT OF SUCH SPECIAL FEES SHALL BE ADVANCED BY THE CARRIER.</p>
6	<p>IN APPLYING THE DISTANCE RATES PROVIDED IN THIS SECTION ALL MILEAGE SHALL BE ACTUAL RUNNING MILEAGE.</p>

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS.

SECTION 4 - YEARLY PLAN	
RULE	RULES AND REGULATIONS
7	CARRIER WILL PROVIDE INTERNAL CARGO TANK CLEANING IF REQUESTED BY SHIPPER DURING ANY VOLUME INCENTIVE PERIOD, SUBJECT TO AN ADDITIONAL CHARGE OF \$15.00 FOR EACH CLEANING OF EACH UNIT OF CARRIER'S EQUIPMENT. IN ADDITION THERETO CARRIER WILL ALSO ASSESS THE APPLICABLE MILEAGE AND HOURLY CHARGES SET FORTH HEREIN.
8	THE BASIC CHARGE PROVIDED IN PARAGRAPH (1) ABOVE FOR PERIODS OF USE OF CARRIER'S VEHICLE UNIT AS PROVIDED FOR IN THIS SECTION, WHICH BEGIN ON A DAY OTHER THAN THE FIRST DAY OF A CALENDAR MONTH, SHALL BE DETERMINED BY ASSESSING ONE-THIRTIETH (1/30) OF THE BASIC CHARGE PER DAY OR FRACTION THEREOF FOR EACH DAY UP TO BUT NOT INCLUDING THE FIRST DAY OF THE NEXT CALENDAR MONTH. ONLY ONE FREIGHT BILL FOR THE BASIC CHARGE WILL BE RENDERED BY CARRIER FOR SUCH PARTIAL CALENDAR MONTH. THE MINIMUM CHARGE FOR THE USE OF CARRIER'S VEHICLE UNIT, AS ABOVE PROVIDED, FOR PARTIAL MONTHS SHALL BE DETERMINED BY ASSESSING ONE-THIRTIETH (1/30) OF THE MINIMUM CHARGE PER DAY OR FRACTION THEREOF FOR EACH DAY OF SERVICE UP TO BUT NOT INCLUDING THE FIRST DAY OF THE NEXT CALENDAR MONTH.
9	SUBSTITUTION OF VEHICLE UNIT BECAUSE OF BREAKDOWN OR ACCIDENT WILL BE MADE ONLY IF THE EQUIPMENT WILL BE OUT OF SERVICE FOR A PERIOD OF MORE THAN TWENTY-FOUR HOURS. HOURLY AND/OR MILEAGE CHARGES WILL NOT BE ASSESSED DURING PERIOD CARRIER'S UNIT OF EQUIPMENT IS OUT OF SERVICE BECAUSE OF BREAKDOWN OR ACCIDENT. HOURLY AND/OR MILEAGE CHARGES WILL BEGIN WHEN EQUIPMENT HAS BECOME OPERABLE AND/OR REPLACED BY ANOTHER UNIT OF EQUIPMENT.
10	IN THE EVENT THAT THE SHIPPER TERMINATES THE SERVICE OF THE VEHICLE UNIT PRIOR TO THE COMPLETION OF THE TWELVE CONSECUTIVE CALENDAR MONTHS, THE BASIC CHARGE OF ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100) SET FORTH IN PARAGRAPH (1) ABOVE MUST BE PAID FOR EACH CALENDAR MONTH OF THE UNEXPIRED PORTION OF THE TWELVE CONSECUTIVE MONTHS, OR FOR THREE CONSECUTIVE MONTHS AFTER CANCELLING, WHICHEVER AMOUNTS TO THE LESSER CHARGE.
11	AT EITHER CARRIER'S OR SHIPPER'S OPTION, CARRIER'S VEHICLE UNIT SHALL NOT BE OPERATED ON ANY HOLIDAY AS DEFINED IN RULE 19 OF SECTION 1. PARTIES DESIRING TO OBSERVE SUCH HOLIDAY SHALL NOTIFY OTHER PARTY SEVEN DAYS IN ADVANCE OF SUCH HOLIDAY IN WRITING OF ITS INTENTION TO SUSPEND SERVICE ON SUCH HOLIDAY. WHEN SUCH HOLIDAY IS OBSERVED, CARRIER'S VEHICLE UNIT SHALL BE PARKED AND NOT OPERATED, AND DRIVER SHALL NOT BE CALLED TO WORK FOR ANY PART OF THE DAY. WHERE SERVICE IS SUSPENDED FOR A HOLIDAY, SHIPPERS SHALL BE GIVEN A CREDIT AGAINST THE BASIC CHARGE SET FORTH IN (1) ABOVE IN THE AMOUNT OF ONE-THIRTIETH (1/30) OF THE BASIC CHARGE, AND THE MINIMUM CHARGE FOR THE USE OF CARRIER'S VEHICLE UNIT, AS ABOVE PROVIDED, SHALL BE REDUCED BY ONE-THIRTIETH (1/30) OF THE MINIMUM CHARGE. SUCH CREDIT OR REDUCTION SHALL BE MADE FOR EACH SUCH HOLIDAY ON WHICH SERVICE IS SUSPENDED.

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 5

QUARTERLY OR THIRTEEN-WEEK PLAN

RULE

RATES, RULES AND REGULATIONS

RATES APPLICABLE ON DELIVERIES UNDER CONTINUOUS SERVICE PROVISIONS:

SHIPPERS DESIRING TO AVAIL THEMSELVES OF CHARGES MADE SUBJECT TO THIS SECTION WILL BE REQUIRED TO ACCEPT THE TERMS AND CONDITIONS THERETO FOR A PERIOD OF NOT LESS THAN THIRTEEN CONSECUTIVE WEEKS AND SHALL SO ADVISE THE CARRIER IN WRITING BY SPECIFIC REFERENCE TO THIS SECTION.

THE PROVISIONS OF THIS SECTION APPLY TO TRANSPORTATION OF COMMODITIES DESCRIBED IN RULE 4, SECTION 1, EXCEPT AS NOTED, AND THE SERVICE TO BE PERFORMED UNDER THE PROVISIONS OF THIS SECTION SHALL BE AT THE RATE PER UNIT OF CARRIER'S EQUIPMENT SPECIFIED BELOW.

WHEN TRANSPORTATION IS PERFORMED UNDER THIS SECTION, RATE WILL BE AS FOLLOWS:

RATES IN DOLLARS PER HOUR PLUS CENTS PER MILE PER UNIT OF EQUIPMENT

HOURS PER WEEK	DOLLARS PER EACH HOUR	CENTS PER MILE		
		PLAINS, EXCEPT WITHIN METRO- POLITAN DENVER	MOUNTAINS	WITHIN METROPOLITAN DENVER
110	◇\$6.18	◇18	◇20	◇31

◇MINIMUM CHARGE PER UNIT WILL BE ONE HUNDRED TEN HOURS PER WEEK FOR THIRTEEN WEEKS AT \$6.18 PER HOUR, PLUS EIGHTEEN CENTS PER MILE IN PLAINS TERRITORY, OTHER THAN WITHIN METROPOLITAN DENVER WHERE A CHARGE OF 31¢ PER MILE WILL APPLY, AND TWENTY CENTS PER MILE IN MOUNTAIN TERRITORY FOR ALL MILES OPERATED. MAXIMUM LOAD 9500 GALLONS.

CHARGE FOR EACH FULL HOUR SHALL BE IN DOLLARS AND CENTS PER HOUR AND FOR EACH MILE TRAVELED, IN CENTS PER MILE. WHEN SHIPPER AVAILS HIMSELF OF THE CHARGES IN THIS SECTION, IT SHALL BE FOR THE PERIOD 12:01 A.M., MONDAY THROUGH 11:59 P.M., SUNDAY. (SEE EXCEPTIONS) HOURS SHALL BE COMPUTED FROM THE TIME UNIT OF CARRIER'S EQUIPMENT LEAVES CARRIER'S TERMINAL, MAKES DELIVERY AND RETURNS TO CARRIER'S TERMINAL.

SHOULD A HOLIDAY, AS DEFINED IN RULE 19 OF SECTION 1, FALL WITHIN A WEEKLY PERIOD AS DEFINED ABOVE, THE HOURS OBSERVED AS A HOLIDAY, NOT EXCEEDING 24 HOURS, SHALL BE DEDUCTED FROM SUCH WEEKLY PERIOD.

MILEAGE WILL BE COMPUTED FROM POINT OF ORIGIN TO FINAL DESTINATION VIA STOP-OFF POINT OR POINTS, IF ANY. IN THE EVENT THE SHORTEST ROUTE IS NOT AVAILABLE FOR TRAVEL, MILEAGE WILL BE COMPUTED VIA THE ROUTE TRAVELED.

EXCEPTIONS:

(A) TIME SPENT BY DRIVER BECAUSE OF UNAVAILABILITY OF CARRIER'S EQUIPMENT SUCH AS BREAKDOWN OR CARRIER SERVICING AND/OR DRIVER'S MEALS WILL NOT BE CHARGEABLE AND WILL BE DEDUCTED FROM THE TOTAL HOURS CHARGED FOR IN A GIVEN 24-HOUR PERIOD OF TIME.

(B) FRACTIONS OF AN HOUR WILL BE CHARGED FOR AS FOLLOWS:

MINUTES	CHARGE FOR
1 TO 15 INCLUSIVE	15 MINUTES
16 TO 30 INCLUSIVE	30 MINUTES
31 TO 45 INCLUSIVE	45 MINUTES
46 TO 60 INCLUSIVE	60 MINUTES

CHARGES FOR A PORTION OF AN HOUR WILL BE ROUNDED OFF TO THE NEXT HIGHEST CENT.

APPENDIX A - INCENTIVE OR VOLUME TENDER RATES - PETROLEUM PRODUCTS

SECTION 5 - QUARTERLY OR THIRTEEN-WEEK PLAN	
RULE	RATES, RULES AND REGULATIONS
1 (CON- CLU- DED)	<p><u>RATES APPLICABLE ON DELIVERIES UNDER CONTINUOUS SERVICE PROVISION:</u> (CONCLUDED)</p> <p>CARRIER WILL SUBMIT BILLING TO SHIPPER EACH WEEK FOR EACH UNIT OPERATED UNDER THIS SECTION. CARRIER'S BILL OF LADING SHALL NOTE THAT THE SHIPMENT HAS BEEN SUBJECT TO THIS TARIFF SECTION. EACH BILL OF LADING SHALL SHOW THE TOTAL TIME ELAPSED, THE NUMBER OF GALLONS TRANSPORTED AND THE APPLICABLE MILEAGE, AND ANY OTHER INFORMATION NORMALLY SHOWN ON THE BILL OF LADING.</p> <p>AS USED IN THIS SECTION "UNIT OF CARRIER'S EQUIPMENT" MEANS ANY TRACTOR, TANK TRAILER OR TANK SEMI-TRAILER OR ANY COMBINATION OF SUCH HIGHWAY VEHICLES OPERATED TOGETHER AS A SINGLE UNIT. IT ALSO INCLUDES ANY OF SUCH VEHICLES USED IN THE REPLACEMENT OF CARRIER'S EQUIPMENT OR A PORTION THEREOF WHICH HAS BECOME INOPERABLE DUE TO BREAKDOWN OF THE CARRIER'S EQUIPMENT WHILE ENGAGED IN THE TRANSPORTATION UNDER THIS SECTION. THE "UNIT OF CARRIER'S EQUIPMENT" INCLUDES THE USE OF CARRIER'S PUMP AND METER WITHOUT ADDITIONAL CHARGE, OTHER THAN THE APPLICABLE CHARGES CONTAINED IN THIS SECTION.</p> <p>HOURS USED IN INTERSTATE SERVICE WILL BE ADDED TO THE HOURS EMPLOYED IN INTRASTATE OPERATION AND THE TOTAL OF SUCH HOURS SHALL BE USED TO DETERMINE THE CHARGES FOR BOTH INTERSTATE AND INTRASTATE MOVEMENTS. CHARGES TO BE APPLIED SHALL BE THE CHARGES FOR THE TOTAL NUMBER OF HOURS AS SET FORTH IN THIS SECTION.</p> <p>IN THE EVENT SHIPPER FAILS TO AVAIL ITSELF OF THE CARRIER'S SERVICE FOR AN ENTIRE THIRTEEN CONSECUTIVE WEEK PERIOD, OR COMPENSATE CARRIER AT THE MINIMUM WEEKLY RATE FOR ALL OF THE UNUSED WEEKS REMAINING IN THE THIRTEEN WEEK PERIOD, THE RATES AND CHARGES IN THIS ITEM WILL NOT APPLY ON THOSE SHIPMENTS THAT HAVE MOVED. THE RATE AND CHARGE ON SUCH SHIPMENTS WILL BE REVISED AND CHARGES COLLECTED ON THE BASIS OF THE APPLICABLE RATES OTHERWISE PROVIDED.</p>

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Younger Brothers Inc.)
4904 Griggs Road)
P.O. Box 14048)
Houston, Texas 77021)
)
)
)
)

AUTHORITY NO. 5086-I
CASE NO. 1528-H-Ins.

- - - - -
June 25, 1969 - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 27, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
25th day of June 1969 .

(Decision No. 73197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
 RED BALL EXPRESS COMPANY, A)
 NEBRASKA CORPORATION, P. O. BOX) PUC NO. 1729-I
 612, WINSTON SALEM, NORTH CAROLINA)

 June 25, 1969

STATEMENT AND FINDINGS OF FACTBY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder, requesting authority to change its corporate name to Hennis Freight Lines, Inc. of Nebraska from Red Ball Express Company, a Nebraska corporation, in the conduct of operations under PUC No. 1729-I

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

O R D E RTHE COMMISSION ORDERS:

That Red Ball Express Company, a Nebraska corporation, be, and hereby is, authorized to change its corporate name to Hennis Freight Lines, Inc. of Nebraska in the conduct of operations under PUC No. 1729-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Alvin E. Zwick
Howard S. Butler
Edw. R. Ludlow
 Commissioners

Dated at Denver, Colorado,
 this 25th day of June, 1969.

(Decision No. 73198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RISS & COMPANY, INC., P. O. BOX)
2809, KANSAS CITY, MISSOURI.)

PUC NO. 649-I

June 25, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder requesting authority to change its corporate name to Riss International Corporation from Riss & Company, Inc., in the conduct of operations under PUC No. 649-I.

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

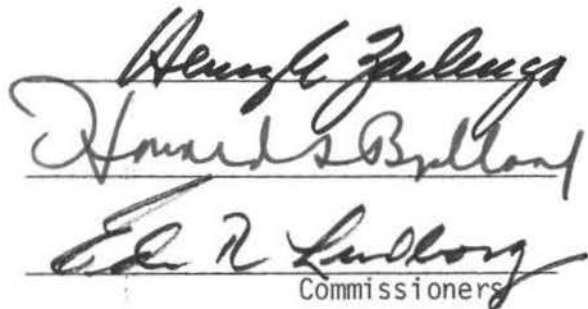
O R D E R

THE COMMISSION ORDERS:

That Riss & Company, Inc., be, and hereby is, authorized to change its corporate name to Riss International Corporation in the conduct of operations under PUC No. 649-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of June, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JACK OWENS, DOING BUSINESS AS) PUC NO. 4665-I
"JACK OWENS TRUCKING," BOX 518,)
CLARENDON, TEXAS.)

June 25, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder requesting authority to do business as Jack Owens in lieu of Jack Owens, doing business as "Jack Owens Trucking," in the conduct of operations under PUC No. 4665-I.

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




O R D E R

THE COMMISSION ORDERS:

That Jack Owens, doing business as "Jack Owens Trucking," be, and hereby is, authorized to conduct operations under the name Jack Owens in the conduct of operations under PUC No. 4665-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of June, 1969.
1s

(Decision No. 73200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILMA M. BRYANT AND BOURDETTE BRYANT,)
DOING BUSINESS AS "BRIGHTON-NORTHGLENN)
CAB," 151 SOUTH 16th AVENUE, BRIGHTON,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 1791 TO EDNA M. MARQUARDT AND)
JOHN D. MARQUARDT, DOING BUSINESS AS)
"NORTHGLENN-BRIGHTON CAB," 964 WEST)
101 PLACE, NORTHGLENN, COLORADO.)

APPLICATION NO. 23673-Transfer

June 26, 1969

Appearances: Edna M. Marquardt, Northglenn,
Colorado, a Transferee, pro se;
Wilma M. Bryant, Brighton,
Colorado, a Transferor, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 2, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 1791.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferors herein are the present owners and operators of PUC No. 1791, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferees herein hold no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to PUC No. 1791 to Edna M. Marquardt and John D. Marquardt, doing business as "Northglenn-Brighton Cab," and that henceforth the full and complete authority under said PUC No. 1791 shall read as follows, to-wit:

"Transportation -- in taxicab service -- of

(1) Passengers and their baggage

Between all points within the City of Brighton, State of Colorado, and a ten (10) mile radius thereof.

(2) Passengers and their baggage

From points within the City of Brighton, State of Colorado, and a ten (10) mile radius thereof, to Denver, Colorado, Lafayette, and Boulder, Colorado, with the right to perform round trip service.

RESTRICTION:

- (a) Waiting time for return trip of round trip service under Item No. 2 of this certificate shall not exceed one hour at Denver, Lafayette, and Boulder, Colorado.

Transportation -- on call and demand -- of

(3) Packages, baggage, messages, letters and documents

Between all points within Brighton, Colorado, and from said points to all points within a ten (10) mile radius thereof.

RESTRICTION:

- (a) All services rendered shall be in taxicab vehicles.
- (b) Items transported shall not exceed 100 pounds in weight.
- (c) Changes made for this service shall be the same as the tariff on file for passengers between the same points."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Wilma M. Bryant and Bourdette Bryant, doing business as "Brighton-Northglenn Cab," Brighton, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public

Convenience and Necessity PUC No. 1791 to Edna M. Marquardt and John D. Marquardt, doing business as "Northglenn-Brighton Cab," Northglenn, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1791 shall read and be as follows, to-wit:

(1) Transportation -- in taxicab service -- of

(A) Passengers and their baggage

Between all points within the City of Brighton, State of Colorado, and a ten (10) mile radius thereof.

(B) Passengers and their baggage

From points within the City of Brighton, State of Colorado, and a ten (10) mile radius thereof, to Denver, Colorado, Lafayette, and Boulder, Colorado, with the right to perform round trip service.

RESTRICTION:

Item one (1) of this Certificate is restricted as follows:

Waiting time for return trip of round trip service under Item No. B of this certificate shall not exceed one hour at Denver, Lafayette, and Boulder, Colorado.

(2) Transportation -- on call and demand -- of

Packages, baggage, messages, letters and documents

Between all points within Brighton, Colorado, and from said points to all points within a ten (10) mile radius thereof.

RESTRICTION:

Item two (2) of this Certificate is restricted as follows:

- (a) All transportation service to be rendered hereunder is specifically restricted to the use of taxicab vehicles only.
- (b) All shipments transported hereunder shall not exceed 100 pounds in weight.
- (c) All charges assessed for the transportation service to be rendered hereunder shall be the same as the tariff on file for passengers between the same points.


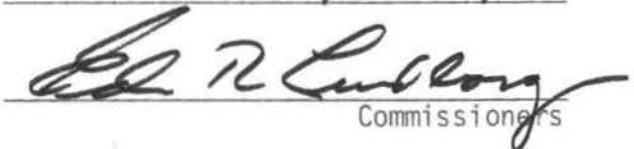
That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferees to operate under this Order shall depend upon the prior filing of the annual report by transferors herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN D. MARQUARDT AND EDNA M.)
MARQUARDT, DOING BUSINESS AS)
"NORTHGLENN-BRIGHTON CAB," 130) APPLICATION NO. 23674-Extension
SOUTH MAIN STREET, BRIGHTON, COLO-)
RADO, FOR AUTHORITY TO EXTEND OPER-)
ATIONS UNDER PUC NO. 1791.)

June 26, 1969

Appearances: Alexander J. Makkai, Jr., Esq.,
Denver, Colorado, for Applicant;
Walter M. Simon, Esq., Denver,
Colorado, for Yellow Cab, Inc.
and Checker Cab, Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 28, 1969, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1791 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are husband and wife, who, in partnership, do business as "Northglenn-Brighton Cab".
2. By Application No. 23673-Transfer, Certificate of Authority PUC No. 1791 was transferred to these Applicants by Bourdette Bryant and Wilma M. Bryant, doing business as "Brighton-Northglenn Cab". Hearing on that application was heard immediately prior to the hearing on this extension application.
3. The transfer application was not protested and, in a separate Report, Your Examiner has recommended that said transfer be granted.
4. Certificate of Authority PUC No. 1791 presently provides generally for transportation in taxicab service of passengers and their baggage between all points within the City of Brighton, State of Colorado, and 10-mile radius thereof and from points therein to Denver, Lafayette, and Boulder, with the right to perform round trip service with certain restrictions. The authority further provides for the transportation of packages, baggage, messages, letters and documents between all points within Brighton and from Brighton within a 10-mile radius thereof, with certain restrictions.
5. By this application, Applicants seek to extend the authority contained in Certificate of Authority PUC No. 1791 from the present operating radius of 10 miles of the City of Brighton an additional 5 miles so that the authority would provide for a 15-mile radius of Brighton excluding the City and County of Denver and any portion within the City of Aurora.
6. The application was protested by Yellow Cab, Inc. and Checker Cab, Inc. under Certificate of Authority PUC No. 1529. Said authority (PUC No. 1529) provides for transportation of passengers and their personal baggage by taxicab within a sixteen-mile radius of 16th and Champa Streets, Denver, Colorado, which authority is owned by Checker Cab, Inc. and presently under lease and operated by Yellow Cab, Inc. This authority authorizes taxicab service in the area of this application.
7. Applicants failed to show that they were sufficiently experienced or had sufficient equipment or net worth to properly operate the authority requested by this application for extension.

8. Applicants failed to show that the present or future public convenience and necessity requires or will require the services requested in this application.
9. There was no showing that the existing service was inadequate to meet the particular transportation requirements sought herein but, on the contrary, Protestants are furnishing an existing service which is adequate to meet the particular transportation requirements sought in this application.
10. The granting of the application would adversely affect the operation of Protestant, Yellow Cab, Inc., in serving the area sought to be included in this application for extension.
11. The granting of the application for extension would not be in the public interest and the application for extension should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying this application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.




O R D E R

THE COMMISSION ORDERS:

That Application No. 23674-Extension, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of June, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ISIDORO QUINTANO, DOING BUSINESS AS)	
"ISIDORO QUINTANO," 827 MAIN STREET,)	<u>APPLICATION NO. 23625-PP-Amended</u>
MINTURN, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE CARRIER)	<u>SUPPLEMENTAL ORDER</u>
BY MOTOR VEHICLE FOR HIRE.)	

June 26, 1969

Appearances: Stewart H. Brown, Esq., Vail,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 4, 1969, the Commission entered Decision No. 73101 granting to the above-styled Applicant a Class "B" permit to operate as a private carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from said Applicant requesting that all records be changed to read Isidoro Quintana instead of Isidoro Quintano.

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

O R D E R

THE COMMISSION ORDERS:

That Isidoro Quintano, doing business as "Isidoro Quintano," be, and hereby is authorized to do business under the name and style of Isidoro Quintana in the conduct of private carrier operations authorized by Decision No. 73101, dated June 4, 1969, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of June, 1969.
1s

(Decision No. 73203)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAM B. HANDLER, DOING BUSINESS AS)
"HANDLER'S EXPRESS," 1533 NEWTON)
STREET, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3530)
TO HIGH RISE CORP., A COLORADO)
CORPORATION, 2142 SOUTH KALAMATH)
STREET, DENVER, COLORADO.)

APPLICATION NO. 23743-Transfer

IN THE MATTER OF THE APPLICATION OF)
SAM B. HANDLER, 1533 NEWTON STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-4630 TO HIGH)
RISE CORP., A COLORADO CORPORATION,)
2142 SOUTH KALAMATH STREET, DENVER,)
COLORADO.)

APPLICATION NO. 23744-PP-Transfer

June 26, 1969

Appearances: Warren D. Braucher, Esq., Denver,
Colorado, for Transferee and Transferor;
William F. Schenkein, Esq., Denver,
Colorado, for Ephraim Freightways, Inc.,
for copy of Order.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 12, 1969, the above-entitled applications were filed requesting authority to transfer PUC No. 3530 and Permit No. B-4630 from Sam B. Handler, doing business as "Handler's Express," to High Rise Corp., a Colorado corporation, and Sam B. Handler to High Rise Corp., a Colorado corporation, respectively.

After due and proper notice to all interested persons, firms or corporations, the applications were heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said applications -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceedings together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authorities as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the applications, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Application No. 23743-Transfer (Sam B. Handler, doing business as "Handler's Express," to High Rise Corp.) and Application No. 23744-PP-Transfer (Sam B. Handler to High Rise Corp.) were heard on a joint record."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 3530 and Permit No. B-4630, which are the subjects of this proceeding.
2. These authorities have been continually operated in the past and are presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authorities and the consideration to be paid is fair and reasonable.
5. The Certificate and Permit are free and clear of any debts, encumbrances or obligations.
6. The granting of these applications were not protested.
7. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authorities sought to be transferred herein.
8. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

9. If these transfers are approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3530 and Permit No. B-4630 to High Rise Corp., a Colorado corporation, and that henceforth the full and complete authorities under said PUC No. 3530 and Permit No. B-4630 shall read as follows, to-wit:

CERTIFICATE OF AUTHORITY PUC NO. 3530:

"Transportation -- on call and demand -- of

- (1) Furniture, appliances, construction equipment, household goods, and personal effects

Between all points within the City and County of Denver, State of Colorado.

RESTRICTION:

- (a) This Certificate is restricted against the transportation of authorized commodities which, because of size or weight, requires the use of special equipment."

PERMIT NO. B-4630:

"Transportation of

- (1) Furniture, television sets, refrigerators, freezers, gas and electric ranges, elevator parts and tools

Between all points within a twenty-mile radius of the City and County of Denver, State of Colorado.

RESTRICTION:

- (a) This Permit shall be restricted to serving the following named customers, only, viz:
 1. Austin & Son, 1123 Wazee Street, Denver, Colorado.
 2. Glenarm, Inc., Midland Savings Building, Denver, Colorado.
 3. Kraut Furniture Co., 1750 Larimer Street, Denver, Colorado.
 4. Pepper's Furniture Co., 1624 Larimer Street, Denver, Colorado.
 5. Otis Elevator Co., 1540 Cleveland Place, Denver, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the

provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Sam B. Handler, doing business as "Handler's Express", be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3530, to High Rise Corp., a Colorado corporation, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3530 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

Furniture, appliances, construction equipment,
household goods, and personal effects

Between all points within the City and County of
Denver, State of Colorado.

RESTRICTION:

This Certificate is restricted against the transportation of commodities which, because of size or weight, requires the use of special equipment.

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

be extended by the Commission, upon proper application.

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

That Sam B. Handler, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-4630, to High Rise Corp., a Colorado corporation, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-4630 shall read and be as follows, to-wit:

Transportation of

Furniture, television sets, refrigerators, freezers, gas and electric ranges, elevator parts and tools

Between all points within a twenty-mile radius of the City and County of Denver, State of Colorado.

RESTRICTION:

All transportation to be rendered under this Permit is restricted to service for only the following named customers:

1. Austin & Son, 1123 Wazee Street, Denver, Colorado.
2. Glenarm, Inc., Midland Savings Building, Denver, Colorado.
3. Kraut Furniture Co., 1750 Larimer Street, Denver, Colorado.
4. Pepper's Furniture Co., 1624 Larimer Street, Denver, Colorado.
5. Otis Elevator Co., 1540 Cleveland Place, Denver, Colorado.

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

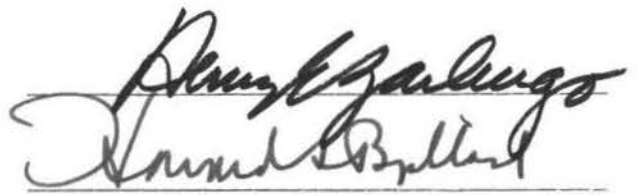

Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

This Order is made a part of the Permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 26th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER ALL OF THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
ALLEN TRANSFER COMPANY, A COLORADO)
CORPORATION, ROUTE 1, BOX 16, BERTHOUD,)
COLORADO, RECORD OWNER OF PUC NO. 6282)
AND PUC No. 6282-I TO EDSON EXPRESS,)
INC., LONGMONT, COLORADO.)

APPLICATION NO. 23646-Stock Transfer
Amended

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER ALL OF THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
ALLEN TRANSFER COMPANY, A COLORADO)
CORPORATION, ROUTE 1, BOX 16, BERTHOUD,)
COLORADO, RECORD OWNER OF PUC NO. 6831,)
TO EDSON EXPRESS, INC., LONGMONT,)
COLORADO.)

APPLICATION NO. 23647-Stock Transfer
Amended

June 26, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicants;
William T. Secor, Esq., Longmont,
Colorado, for Golden Transfer
Company of Longmont, Colorado;
Sorenson Truck Service, Inc.,;
and City Storage and Transfer,
Inc., of Boulder, Colorado,
Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 17, 1969, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock of Allen Transfer Company, record owner of Certificates of Public Convenience and Necessity PUC No. 6282, PUC No. 6282-I and PUC No. 6831 to Edson Express, Inc., Longmont, Colorado.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly

designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Applications No. 23646-Stock Transfer-Amended and 23647-Stock Transfer-Amended are consolidated for hearing.

Inasmuch as no one appeared nor any evidence presented on behalf of Protestants, Acme Delivery Service; Hoffman Transfer; Weicker Transfer and Storage Co. and United States Transfer and Storage Company, said Protests, upon motion of Applicants, were dismissed."

The record further discloses, in view of the above and foregoing, that the protestants of record, as above indicated, withdrew their protest to the granting of the authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant corporation, Allen Transfer Company, is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant corporation is the owner and operator of Certificates of Authority PUC No. 6282, PUC No. 6282-I and PUC No. 6831, which are the subjects of this proceeding.

3. Jerry D. McMorris is the owner of all of the outstanding capital stock of Allen Transfer Company and has continually operated Certificates of Authority PUC No. 6282, PUC No. 6282-I and PUC No. 6831 in the past. Said authorities are presently in good standing with the Commission.
4. Transferee corporation herein presently holds authority from this Commission under Certificates of Authority PUC No. 26, PUC No. 26-I, PUC No. 40 and PUC No. 3136-I.
5. These applications were protested by Golden Transfer Company of Longmont, Colorado; Sorenson Truck Service, Inc.; and City Storage and Transfer, Inc., of Boulder, Colorado, and the only evidence presented by said Protestants was that they held authority duplicate to some extent, at least, to that involved in these transfer proceedings.
6. Protestants presented no evidence whatsoever bearing upon the issues of these transfer proceedings or which would cause a denial of the applications.
7. The parties have entered into an Agreement for the transfer of all of the outstanding and issued stock of Allen Transfer Company, and the consideration to be paid is fair and reasonable.
8. The Certificates are free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authorities, which encumbrance should be approved by the Commission upon the filing of the proper documents.
9. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
10. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
11. If these transfers are approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of the outstanding capital stock of Allen Transfer Company, a Colorado corporation, to Edson Express, Inc., and that henceforth the full and complete authority under Certificates of Authority PUC No. 6282, PUC No. 6282-I and PUC No. 6831 shall read as follows, to-wit:

3. Jerry D. McMorris is the owner of all of the outstanding capital stock of Allen Transfer Company and has continually operated Certificates of Authority PUC No. 6282, PUC No. 6282-I and PUC No. 6831 in the past. Said authorities are presently in good standing with the Commission.
4. Transferee corporation herein presently holds authority from this Commission under Certificates of Authority PUC No. 26, PUC No. 26-I, PUC No. 40 and PUC No. 3136-I.
5. These applications were protested by Golden Transfer Company of Longmont, Colorado; Sorenson Truck Service, Inc.; and City Storage and Transfer, Inc., of Boulder, Colorado, and the only evidence presented by said Protestants was that they held authority duplicate to some extent, at least, to that involved in these transfer proceedings.
6. Protestants presented no evidence whatsoever bearing upon the issues of these transfer proceedings or which would cause a denial of the applications.
7. The parties have entered into an Agreement for the transfer of all of the outstanding and issued stock of Allen Transfer Company, and the consideration to be paid is fair and reasonable.
8. The Certificates are free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authorities, which encumbrance should be approved by the Commission upon the filing of the proper documents.
9. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
10. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
11. If these transfers are approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of the outstanding capital stock of Allen Transfer Company, a Colorado corporation, to Edson Express, Inc., and that henceforth the full and complete authority under Certificates of Authority PUC No. 6282, PUC No. 6282-I and PUC No. 6831 shall read as follows, to-wit:

CERTIFICATE OF AUTHORITY PUC NO. 6282 and PUC No. 6282-I:

"Transportation -- on call and demand -- of

(1) General Commodities

In the Counties of Larimer, Boulder and Weld, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTIONS:

- (a) Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers, shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than rates charged by scheduled carriers.
- (b) No office or branch shall be established in any other towns or cities than Longmont, Berthoud and Mead, Colorado, and, further, no agent or other person shall be employed for the purpose of developing or conducting business in any other towns or cities than Longmont, Berthoud and Mead, Colorado.

(2) Sugar

Between the plant sites of Great Western Sugar Company located near Loveland, and Longmont, Colorado, on the one hand, and points within four (4) miles of Denver, Colorado, on the other hand.

- (3) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

CERTIFICATE OF AUTHORITY PUC NO. 6831:

"Transportation -- on call and demand -- of

- 1. Used office furniture and office equipment.
- 2. Uncrated and unpacked tabulating machines and related parts when moving in mixed shipments therewith.
- 3. Uncrated and unpacked office machines.

Between all points within the County of Boulder, State of Colorado and from and to said points, to and from all points within the State of Colorado."

AND, FURTHER,

That the Commission make and enter its Order approving the encumbrance to be placed on the authorities upon the filing of the proper documents.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Jerry D. McMorris, Denver, Colorado, be, and hereby is, authorized to transfer all of the outstanding capital stock of Allen Transfer Company, a Colorado corporation, Berthoud, Colorado, record owner of Certificates of Public Convenience and Necessity PUC No. 6282, PUC No. 6282-I and PUC No. 6831 to Edson Express, Inc., Longmont, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6282 and PUC No. 6282-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General Commodities

In the following Counties of the State of Colorado:
Larimer, Boulder and Weld, and for occasional service
throughout the State of Colorado.

RESTRICTION:

Item one (1) of this Certificate is restricted as follows:

- (a) The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carriers, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.

- (b) The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other cities or towns than Longmont, Berthoud and Mead, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other cities or towns than Longmont, Berthoud and Mead, Colorado, for the purpose of developing or conducting business.

(2) Sugar

Between the plant sites of Great Western Sugar Company located near Loveland, and Longmont, Colorado, on the one hand, and points within four (4) miles of Denver, Colorado, on the other hand.

- (3) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6831 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

1. Used office furniture and office equipment.
2. Uncrated and unpacked tabulating machines and related parts when moving in mixed shipments therewith.
3. Uncrated and unpacked office machines.

Between all points within the County of Boulder, State of Colorado and from and to said points, to and from all points within the State of Colorado.

That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificates of Public Convenience and Necessity PUC No. 6282, PUC No. 6282-I and PUC No. 6831 according to the terms and conditions of the agreement as made and entered into by and between the Transferor and Transferee herein.

That said transfer of stock shall become effective only if and when, but not before, said transferor or transferee, in writing, have advised the Commission that said stock certificates have been formally

assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file written acceptance of the terms of this Order on or before the effective date of this Order shall automatically revoke the authority granted herein to make the stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

This Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
J. C. BEAN, FLOYD BEAN, & TOM HAGGARD,)	
DOING BUSINESS AS "BEAN LUMBER COM-)	
PANY," BOX 306, DOLORES, COLORADO,)	APPLICATION NO. 23729-PP
FOR A CLASS "B" PERMIT TO OPERATE)	
AS A PRIVATE CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

June 27, 1969

Appearances: Joan Bean, Dolores, Colorado,
pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 5, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are a partnership, doing business as "Bean Lumber Company".
2. Applicants do not hold previously granted authority from this Commission.
3. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicants to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

- (2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado

RESTRICTION:

This Permit is restricted against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the

provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That J. C. Bean, Floyd Bean, and Tom Haggard, doing business as "Bean Lumber Company," be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

- (2) Rough lumber

From sawmills in said 100 mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against the rendering of any town-to-town service.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

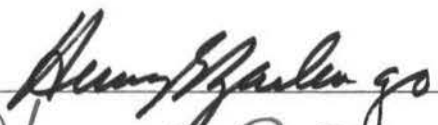
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

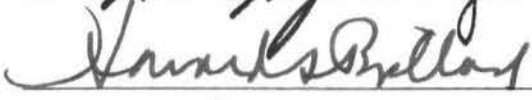
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of its customers, the necessary tariffs, required insurance, and has secured authority sheets.

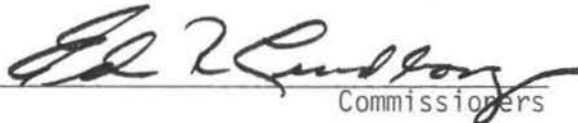
That the right of Applicant to operate hereunder shall depend upon its compliance with all present and future laws and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
27th day of June, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
H. E. Wilson & Company, Inc.)
1815 Magoffin Avenue)
El Paso, Texas 79940)
)
)
)
)

AUTHORITY NO. 6676-I
CASE NO. 1583-H-Ins.

- - - - -
June 26, 1969 - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 23, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

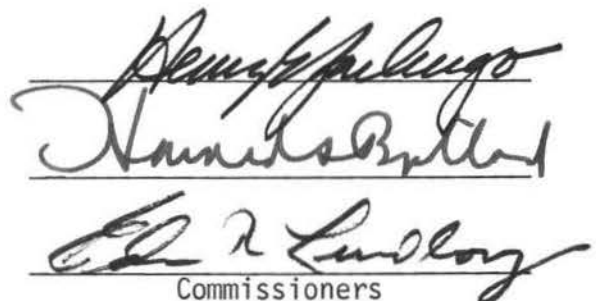
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
26th day of June 1969 .

(Decision No. 73207)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HARRY B. HAWKS, RURAL ROUTE 4,)
BOX 431, MONTROSE, COLORADO.)

PUC NO. 1345
PERMIT NOS. B-1365, B-1365-I,
B-3076, B-4769, B-4769-I, B-4929

June 27, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28, 1968, the Commission entered Decision No. 71349 approving encumbrance of PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I and B-4929 by Harry B. Hawks, Montrose, Colorado, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$27,179.98.

The Commission is now in receipt of a communication from said Montrose National Bank stating that said encumbrance has been paid off by renewal and requesting release of Chattel Mortgage dated May 22, 1968, and approval of Chattel Mortgage dated May 22, 1969, in the amount of \$42,063.48, in accordance with the terms and conditions set forth in said Chattel Mortgage.

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

O R D E R


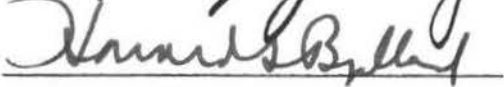

THE COMMISSION ORDERS:

That mortgage of the above-mentioned operating rights authorized by Decision No. 71349, dated May 28, 1968, be, and the same hereby is, released, as requested by the Mortgagee herein insofar as it concerns this Commission.

That Harry B. Hawks, Montrose, Colorado, be, and hereby is, authorized to mortgage all right, title and interest in and to PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I, and B-4929, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$42,063.48, in accordance with the terms and conditions set forth in Chattel Mortgage dated May 22, 1969, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of June, 1969.
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
LEROY BEAN, GENERAL DELIVERY, }
DOLORES, COLORADO, FOR A CLASS "B" }
PERMIT TO OPERATE AS A PRIVATE CAR- }
RIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 23728-PP

June 27, 1969

Appearances: Dora Bean, Dolores, Colorado,
for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 5, 1969, the above-entitled application was filed request-
ing authority to operate as a Class "B" private carrier by motor vehicle
for hire for the transportation service as specifically set forth in said
application.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by Robert L. Pyle -- duly desig-
nated by the Commission as an Examiner for the purpose of conducting the
hearing on said application -- who, pursuant to the provisions of 1963 CRS
115-6-9 (2), has transmitted to the Commission the record and exhibits of
the instant proceeding together with a written statement of his Findings
of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one ap-
peared at the hearing to intervene or to protest the granting of the
authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Con-
clusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

- (2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the

provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That LeRoy Bean, Dolores, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

(2) Rough lumber

From sawmills in said 100 mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against the rendering of any town-to-town service;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

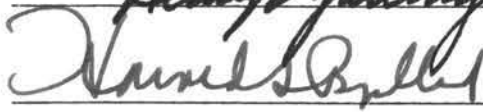
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
27th day of June, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BLAIR CONTRACTORS, INC., 868 SOUTH
COLE DRIVE, DENVER, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.)

APPLICATION NO. 23699-PP

June 27, 1969

Appearances: William B. Brasher, Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 16, 1969, the above-entitled application was filed re-
questing authority to operate as a Class "B" private carrier by motor
vehicle for hire for the transportation service as specifically set forth
in said application.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by William D. Mitchell -- duly desig-
nated by the Commission as an Examiner for the purpose of conducting the
hearing on said application -- who, pursuant to the provisions of 1963 CRS
115-6-9 (2), has transmitted to the Commission the record and exhibits of
the instant proceeding together with a written statement of his Findings
of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one ap-
peared at the hearing to intervene or to protest the granting of the auth-
ority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Con-
clusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Blair Contractors, Inc., Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

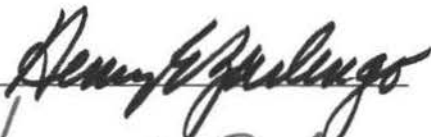
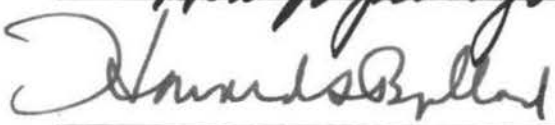
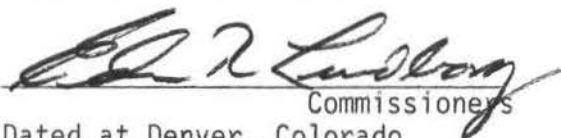
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 27th day of June, 1969.

jk

(Decision No. 73210)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN KOEPPEN, 9833 WEST 53RD PLACE,)
ARVADA, COLORADO, FOR A CLASS "B") APPLICATION NO. 23697-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

June 27, 1969

Appearances: Glenn Koeppen, Arvada,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 17, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Act and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service or any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Glenn Koeppen, Arvada, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 50 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 50 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

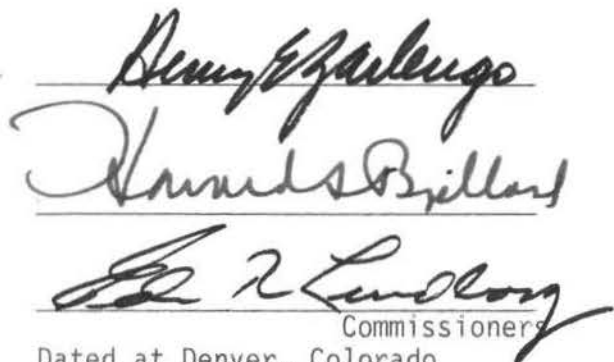
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 27th day of June, 1969.

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THE WILDERNESS TRANSIT COMPANY,)
CRAIG, COLORADO)

PUC NO. 3046

- - - - -
June 27, 1969
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION

The Wilderness Transit Company, owner and operator of PUC No. 3046, herein seeks authority to encumber said Certificate to Anna H. Salabar to secure payment of the indebtedness in the sum of \$6,000.00 in accordance with the certain terms and conditions as set forth in copies of Security Agreement and Financing Statement, dated May 15, 1969, properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

THE COMMISSION ORDERS:

That The Wilderness Transit Company be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 3046 to Anna H. Salabar to secure payment of the indebtedness in the sum of \$6,000.00 in accordance with the terms and conditions set forth in Security Agreement and Financing Statement, dated May 15, 1969, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry F. Zuckergo
Donald S. Bellini

Edw. J. Linsborg
Commissioners

Dated at Denver, Colorado,
this 27th day of June, 1969.

(Decision No. 73212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY NAUMANN, BOX 132, SIMLA, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-3127 TO JIM D. BLOOM, DOING BUSINESS)
AS "JIM BLOOM, HOUSE MOVER," 1332)
SOUTH 25TH, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 23688-PP-Transfer
SUPPLEMENTAL ORDER

June 30, 1969

Appearances: Jack W. Foutch, Esq., Colorado
Springs, Colorado, for Applicants.

STATEMENT OF FINDINGS OF FACT

BY THE COMMISSION:

On June 4, 1969, the Commission entered Decision No. 73092 in the above-entitled application, authorizing the transfer of Permit No. B-3127 from Roy Naumann to Jim D. Bloom, doing business as "Jim Bloom, House Mover."

Jim D. Bloom, doing business as "Jim Bloom, House Mover," herein seeks authority to encumber said Permit No. B-3127 to Roy Naumann to secure payment of the sum of \$3,500.00 in accordance with the certain terms and conditions as set forth in copies of Financing Statement and Security Agreement, dated February 18, 1969, properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

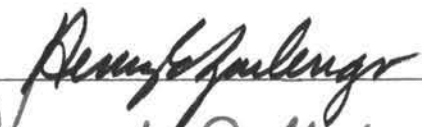
THE COMMISSION ORDERS:

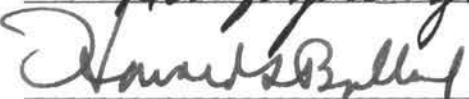
That Jim D. Bloom, doing business as "Jim Bloom, House Mover," be, and hereby is, authorized to encumber all his right, title and interest

in and to Permit No. B-3127, authorized by Decision No. 73092, dated June 4, 1969, to secured party, Roy Naumann, to secure payment of the indebtedness in the sum of \$3,500.00, in accordance with the terms and conditions set forth in Financing Statement and Security Agreement, dated February 18, 1969, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

(Decision No. 73213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LUKOW TRUCKING CO., INC., P. O.)
BOX 72, ARRIBA, COLORADO.)

PUC NO. 403, PUC No. 403-I
PERMIT NO. B-1317, PERMIT NO. 1317-I

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Lukow Trucking Co., Inc., owner and operator of PUC No. 403, PUC No. 403-I, Permit No. B-1317 and Permit No. B-1317-I, herein seeks authority to encumber said operating rights to the First National Bank of Limon, Colorado, to secure payment of the indebtedness in the sum of \$62,500.00, in accordance with the certain terms and conditions as set forth in copies of the Security Agreement (Mortgage) dated May 5, 1969, and properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

THE COMMISSION ORDERS:

That Lukow Trucking Co., Inc., be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 403, PUC No. 403-I, Permit No. B-1317, and Permit No. B-1317-I, to the First National Bank of Limon, to secure payment of the indebtedness in the sum of \$62,500.00 in accordance with the terms and conditions as set forth in

Security Agreement (Mortgage) dated May 5, 1969, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harold Spaulding


Ed R. Lusk
Commissioner

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEO F. ROMERO, ROUTE 1, BOX 162,)	
LA SALLE, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 23731-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

June 30, 1969

Appearances: Robert C. Burroughs, Esq.,
Ault, Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 6, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Farm products and natural fertilizer

Between all points within an area comprised of the following named Counties: Adams, Arapahoe, Denver, Larimer, Morgan and Weld, State of Colorado.

RESTRICTION:

This Permit is restricted against the transportation of livestock, bulk milk and dairy products."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth,

and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Leo F. Romero, La Salle, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Farm products and natural fertilizer

Between all points in an area comprised of the following Counties of the State of Colorado: Adams, Arapahoe, Denver, Larimer, Morgan and Weld.

RESTRICTION:

This Permit is restricted against the transportation of livestock, bulk milk and dairy products;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

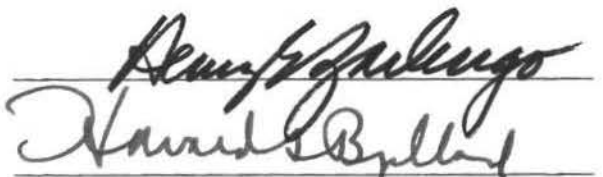

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
gf

(Decision No. 73215)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. HARRY ROMANGO, BOX 544, WALDEN,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23730-PP

June 30, 1969

Appearances: D. Harry Romango, Walden,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 2, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

- (2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That D. Harry Romango, Walden, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

(2) Rough lumber

From sawmills in said 75 mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against the rendering of any town-to-town service;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

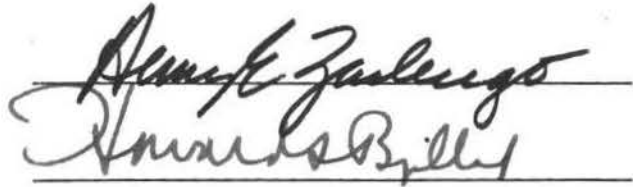
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Donald B. Ziegler


Commissioners

Dated at Denver, Colorado, this
27th day of June, 1969.
jk

(Decision No. 73216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK L. DAVID, 614 SOUTH 14TH STREET,)
GUNNISON, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT)
NO. B-6980.)

APPLICATION NO. 23722-PP-Extension

June 30, 1969

Appearances: Jack L. David, Gunnison,
Colorado, pro se;
P. C. Klingsmith, Esq., Gunnison,
Colorado, for Salida Transfer Co.,
Nu Mine Coal Co., and Gunnison
Trucking, Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 28, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-6980 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual and presently holds authority from this Commission in the form of an "M" Permit, No. 15955, and PUC No. 7278-I, neither of which have any bearing on this application. Applicant also holds authority from this Commission identified as Permit No. B-6980, which is a regular "sand and gravel" authority and it is this authority to which extension is sought.
2. By this application, Applicant seeks to extend the aforementioned Permit No. B-6980 to include the transportation of ore from mines located within a fifty-mile radius of Gunnison to mills and storage dumps within said radius.
3. Applicant has, in the past, either hauled ore in the area encompassed by this application without authority and has been directed to refrain from doing so by this Commission.
4. Applicant furnished no supporting shipper testimony whatsoever and failed to show that there was any special need for the service or even that he had agreements or contracts to haul ore for any customers.
5. Applicant admitted that existing common carriers could handle the transportation sought by this application.
6. The application was protested by Salida Transfer Co., Certificate of Authority PUC No. 482; Nu Mine Coal Co., Certificate of Authority PUC No. 1636; and Gunnison Trucking, Inc., Certificate of Authority PUC No. 797, all of which hold authority which conflicts to some extent, at least, to the authority sought by this application.
7. The proposed operation would impair the efficient public service of authorized common carriers adequately serving the same territory over the same general route or routes including the aforementioned Protestants.
8. The application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying the application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.


O R D E R


THE COMMISSION ORDERS:

That Application No. 23722-PP-Extension, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.,
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAN McEACHERN, CHARLES McEACHERN AND)
JAMES McEACHERN, DOING BUSINESS AS)
"DAN McEACHERN & SONS," 142 EAST 7TH)
STREET, LEADVILLE, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 23700-PP-Transfer
B-1976 TO W. O. DIEDRICH AND K. E.)
DIEDRICH, DOING BUSINESS AS "DIEDRICH)
CONSTRUCTION CO.," P. O. BOX 915 (A.)
V. SMELTER-STRINGTOWN), LEADVILLE,)
COLORADO.)

June 30, 1969

Appearances: Charles R. Casey, Esq., Leadville,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 14, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-1976.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

It should be noted that a Protest was filed by South Park Motor Lines. Said Protest was dismissed on the grounds that said Protestant failed to appear either in person or by counsel."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferors are a partnership doing business as "Dan McEachern & Sons."
2. Transferors herein are the present owners and operators of Permit No. B-1976, which is the subject of this proceeding.
3. This authority has been continually operated in the past and is presently in good standing with the Commission.
4. Transferees herein hold no previously granted authority from this Commission.
5. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
6. The Permit is free and clear of any debts, encumbrances or obligations.
7. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
8. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
9. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to Permit No. B-1976 to W. O. Diedrich and K. E. Diedrich, doing business as "Diedrich Construction Co.," and that henceforth the full and complete authority under said Permit No. B-1976 shall read as follows:

"Transportation of

(1) Ore

From mines in Leadville, Sugar Loaf, Breckenridge, Kokomo, and Salida Metal Mining districts, to Leadville, Colorado.

(2) Coal

From Salida, Colorado, to Leadville, Colorado, and mines located within the Sugar Loaf, Breckenridge, Kokomo, and Leadville districts.

(3) Coal

From mines within Crested Butte area to all points located within Leadville and a fifty (50) mile radius thereof.

RESTRICTION:

Item No. 3 is restricted against serving Alma and Fairplay, Colorado.

(4) Scrap Metal

From Climax Molybdenum Company, Climax, Colorado, to American Smelting and Refining Company at Leadville, Colorado.

(5) Sand and Gravel

From pits and supply points located within Leadville, Colorado, and a fifty (50) mile radius thereof to construction jobs located within said fifty (50) mile radius.

RESTRICTION:

Item No. 5 is restricted against serving Alma and Fairplay, Colorado.

(6) Logs

Between all points within a fifty (50) mile radius of Leadville, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and

Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dan McEachern, Charles McEachern and James McEachern, doing business as "Dan McEachern & Sons," Leadville, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-1976 to W. O. Diedrich and K. E. Diedrich, doing business as Diedrich Construction Co., Leadville, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-1976 shall read and be as follows, to-wit:

Transportation of

(1) Ore

From mines in Leadville, Sugar Loaf, Breckenridge, Kokomo, and Salida Metal Mining districts, to Leadville, Colorado.

(2) Coal

From Salida, Colorado, to Leadville, Colorado, and mines located within the Sugar Loaf, Breckenridge, Kokomo, and Leadville districts.

(3) Coal

From mines within Crested Butte area to all points located within Leadville and a fifty (50) mile radius thereof.

RESTRICTION:

Item 3 of this Permit is restricted against the rendering of any transportation service to Alma, Colorado, and Fairplay, Colorado.

(4) Scrap Metal

From Climax Molybdenum Company, Climax, Colorado, to American Smelting and Refining Company at Leadville, Colorado.

(5) Sand and Gravel

From pits and supply points located within Leadville, Colorado, and a fifty (50) mile radius thereof to construction jobs located within said fifty (50) mile radius.

RESTRICTION:

Item 5 of this Permit is restricted against the rendering of any transportation service to Alma, Colorado, and Fairplay, Colorado.

(6) Logs

Between all points within a fifty (50) mile radius of Leadville, Colorado.


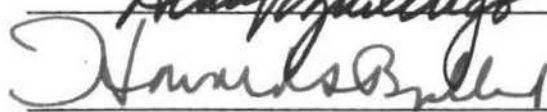
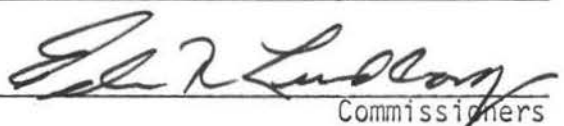
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of June, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY
MOUNTAIN NATURAL GAS COMPANY, INC., FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT A LATERAL TRANS-
MISSION LINE FROM ITS EXISTING LINE IN
HOTCHKISS, DELTA COUNTY, COLORADO, TO THE
TOWN OF PAONIA, DELTA COUNTY, COLORADO,
AND FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO EXERCISE FRANCHISE RIGHTS
IN THE TOWN OF PAONIA, DELTA COUNTY,
COLORADO, FOR THE PURCHASE, DISTRIBUTION
AND SALE OF GAS, EITHER NATURAL, ARTIFICIAL
OR MIXED, IN SAID TOWN AND ADJACENT AREAS
AND FOR THE PURCHASE, DISTRIBUTION AND SALE
OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED,
IN THE AREAS ADJACENT TO THE LATERAL TRANS-
MISSION LINE BETWEEN HOTCHKISS AND PAONIA,
COLORADO.

APPLICATION NO. 23758

June 30, 1969

Appearances: Grant E. McGee, Esq., Denver, Colorado, and
Wynn M. Bennett, Jr., Esq., Denver, Colorado,
for Applicant, Rocky Mountain Natural Gas
Company;
Harry A. Galligan, Jr., Esq., Denver, Colorado,
For the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Rocky Mountain Natural Gas Company (Rocky Mountain or Applicant)
filed an application with this Commission on May 23, 1969, seeking a
certificate of public convenience and necessity authorizing the exercise
of franchise rights in the Town of Paonia, Delta County, Colorado.

The matter was set for hearing, after due notice to all interested
parties, on June 18, 1969, at 9 o'clock a.m. in the Hearing Room of the
Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado,
at which time and place the matter was heard by Commissioner Howard S.
Bjelland. At the conclusion of the hearing, the matter was taken under
advisement.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado and is a public utility operating company subject to the jurisdiction of this Commission engaged in the business of purchasing, transmitting and distributing gas, either natural, artificial or mixed, to various cities and towns in the State of Colorado. A certificated copy of Applicant's Certificate of Incorporation has heretofore been filed with this Commission. An additional amendment to said Articles of Incorporation, which amendment is dated May 26, 1969, was tendered to the Commission as Exhibit 9 in this application. Said Exhibit brings to date the filing of all amendments of the Applicant to its original Articles of Incorporation.

Applicant showed that on March 4, 1969, the Board of Trustees of the Town of Paonia duly adopted Ordinance No. 316 entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF PAONIA, COLORADO, TO THE ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., A COLORADO CORPORATION. TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF PAONIA, DELTA COUNTY, COLORADO. A PLANT OR PLANTS, AND WORKS FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF PAONIA, AND THE INHABITANTS THEREOF, FOR HEATING, COOKING, OR OTHER PURPOSES, BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF PAONIA: SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE, PROVIDING FOR CITY REGULATION OF THE GAS SYSTEM: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS."

The term of the franchise is for a period of twenty years from the effective date. Applicant filed its letter of acceptance to the Town of Paonia on March 10, 1969.

Applicant showed that a petition protesting against said Ordinance was filed on April 4, 1969, and that thereafter the Board of Trustees of the Town of Paonia reconsidered the Ordinance and determined that said Ordinance should be submitted to the qualified electors of the town for approval. Said election is presently set for the

fifteenth day of July, 1969. Further, Applicant, upon favorable vote of the Town of Paonia, proposes to construct a distribution system in the town and its environs; to construct a nine-mile lateral line from a point on the existing transmission line of Applicant in the vicinity of Hotchkiss to enable it to engage in the business of selling natural gas in the Town of Paonia.

Applicant's witness, John M. Reed, Vice President of Operations, stated that the cost of facilities will be approximately \$182,400 and that the proposed system would be constructed within sixty days of the date of a certificate granted by this Commission. Mr. Reed sponsored Applicant's Exhibit 6, which is a pro forma feasibility study of the Paonia Project. Applicant projects that by 1972 it will have 400 residential customers and 50 commercial customers from which Applicant will derive a total revenue of \$62,400. Net operating income for 1972 is projected by Applicant to be \$16,593. Financing for the proposed system will be done through internal sources of the Company. The rate for which such service will be offered will be the same as that presently in effect in the Delta-Montrose area.

Mr. Reed testified that there is no other public utility in the business of distributing gas in the said Town of Paonia. He further testified that the residents of the area are presently using coal, propane and oil, and that Applicant expects to convert most of the propane and oil users to natural gas relatively soon.

Applicant's balance sheet and statement of income for the year 1968 were previously filed with this Commission.

Mayor Carrol W. Wade and Lloyd Simpson, postmaster and board member, were present at the hearing to testify that they both believed and desired that Applicant be granted a certificate of public convenience and necessity for the service of natural gas in the Town of Paonia. These two witnesses stated that they have signed applications with Applicant for service of gas to their homes.

F I N D I N G S

THE COMMISSION FINDS:

1. The above and foregoing Statement should be, and hereby is made part of these Findings by reference.
2. The Commission has jurisdiction over the Applicant herein, Rocky Mountain Natural Gas Company, Inc., and of the subject matter involved in the instant application.
3. The Commission is fully advised in the premises.
4. That no other public utility now provides natural gas service in the Town of Paonia.
5. That public convenience and necessity require, and will require, the exercise by Rocky Mountain Natural Gas Company, Inc., of the franchise rights granted in and by Ordinance No. 316, dated March 4, 1969, for the transmission and distribution of natural gas by Applicant, provided that such franchise shall receive a favorable vote by the qualified electors of the Town of Paonia at the election scheduled for July 15, 1969.
6. That upon a favorable vote by the electors for the granting of said franchise, Applicant should apply to this Commission for a Certificate of Public Convenience and Necessity. Such application, upon certification of said vote, should be granted by this Commission.

O R D E R


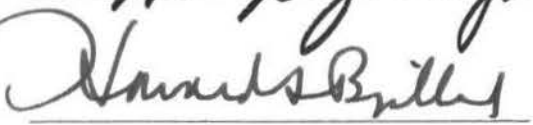
THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Rocky Mountain Natural Gas Company, Inc., of franchise rights granted in and by Ordinance No. 316 of the Town of Paonia, Colorado, dated March 4, 1969, provided said franchise is approved by the qualified electors of the town of Paonia.

That upon certification by the Town Clerk of a vote favorable to Applicant, and upon presentation to the Commission of proper evidence thereof a certificate of public convenience and necessity shall be issued to Applicant upon application to this Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 30th day of June 1969.
jk

(Decision No. 73219)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT E. BOYCE, DOING BUSINESS AS)
"BOYCE HOUSE MOVERS," 2138 EAST 4TH)
AVENUE, PUEBLO, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PUC NO. 2100 TO)
ERNIE A. SCHADE AND J. DEAN SIMONSON,)
DOING BUSINESS AS "PROFESSIONAL)
BUILDING MOVERS," 515 WEST 17TH)
AVENUE, PUEBLO, COLORADO.)

APPLICATION NO. 23724-Transfer

June 30, 1969

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

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 29, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 2100.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein is the present owner and operator of PUC No. 2100, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferees herein hold no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances of obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.
6. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 2100 to Ernie A. Schade and J. Dean Simonson, doing business as "Professional Building Movers," and that henceforth the full and complete authority under said PUC No. 2100 shall read as follows, to-wit:

"Transportation of

Buildings

Commencing at a point six (6) miles west of the southwest corner of Jefferson County; thence east along the southern boundaries of the Counties of Jefferson, Douglas, Elbert, Washington and Yuma, to the Colorado-Kansas state line; thence south along said line to the Colorado-Oklahoma state line; thence west along the Colorado-Oklahoma-New Mexico state line to a point thirty-five (35) miles west of Interstate Highway No. 25; thence north along a line thirty-five (35) miles west of Interstate Highway No. 25 and parallel thereto to the point of beginning.

RESTRICTION:

Restricted against the transportation of box cars and tramway cars."

AND, FURTHER,

That the Commission make and enter its Order approving the encumbrance to be placed on the authority upon the filing of the proper documents.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Robert E. Boyce, doing business as "Boyce House Movers," Pueblo, Colorado, be, and hereby is, authorized to transfer Certificate of Public Convenience and Necessity PUC No. 2100 to Ernie A. Schade and J. Dean Simonson, doing business as "Professional Building Movers," Pueblo, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2100 shall read and be as follows, to-wit:

Transportation of
Buildings

Commencing at a point six (6) miles west of the southwest corner of Jefferson County; thence east along the southern boundaries of the Counties of Jefferson, Douglas, Elbert, Washington and Yuma, to the Colorado-Kansas state line; thence south along said line to the Colorado-Oklahoma state line; thence west along the Colorado-Oklahoma-New Mexico state line to a point thirty-five (35) miles west of Interstate Highway No. 25; thence north along a line thirty-five (35) miles west of Interstate Highway No. 25 and parallel thereto to the point of beginning.

RESTRICTION:

This Certificate is restricted against the transportation of box cars and tramway cars.

That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificate of Public Convenience and Necessity PUC No. 2100 according to the terms and conditions of the agreement as made and entered into by and between the Transferor and Transferee herein.


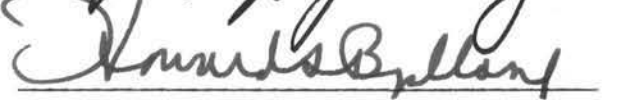
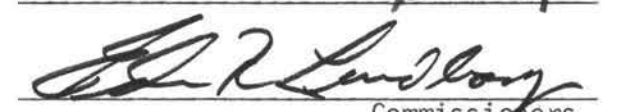
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
Rocky Mountain Elastizell, Inc)
2133 South Wabash Street)
Denver, Colorado 80222)
)
)
-----)

AUTHORITY NO. M 9167

CASE NO. 4466-M-Ins

June 27, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

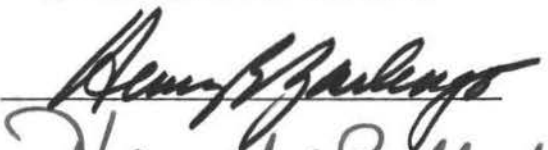


O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of June, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TIM K.)
EVENSON, ANNA EVENSON, OLE EVENSON, LYNN)
JOHNSON, DOROTHY ANN JOHNSON, INDIVIDUALLY)
AND AS CUSTODIAN FOR JULIE ANN JOHNSON,)
JEFFREY LEONARD JOHNSON, SIGNE KAY JOHNSON)
AND JON ERIC JOHNSON UNDER THE COLORADO)
UNIFORM GIFTS TO MINORS ACT, NORDIS ARLENE)
CHRISTENSON, INDIVIDUALLY AND AS CUSTODIAN)
FOR TIMOTHY JOHN CHRISTENSON, LAURIE ELLEN)
CHRISTENSON, STEPHEN ARTHUR CHRISTENSON)
AND ARNE LAURENCE CHRISTENSON UNDER THE)
COLORADO UNIFORM GIFTS TO MINORS ACT, AND)
EINAR HAROLD EVENSON, INDIVIDUALLY AND AS)
CUSTODIAN FOR ERIC ARTHUR EVENSON, THOMAS)
KENNETH EVENSON AND CURTIS CARL EVENSON)
UNDER THE COLORADO UNIFORM GIFTS TO MINORS)
ACT AND PACKAGE DELIVERY SERVICE CO. FOR)
AUTHORITY TO TRANSFER ALL OF THEIR CAPITAL)
STOCK IN AND TO PACKAGE DELIVERY SERVICE)
CO., RECORD OWNER OF PUC NO. 572 AND PUC)
NO. 572-I, TO UNITED PARCEL SERVICE, INC.)

APPLICATION NO. 23709-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
PACKAGE DELIVERY SERVICE CO. AND UNITED)
PARCEL SERVICE, INC., FOR AUTHORITY TO)
MERGE, AND FOR TRANSFER OF PUC NO. 572)
AND PUC NO. 572-I TO UNITED PARCEL)
SERVICE, INC.)

APPLICATION NO. 23710-Transfer

IN THE MATTER OF THE APPLICATION OF TIM K.)
EVENSON, ANNA EVENSON, OLE EVENSON, LYNN)
JOHNSON, DOROTHY ANN JOHNSON, INDIVIDUALLY)
AND AS CUSTODIAN FOR JULIE ANN JOHNSON,)
JEFFREY LEONARD JOHNSON, SIGNE KAY JOHNSON)
AND JON ERIC JOHNSON UNDER THE COLORADO)
UNIFORM GIFTS TO MINORS ACT, NORDIS ARLENE)
CHRISTENSON, INDIVIDUALLY AND AS CUSTODIAN)
FOR TIMOTHY JOHN CHRISTENSON, LAURIE ELLEN)
CHRISTENSON, STEPHEN ARTHUR CHRISTENSON)
AND ARNE LAURENCE CHRISTENSON UNDER THE)
COLORADO UNIFORM GIFTS TO MINORS ACT, AND)
EINAR HAROLD EVENSON, INDIVIDUALLY AND AS)
CUSTODIAN FOR ERIC ARTHUR EVENSON, THOMAS)
KENNETH EVENSON AND CURTIS CARL EVENSON)
UNDER THE COLORADO UNIFORM GIFTS TO MINORS)
ACT AND PACKAGE DELIVERY SERVICE CO. FOR)
AUTHORITY TO TRANSFER ALL OF THEIR CAPITOL)
STOCK IN AND TO PACKAGE DELIVERY SERVICE)
CO., RECORD OWNER OF PERMIT NO. B-413, TO)
UNITED PARCEL SERVICE, INC.)

APPLICATION NO. 23711-PP-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
PACKAGE DELIVERY SERVICE CO. AND UNITED)
PARCEL SERVICE, INC., FOR AUTHORITY TO)
MERGE, AND FOR TRANSFER OF PERMIT NO.)
B-413 TO UNITED PARCEL SERVICE, INC.)

APPLICATION NO. 23712-PP-Transfer

- - - - -
June 30, 1969
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Appearances: Hans W. Johnson, Esq., Denver, Colorado, and
Wentworth E. Griffin, Esq., Kansas City,
Missouri, for Stockholders of Applicants;
Richard L. Schrepferman, Esq., Denver, Colorado,
and
Irving R. Segal, Esq., Philadelphia, Pennsylvania,
for Applicant - Transferee;
John R. Barry, Esq., Denver, Colorado, for American
Bus Lines, Inc., Continental Bus System, Inc.
(Rocky Mountain Lines Division), Denver-Salt Lake-
Pacific Stages, Inc., Denver-Colorado Springs-
Pueblo Motorway, Inc., Transcontinental Bus System,
Inc. (Continental Central Lines Division) (Contin-
ental Western Lines Division) and Valley Transit
Lines, Inc., Protestants;
Edward T. Lyons, Esq., Denver, Colorado, for
Bethke Truck Lines, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Transportation, Inc.,
Edson Express, Inc., Goldstein Transportation and
Storage, Inc., North Eastern Motor Freight, Inc.
and Westway Motor Freight, Inc., Protestants;
David Butler, Esq., Denver, Colorado, for Colorado
Motorways, Inc. and Denver-Boulder Bus Company,
Protestants;
Warren Braucher, Esq., Denver, Colorado, and
John Walker, Esq., Denver, Colorado, for Rio
Grande Motor Way, Inc., Protestant;
Edward Hastings, Esq., Denver, Colorado, for Denver-
Limon-Burlington Transfer Company, Protestant;
Truman A. Stockton, Esq., Denver, Colorado, and
Roger Sollenbarger, Esq., Denver, Colorado, for
Greyhound Lines, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 15, 1969, the above-entitled Applications No. 23709-Stock Transfer and No. 23711-PP-Stock Transfer were filed requesting authority to transfer all of the outstanding capital stock of Package Delivery Service Co., record owner of Certificate of Public Convenience and Necessity PUC No. 572 and PUC No. 572-I and record owner of Private Carrier Permit No. B-413 to United Parcel Service, Inc.

On April 15, 1969, the above-entitled Applications No. 23710-Transfer and No. 23712-PP-Transfer were filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 572 and PUC No. 572-I and Private Carrier Permit No. B-413.

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. PDS has operated in intrastate commerce in the State of Colorado for over 40 years. Its principal place of business and main terminal have been located for the past several years at 2127 Arapahoe Street, Denver, Colorado. The officers of PDS are: Tim K. Evenson, President; Ole Evenson, Vice President; and E. Harold Evenson, Secretary-Treasurer. The stockholders of PDS are as shown in the caption hereof. The company is a Colorado corporation and is presently the owner of and operator under Certificate of Authority PUC No. 572 and PUC No. 572-I and Permit No. B-413 which constitute the entire authority held by said company from this Commission.
2. Under Permit No. B-413, PDS conducts its Truck Service Division which is basically engaged in the pickup and delivery of appliances, furniture and heavy commodities for various retail establishments in the Denver area. Exhibit No. 8 is a copy of the Customer List of PDS under B-413 which is on file with this Commission. Subject to the restrictions shown in Exhibit No. 2, B-413 generally authorizes private or contract operations for merchants, department stores, and other mercantile establishments within the corporate limits of Denver (Decision No. 47954); between points within a thirty-five mile radius of the City and County of Denver (Decision No. 46134); and the transportation of commodities sold by the Denver Dry Goods Company to and from points in the foregoing area and to the stores of the Denver Dry Goods Company located in Fort Collins and Greeley, and between any and all of said stores and warehouses of Denver Dry Goods Company in the service of Denver Dry Goods Company only. In its operations, the Truck Service Division operates approximately 57 vehicles all of which are company owned. Operations under B-413 are conducted daily. Shipments handled under B-413 are not handled over the sorting facilities referred to hereafter.
3. Under PUC No. 572 and PUC No. 572-I, PDS conducts what it terms its Package Division. Under this authority PDS is authorized, generally, to conduct a package operation within a described area in and around Denver with no weight limitation; between Denver and points within 30 miles of Denver limited to 100 pounds per shipment; within and between points in the above-described area and Greeley, Fort Collins and Colorado Springs, Colorado, restricted to 70 pounds for each consignor to each consignee each day; and, transportation of commodities sold by retail and department stores from Denver to all points in the Counties of Larimer and Weld, restricted to 70 pounds per shipment, and to all points in the Counties of Morgan and Logan, restricted to 25 pounds per shipment. The Package Division operates approximately 91 vehicles which are designed for package-type delivery and are company owned.
4. The Package Division operates throughout the scope of its authority on a daily basis. Packages are picked up at the customers' place of business and taken to the terminal where they are processed through an automated sort and assigned to

routes. Twenty-five routes are operated daily in Denver and approximately 10 daily routes throughout the balance of the authorized territory. Service is on a "call and demand" basis and the company holds itself out to perform service to all points for all appropriate consignors. Approximately 20% of all packages handled originate outside Denver, and of those 30% are destined to points other than Denver.

5. PDS employs salesmen to solicit traffic and has approved tariffs and insurance on file with this Commission. Shipments handled under PUC No. 572 and those handled under Permit No. B-413 are never commingled in the same vehicle.
6. PDS's terminal facility is located near downtown Denver on an area consisting of 17 lots, upon which is located a terminal building with related installations thereon.
7. PDS's Balance Sheet as of December 31, 1968, indicates a capital and net worth of \$462,870. The Income Statement for eleven months ending December 31, 1968, indicates a gross revenue of \$1,370,470. Of this total, \$768,010 was derived from the Package Division and 1,380,152 packages were handled during the period. The operating ratio for 1968 was 98.08%.
8. PDS's Balance Sheet as of April 30, 1969, indicates a capital and net worth of \$491,929 and the Income Statement for the four months ending April 30, 1969, reflects revenues of \$514,613 of which \$294,962 was derived from the Package Division and 420,073 packages were handled during the period. The first four months of 1969 show an increase over the comparable period of 1968 and the operating ratio for the period is 93.3%.
9. The franchises and permits are carried on the books at \$19,215 and the current market value of the tangible assets is approximately \$750,000.
10. PDS currently has pending before this Commission Application No. 22690 seeking an extension of its intrastate authority. This matter has been heard and is awaiting decision. That proceeding is not relevant to the present proceeding.
11. UPS is an Ohio corporation organized March 19, 1934. It was qualified to do business in Colorado on April 18, 1969. The Balance Sheet of UPS as of December 31, 1968, indicates a net worth in excess of \$43,000,000.
12. UPS holds no operating authority from this Commission but, either under its own rights or those of affiliates, conducts operations in various other states of the country. For many years UPS has specialized in the handling of small parcels and other merchandise for retail stores and small parcels for other types of business establishments. Services performed by UPS in other areas are similar to those presently performed by PDS, and UPS will continue the operations of PDS as they are now, and have for a number of years been conducted.

13. The stock of UPS is wholly owned by United Parcel Service of America, Inc. and that company's stock is virtually all owned by present or former employees of the United Parcel Service organization or their heirs or legal representatives. No one person owns more than 8% of the stock.
14. Until 1953, with one exception, all of the United Parcel Service organization's services were confined to acting as the consolidated delivery department for groups of retail department stores and retail specialty shops. The one exception was an operation similar to that performed by PDS for the delivery of small packages for business concerns other than retail stores commenced by UPS in 1922 in California. Beginning in 1953, the delivery service for other than retail stores has been extended to various areas of the United States.
15. It is the intention of UPS to conduct bona fide motor carrier operations to the full extent authorized under PDS's present operating authorities, both under PUC No. 572 & I and Permit No. B-413.
16. All outstanding debts and obligations of PDS will be assumed by United Parcel Service when the contemplated merger is effected.
17. On April 11, 1969, the stockholders of PDS entered into a Stock Purchase Agreement (Exhibit No. 9) with UPS which, subject to the approval of this Commission, calls for the sale to UPS of all of the common capital stock of PDS, being 487 shares, for the price \$1,500 per share, or a total purchase price of \$730,500. The shares of stock were placed in escrow by the owners and UPS deposited \$100,000 in escrow. The agreement contemplates and is subject to the sale of the shares to UPS, the transfer of Certificates of Authority PUC No. 572 and PUC No. 572-I, and Permit No. B-413 to UPS and the merger of PDS and UPS, with UPS as the surviving corporate entity, approval of all of which has been sought by the applications herein considered.
18. A representative of Northwest Transport Service, Inc., which company controls Westway Motor Freight, Inc., R. A. Gould, Goldstein Transportation and Storage, Inc., and North Eastern Motor Freight, Inc., placed in evidence the Letters of Authority of Westway and North Eastern and a list of the equipment jointly operated by the two companies. The companies operate approximately 226 pieces of equipment and have about 300 employees. North Eastern operates generally between Denver and points such as Ft. Morgan, Brush, Sterling and Julesburg where terminals are maintained. Westway operates between Denver and Golden. The companies hold themselves out to the public to transport general commodities and experience competition with PDS in areas where that company is authorized to operate.
19. Pursuant to stipulation of counsel, the Certificates of Authority of Edson Express, Inc. and Bethke Truck Lines were introduced and descriptions of their operations thereunder were received, subject to objections and rulings thereon made to evidence of a similar character presented by the representative of Westway Motor Freight, Inc. and three other trucking Protestants.

20. Official notice is taken of the Certificates of Authority of Denver-Laramie-Walden Truck Line, Inc. and Denver-Loveland Transportation, Inc.
21. The group of companies operated by Continental Trailways, to-wit, American Buslines, Inc., Denver-Colorado Springs-Pueblo Motor Way, Inc., Denver-Salt Lake-Pacific Stages, Inc., Continental Trailways, and Transcontinental Bus Systems, Inc. hold authority from this Commission as shown in the record to conduct operations in the transportation of passengers and express operations to, from and between numerous points in Colorado. Station facilities are maintained at various points in the State of Colorado. Some operations and some facilities are within the area involved in this application but they also extend beyond the scope of this application.
22. Continental Trailways presented a composite income statement for the years 1967 and 1968 showing all of the operating revenue of the several companies without individual identification. Total operating revenues increased from \$4,400,349.13 in 1967 to \$5,040,404.78 in 1968. The operating ratio went from 91.8% in 1967 to 86.7% in 1968. Express revenue increased from \$558,932.90 in 1967 to \$743,393.18 in 1968. Passenger revenues also showed an increase in the two years. The statistics showing operating revenue are not shown in any way which would permit a determination to be made as to what was interstate and what intrastate traffic, and the figures do not permit a determination of revenues derived from the area authorized to be served by PDS. The witness could not supply any of these breakdowns.
23. Continental Trailways presented Pro Forma Income Statements for the State of Colorado for the Years 1967 and 1968 which eliminated all express revenue, both interstate and intrastate, and both within and without the scope of this application, with an adjustment only in its station operating expense account and in no other expense account.
24. It is noted that Continental Trailways' express revenue in 1968 represents an increase of 115.09% over 1963, and an increase of 1968 over 1967 of 33%.
25. Continental Trailways presently competes with PDS in the transportation of parcels in the area in which PDS is authorized to serve, subject to a self-imposed restriction by Continental of 150 pounds per package or article. The national gross revenue of the Continental Trailways System is in the neighborhood of \$400,000,000 and it is the second largest bus system in the world.
26. Greyhound Lines also holds authority from this Commission to conduct operations for the transportation of passengers and express. Greyhound's operations, as shown by Exhibits No. 28 and 29, extend throughout Colorado to points beyond the scope of this application. Greyhound is transporting passengers and express between many points in the State of Colorado under the authorities granted to it, subject to a self-imposed restriction by Greyhound of 100 pounds per package or article, and is in competition with PDS in the area in which that company serves in the transportation of parcels. The national gross revenue of Greyhound is in excess of \$600,000,000.

27. The authorities involved in this proceeding are presently in good standing with the Commission and are free and clear of any debts, encumbrances or obligations.
28. The principal owners and operators of PDS, namely, Tim K. Evenson and Ole Evenson, President and Vice-President respectively, have reached an age where they find it not only difficult but, to some extent, undesirable to continue with the responsibilities connected with operating the company. The company has deemed it unadvisable to attempt to employ top management; hence, the sale and transfer of the company, as herein contemplated, becomes both desirable and necessary.
29. The stockholders of Transferor, PDS, have, in good faith, entered into an Agreement identified as Exhibit No. 9 which, in essence, provides for a sale of all of the shares of stock of PDS to UPS. In carrying out this Agreement the parties have filed appropriate applications with the Commission seeking authority for such stock sale and a transfer of all of the assets to the Transferee corporation, including Certificate of Authority PUC No. 572 and PUC No. 572-I and Permit No. B-413. In connection with the transfer of assets, PDS will be merged into UPS.
30. Transferee, UPS, has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authorities involved in this proceeding.
31. Said Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission, and will make adequate provision for insurance.
32. If these transfers are approved, Transferee intends to and will enter into bona fide motor carrier operations under the operating rights set forth herein and will continue to operate the aforementioned authorities to their full extent.
33. The consideration to be paid for the stock and in connection therewith the transfer of assets is fair and reasonable.
34. The application was protested, as indicated by the record, by several Protestants, all of whom can generally be considered to hold some type of authority that would enable them to perform, to some extent, at least, service that can be performed under the authority involved in these proceedings.
35. Protestants failed to establish any element whatsoever or furnish any competent evidence that would be grounds for denying this application.
36. The only thing established by Protestants or any of them was that they would probably be affected as they have been in the past, by future operations under the authorities involved in these proceedings following the transfer of assets and merger.
37. In keeping with present Commission policy, Certificate of Authority PUC No. 572 and PUC No. 572-I should be redrafted, without adding or deleting any authority, for purposes of clarification, as hereinafter set forth.

38. The stock purchase, transfer of assets and proposed merger are compatible with the public interest, and in fact there was no competent or credible testimony that would warrant a finding that the said stock sale, transfer and merger would be against the public interest or not compatible therewith, and the application should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing the transfer of all of the capital stock of Package Delivery Service Co., record holder of Certificates PUC No. 572 and PUC No. 572-I and Permit No. B-413, to United Parcel Service, Inc. and further authorizing the transfer of all of the assets of Package Delivery Service Co., including Certificates of Authority PUC No. 572, PUC No. 572-I and Permit No. B-413, from Package Delivery Service Co. to United Parcel Service, Inc. and the merger of Package Delivery Co. into United Parcel Service, Inc., and that henceforth the full and complete authority under said Certificates of Authority PUC No. 572 and PUC No. 572-I and Permit No. B-413 shall be held in the name of United Parcel Service, Inc.

That henceforth Certificate of Authority PUC No. 572 and PUC No. 572-I shall read as follows:

"1. Transportation on call and demand of

General commodities in units, packages and parcels

- (a) Between Denver, Colorado, on the one hand, and points within a thirty (30) mile radius thereof, on the other hand.
- (b) Between all points within the City of Boulder, Colorado.

RESTRICTION:

Restricted to shipments not exceeding 100 pounds in weight.

2. Transportation on call and demand of

General commodities in units, packages and parcels

Within and between the presently certificated area of certificate holder, and Greeley, Fort Collins, and Colorado Springs, Colorado.

RESTRICTION:

Restricted to shipments not exceeding seventy (70) pounds for each consignor to each consignee each day.

3. Transportation on call and demand of

Commodities sold by retail and department stores in units, packages and parcels

From department and retail stores located in Denver, Colorado, to all cities and incorporated towns located in the Counties of Larimer and Weld, State of Colorado.

RESTRICTION:

- (1) Restricted to shipments not exceeding seventy (70) pounds in weight.
- (2) Restricted against transporting perishable goods, and articles which might cause damage to other lading or to delivery equipment.

4. Transportation on call and demand of

Commodities sold by retail and department stores in units, packages and parcels

From department and retail stores located in Denver, Colorado, to all cities and incorporated towns located in the Counties of Morgan and Logan, State of Colorado.

RESTRICTIONS:

- (1) Restricted to shipment not exceeding twenty-five (25) pounds in weight.
- (2) Restricted against transporting perishable goods and articles which might cause damage to other lading or to delivery equipment.

5. Transportation on call and demand of

General commodities

Between all points within the City and County of Denver in the operation of a package delivery service.

6. Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,"

That Permit No. B-413 should not be the subject of a redraft in this proceeding.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Tim K. Evenson, Anna Evenson, Ole Evenson, Lynn Johnson, Dorothy Ann Johnson, individually and as custodian for Julie Ann Johnson, Jeffrey Leonard Johnson, Signe Kay Johnson and Jon Eric Johnson under the Colorado Uniform Gifts to Minors Act, Nordis Arlene Christenson, individually and as custodian for Timothy John Christenson, Laurie Ellen Christenson, Stephen Arthur Christenson and Arne Laurence Christenson under the Colorado Uniform Gifts to Minors Act, and Einar Harold Evenson, individually and as custodian for Eric Arthur Evenson, Thomas Kenneth Evenson and Curtis Carl Evenson under the Colorado Uniform Gifts to Minors Act and Package Delivery Service Co. be, and hereby are, authorized to transfer all of the outstanding capital stock of Package Delivery Service Co., record owner of Certificate of Public Convenience and Necessity PUC No. 572 and PUC No. 572-I and Private Carrier Permit No. B-413 to United Parcel Service, Inc., subject to encumbrances, if any, against said authority approved by this Commission.

That Package Delivery Service Co. be, and hereby is, authorized to merge with United Parcel Service, Inc. and to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 572 and PUC No. 572-I and Private Carrier Permit No. B-413 to United Parcel Service, Inc., subject to encumbrances, if any, against said authorities approved by this Commission.

That United Parcel Service, Inc. be, and hereby is, substituted in the place of Package Delivery Service Co. as Applicant in Application No. 22690 now pending before this Commission for decision and order.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 572 and PUC No. 572-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General commodities -- in package delivery service

(A) Between Denver, Colorado, on the one hand, and points within a thirty (30) mile radius thereof on the other hand.

(B) Between all points within the City of Boulder, Colorado.

(C) Between all points within the City of Denver, Colorado.

RESTRICTION:

Item 1 of this Certificate is restricted to shipments not exceeding 100 pounds in weight.

- (2) General commodities -- in package delivery service

Between points within Denver, Colorado, and a thirty (30) mile radius thereof on the one hand and Greeley, Fort Collins, and Colorado Springs, Colorado, on the other.

RESTRICTION:

Item 2 of this Certificate is restricted to shipments not exceeding seventy (70) pounds for each consignor to each consignee each day.

- (3) Commodities sold by retail and department stores -- in a package delivery service

From department and retail stores located in Denver, Colorado to all cities and incorporated towns in the Counties of Larimer and Weld, State of Colorado.

RESTRICTION:

Item 3 of this Certificate is restricted as follows:

(A) To shipments not exceeding seventy (70) pounds in weight.

(B) Against transporting perishable goods, and articles which might cause damage to other lading or to delivery equipment.

- (4) Commodities sold by retail and department stores -- in package delivery service

From department and retail stores located in Denver, Colorado to all cities and incorporated towns in the following Counties of the State of Colorado: Morgan and Logan.

RESTRICTION:

Item 4 of this Certificate is restricted as follows:

(A) To shipments not exceeding twenty-five (25) pounds in weight.

(B) Against transporting perishable goods and articles which might cause damage to other lading or to delivery equipment.

- (5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State

of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That henceforth the full and complete authority under Private Carrier Permit No. B-413 shall read and be as follows, to-wit:

Transportation of

General commodities -- in package delivery service

- (1) Between all points within Denver, Colorado and a thirty-five (35) mile radius thereof;
- (2) Between all points within Denver, Colorado and a thirty-five (35) mile radius thereof on the one hand and Colorado Springs, Colorado on the other hand with the right to serve intermediate points located on Interstate Highway 70;
- (3) Between all warehouses and retail stores of the Denver Dry Goods Company for only the Denver Dry Goods Company.

RESTRICTION:

This Permit is restricted against the rendering of any transportation service which the owner or operator herein is authorized to render under Certificate of Public Convenience and Necessity PUC No. 572.

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

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


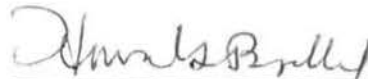
The right of transferee to operate under this Order shall depend upon the prior filing of the Annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

This Order is made a part of the permit authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN HENRY E. ZARLENGO
SPECIALLY CONCURRING AND DISSENTING.

Dated at Denver, Colorado,
this 30th day of June, 1969.
gf

CHAIRMAN HENRY E. ZARLENGO SPECIALLY CONCURRING AND DISSENTING:

I concur in the decision in general but dissent to that part thereof whereby the authorities are "redrafted" and altered.

If an authority is ambiguous and it is desired to correct the same in any respect the issue of whether or not it should be clarified should be properly raised with notice given to all interested parties and an opportunity be provided for them to prepare for, and be heard on, the issue. If the Commission, or its staff, is of the opinion that an authority should be redrafted for purposes of clarification that very opinion indicates that it is subject to construction and interpretation. To "redraft" any authority in order to clarify the same might result in the authority being enlarged, decreased, or in some substantive manner be changed, to the detriment of parties having an interest in the matter.

If an authority is clear, and not subject to construction and interpretation, then there is no need to alter, or redraft, it for purposes of clarification.

In any event the law provides:

"115-6-12. Alteration or amendment of decision--decisions final in collateral actions.--(1) The commission, at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, may rescind, alter, or amend any decision made by it. . ."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

Dated at Denver, Colorado,
this 30th day of June, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION SUPPLY COMPANY, INC., 5460)
COLORADO BOULEVARD, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL OF THE OUTSTANDING STOCK OF)
DENVER-CLIMAX TRUCK LINE, INC., A)
COLORADO CORPORATION, RECORD OWNER)
OF PUC NO. 257, TO EASTON ASSOCIATES,)
INC., 4250 ONEIDA STREET, DENVER,)
COLORADO.)

APPLICATION NO. 23684-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNION SUPPLY COMPANY, INC., 5460)
COLORADO BOULEVARD, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL OF THE OUTSTANDING STOCK OF)
DENVER-CLIMAX TRUCK LINE, INC., A)
COLORADO CORPORATION, RECORD OWNER)
OF PUC NO. 1195 AND PUC NO. 1195-I,)
TO EASTON ASSOCIATES, INC., 4250)
ONEIDA STREET, DENVER, COLORADO.)

APPLICATION NO. 23685-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNION SUPPLY COMPANY, INC., 5460)
COLORADO BOULEVARD, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL OF THE OUTSTANDING STOCK OF)
DENVER-CLIMAX TRUCK LINE, INC., A)
COLORADO CORPORATION, RECORD OWNER)
OF PUC NO. 2060 AND PUC NO. 2060-I,)
TO EASTON ASSOCIATES, INC., 4250)
ONEIDA STREET, DENVER, COLORADO.)

APPLICATION NO. 23686-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNION SUPPLY COMPANY, INC., 5460)
COLORADO BOULEVARD, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL OF THE OUTSTANDING STOCK OF)
DENVER-CLIMAX TRUCK LINE, INC., A)
COLORADO CORPORATION, RECORD OWNER OF)
PERMIT NO. B-6530, TO EASTON ASSO-)
CIATES, INC., 4250 ONEIDA STREET,)
DENVER, COLORADO.)

APPLICATION NO. 23687-PP-Stock Transfer

June 30, 1969

Appearances: Raymond B. Danks, Esq., Denver, Colorado, for Applicant;
Leslie R. Kehl, Esq., Denver, Colorado, for North Park
Transportation Company, and Richard H. Eshe and Lois
Mae Eshe doing business as "South Park Motor Lines,"
Protestants.

On April 3, 1969, the above-entitled applications were filed requesting authority to transfer all of the outstanding capital stock of Denver-Climax Truck Line, Inc., a Colorado corporation, record owner of Certificates of Public Convenience and Necessity PUC No. 257, PUC No. 1195, PUC No. 1195-I, PUC No. 2060 and PUC No. 2060-I and Private Carrier Permit No B-6530 to Easton Associates, Inc.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Applications No. 23684-Stock Transfer, 23685-Stock Transfer, 23686-Stock Transfer and 23687-PP-Stock Transfer were heard on a joint record."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Denver-Climax Truck Line, Inc., a Colorado corporation, conducts business as a for-hire carrier by motor vehicle under the jurisdiction of the Commission. It holds operating authorities numbered:
 - a. PUC No. 257
 - b. PUC No. 1195 and 1195-I
 - c. PUC No. 2060 and 2060-I
 - d. Permit No. B-6530
2. All the outstanding stock of Denver-Climax Truck Line, Inc., is held by The Union Supply Company, Inc., a Colorado corporation, which, by this application, seeks authority to transfer all the stock to Easton Associates, Inc., a Colorado corporation, pursuant to written agreement, a copy of which was received in evidence as Exhibit No. 1.
3. Transferor is engaged in business other than for-hire trucking and for business reasons desires to dispose of all of its for-hire trucking operations.
4. Easton Associates, Inc., was recently organized for the purpose of acquiring the stock of Denver-Climax Truck Line, Inc., and presently holds no authority from this Commission.
5. Chester M. Easton, who is thoroughly experienced in the for-hire trucking business, is a director and president of transferee as well as of Denver-Climax Truck Line, Inc., which is actively managed by him on a full-time basis. Mr. Easton owns one-half of the outstanding stock of transferee and the other one-half is held by The First National Bank of Denver, as trustee under an irrevocable trust.
6. Transferee, which will be the sole stockholder of Denver-Climax Truck Line, Inc., if the purchase price is paid in accordance with the terms of the sale agreement, is qualified to select competent directors to manage the affairs of Denver-Climax Truck Line, Inc.
7. In the event transferee does not meet the purchase price commitment, control will revert back to transferor at its election. Thus, in either event, control of Denver-Climax Truck Line, Inc., will be in competent and experienced hands. The transfer of stock in accordance with terms of said sale agreement is consistent with the public interest and transferee is qualified in all respects to be controlling stockholder of Denver-Climax Truck Line, Inc.
8. The total purchase price is \$300,600.00, payable in installments. The purchase price is for all assets of Denver-Climax Truck Line, Inc., which includes operating equipment and facilities, interstate and intrastate operating rights, and value as a going, established concern. Of the total purchase price, about \$40,000.00 is allocated as the value of the intrastate operating rights. This is within the area of reasonableness as a fair value of such rights.
9. The operating rights, above described, of Denver-Climax Truck Line, Inc., are in good standing and in full force

and effect. Operations have been consistently conducted under each of said authorities and there is no evidence of any dormancy, non-user or abandonment.

10. Two certificated common carriers by motor vehicle appeared in protest to the transfer, namely, North Park Transportation Company, a Colorado corporation, and South Park Motor Lines, a partnership. No testimony was presented by protestants but by stipulation it appears that they are interested in PUC No. 257 insofar as service is concerned in Grand, Jackson and Park Counties and in a 20-mile radius of Alma. Also, protestants contended that Denver-Climax Truck Line, Inc., was violating office restrictions under PUC No. 257 and was serving points not authorized under PUC No. 1195. The evidence does not sustain these contentions, and further, said protestants have a remedy through complaint proceedings if they see fit to pursue these matters.
11. Protestants failed to establish any element whatsoever or furnish any competent evidence that would be grounds for denying this application.
12. If these transfers are approved, transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
13. The transfers are compatible with the public interest and should be granted as hereinafter set forth.
14. In a companion proceeding which was heard on a separate record, Denver-Climax Truck Line, Inc., seeks an extension of its scheduled service to include under Certificate of Authority PUC No. 1195 authority to transport general commodities to and from points on Colorado Highway No. 9 north from Dillon to the Summit-Grand county line including the off-route point of Heeney and serving all intermediate points. The rulings on that application have no bearing on this application.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of the outstanding capital stock of Denver-Climax Truck Line, Inc., to Easton Associates, Inc., and that henceforth the full and complete authority under Certificates of Authority PUC No. 257, PUC No. 1195, PUC No. 1195-I, PUC No. 2060, PUC No. 2060-I and Permit No. B-6530 shall read as follows, to-wit:

CERTIFICATE OF AUTHORITY PUC NO. 257:

"Transportation -- on call and demand -- of

- (1) General commodities

In the Counties of Morgan, Adams, Arapahoe, and Denver, State of Colorado

and for occasional service throughout the State of Colorado.

RESTRICTION:

- (a) Transportation of commodities other than household goods between points served singly or in combination by scheduled carriers shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.
- (b) The holder or operator herein is prohibited without further order from this Commission from establishing an office in any other city or town than Commerce City, Colorado; and is further prohibited without further order from this Commission, from having an agent employed in any other city or town than Commerce City, Colorado, for the purpose of developing or conducting business.
- (c) The holder or operator herein shall not engage in the business of carrying parcels or packages commonly carried by carriers rendering an express service."

CERTIFICATE OF AUTHORITY PUC NO. 1195 AND PUC NO. 1195-I:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius thereof and Climax, Colorado, via U. S. Highways 6 & 40 serving all intermediate points west of Mount Vernon Canyon, including the off-route points of Empire, Breckenridge, Public Service Construction Site on Cabin Creek, Montezuma, and points within a four (4) mile radius of Kokomo, Colorado.

RESTRICTION:

- (a) Restricted against service between Denver, Colorado, and Dillon, Breckenridge, Frisco, and Wheeler which require the use of special equipment.
- (2) General commodities
- Between Leadville, Colorado, and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, and Kokomo, Colorado, and a four (4) mile radius of Kokomo, on the other hand.
- (3) General commodities
- Between Idaho Springs, Colorado, and Echo Lake, Colorado, via Colorado Highway 103, serving all intermediate points.
- (4) General commodities
- Between Climax, Colorado, on the one hand, and the Urad Mine located in Clear Creek County, State of Colorado, on the other hand.

- (5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

CERTIFICATE OF AUTHORITY PUC NO. 2060 AND PUC NO. 2060-I:

"Transportation - on call and demand -- of

- (1) General commodities

Between all points within the City and County of Denver, State of Colorado

RESTRICTION:

- (a) Restricted against transporting commodities which because of size and weight require the use of special equipment."
- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

PERMIT NO. B-6530:

"Transportation of

- (1) Crushed or pulverized limestone, burned lime, hydrated lime, and quick lime in bulk and in sacks.

To all points within the State of Colorado from the plant of the Colorado Lime Company, Inc., located at Pikeview, Colorado.

RESTRICTION:

- (a) Restricted against the transportation of authorized commodities in sacks to points on the Western Slope (except Summit County) and Leadville, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance

therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Union Supply Company, Inc., Commerce City, Colorado, be, and hereby is, authorized to transfer all of the outstanding capital stock of Denver-Climax Truck Line, Inc., record owner of Certificates of Public Convenience and Necessity PUC No. 257, PUC No. 1195, PUC No. 1195-I, PUC No. 2060 and PUC No 2060-I and Private Carrier Permit No. B-6530 to Easton Associates, Inc., Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 257 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of
General commodities

In the following Counties of the State of Colorado:
Morgan, Adams, Arapahoe and Denver; and for occasional
service throughout the State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

- (a) The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carrier, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.
- (b) The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Commerce City, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Commerce City, Colorado, for the purpose of developing or conducting business.
- (c) The holder or operator herein shall not engage in the business of carrying parcels or packages commonly carried by carriers rendering an express service.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1195 and PUC No. 1195-I shall read and be as follows, to-wit:

Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius thereof and Climax, Colorado, over U. S. Highways 6 and 40 and Colorado Highway No. 91, serving all intermediate points west of the foot of Mount Vernon Canyon and the following off-route points:

- (a) Empire, Colorado
- (b) Breckenridge, Colorado
- (c) The Public Service Construction Site on Cabin Creek
- (d) Montezuma, Colorado
- (e) All points within a four (4) mile radius of Kokomo, Colorado
- (f) Points adjacent to and within one (1) mile of U. S. Highway No. 6 commencing on the east side of Loveland Pass to Dillon, Colorado.

Between Leadville, Colorado, and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, and Kokomo, Colorado, and a four (4) mile radius of Kokomo on the other hand.

Between Idaho Springs, Colorado, and Echo Lake, Colorado, via Colorado Highway 103 serving all intermediate points.

Between Climax, Colorado, on the one hand, and the Urad Mine located in Clear Creek County, State of Colorado, on the other hand.

- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2060 and PUC No. 2060-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General commodities

Between all points within the City and County of Denver, State of Colorado.

RESTRICTION:

Item one (1) of this Certificate is restricted against the transportation of commodities which because of size and weight require the use of special equipment.

- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of

Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That henceforth the full and complete authority under Private Carrier Permit No. B-6530 shall read and be as follows, to-wit:

Transportation of

Crushed or pulverized limestone, burned lime, hydrated lime, and quick lime in bulk and in sacks

To all points within the State of Colorado from the plant of the Colorado Lime Company, Inc., located at Pikeview, Colorado.


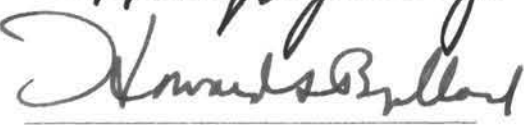
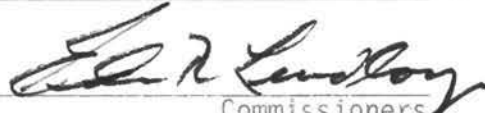
RESTRICTION:

This Permit is restricted against the transportation of commodities in sacks to points on the Western Slope and Leadville, Colorado; provided, however, that service is authorized to points in Summit County, Colorado.

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

This order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 30th day of June, 1969

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, KINGERY TRANSPORTATION)
COMPANY, 8920 NORTH FEDERAL BLVD.,)
DENVER, COLORADO 80221)
- - - - -

CASE NO. T-11
PERMIT NO. A-750
ORDER TO SHOW CAUSE AND
NOTICE OF HEARING

- - - - -
June 30, 1969
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondent was issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said Respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to maintain a tariff filing as required, and that said Respondent is now conducting motor vehicle operations in violation of said law, rules and regulations.

O R D E R


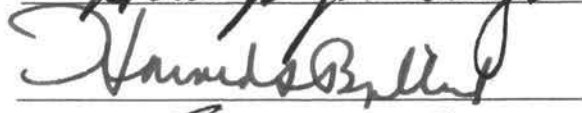

THE COMMISSION ORDERS:

That Respondent, Kingery Transportation Company, is hereby directed to appear before the Commission on the day and time as set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including but not limited to, an Order cancelling the aforesaid Permit of the Respondent.

That this Case be, and the same hereby is, set for hearing before the Commission, Room 505, Columbine Building, 1845 Sherman

Street, Denver, Colorado 80203, at 10:00 A.M., on July 14, 1969,
at which time and place such evidence as is proper may be introduced
and such arguments as are material to the issue may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of June, 1969. dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
APPLICABLE TO USED HOUSEHOLD GOODS)
AND EFFECTS TRANSPORTED LOCALLY IN)
DENVER AND ITS ENVIRONS AND FROM)
AND TO DENVER, COLORADO, TO AND)
FROM POINTS STATEWIDE)

INVESTIGATION AND SUSPENSION
Docket No. 637

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 10, 1969, the Commission, by its Decision No. 73133, suspended to and including October 12, 1969, Local Cartage Tariff No. 8, Colorado PUC No. 9, published by David Robert Gray, Secretary-Treasurer, Gray Moving & Storage, Inc., hereinafter called Gray, and 13th Revised Page 17, 10th Revised Page 17-A, 14th Revised Page 19, 9th Revised Page 20 and 7th Revised Page 21 to Household Goods Tariff No. 1, Colorado PUC No. 9*(*The Motor Truck Common Carriers' Association, Agent, Series), applicable to Gray, published by J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, scheduled to become effective June 14, 1969.

On June 20, 1969, David R. Gray petitioned the Commission to make adjustments in its Local Cartage Tariff No. 8, Colorado PUC No. 9, by withdrawing the increased rates applicable to "packers" and republish \$8.00 per hour per man, straight time, and \$12.00 per hour per man, overtime, plus cost of material at prevailing prices.


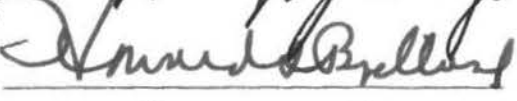

Upon consideration of said request, the Commission finds that it will be in the public interest that Gray republish rates and charges applicable to "packers," of \$8.00 per hour per man, straight time and \$12.00 per hour per man for overtime, plus cost of material at prevailing prices; and, except as otherwise provided in the foregoing, other changes proposed to become effective June 14, 1969 and currently under suspension and investigation, be permitted to go into effect.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.
2. That David Robert Gray, Secretary-Treasurer, Gray Moving & Storage, Inc., cancel the \$11.00 per hour per man applicable to "Packers" for straight time and \$16.50 per hour per man for overtime set forth in Local Cartage Tariff No. 8, Colorado PUC No. 9, scheduled to become effective June 14, 1969, and reinstate \$8.00 per hour per man, straight time and \$12.00 per hour per man for overtime, plus the cost of material at prevailing prices.
3. That J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, issue the necessary supplement to its Local Household Goods Tariff No. 1, Colorado PUC No. 9*(*The Motor Truck Common Carriers' Association, Agent, Series) withdrawing the suspension and investigation of matter contained on the various revised pages set forth in the statement hereof, for account of Gray Moving & Storage, Inc.
4. That publication of the matter set forth in paragraphs 2 and 3, shall be published on not less than five (5) days' notice to the general public and the Commission, with an effective date of July 7, 1969.
5. That in all other respects the matter suspended for investigation be permitted to go into effect and the date set for hearing of 10:00 o'clock a.m., August 7, 1969, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado be vacated and the proceeding discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of June, 1969. av

(Decision No. 73225)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN E. DAVIS, DOING BUSINESS AS)
"FLOOR DESIGNS COMPANY")
2440 KIPLING STREET)
DENVER, COLORADO 80215)

PERMIT NO. M-3865

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

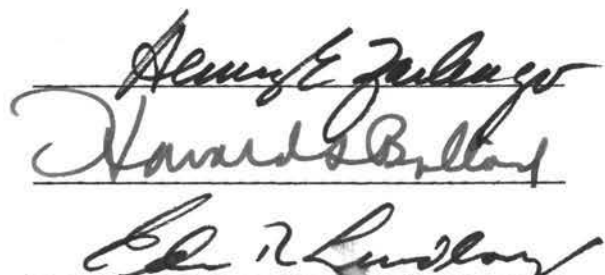
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 19, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

(Decision No. 73226)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
H. G. FLOTH
5215 WEST 4TH AVENUE
LAKEWOOD, COLORADO 80226

PERMIT NO. M-286

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

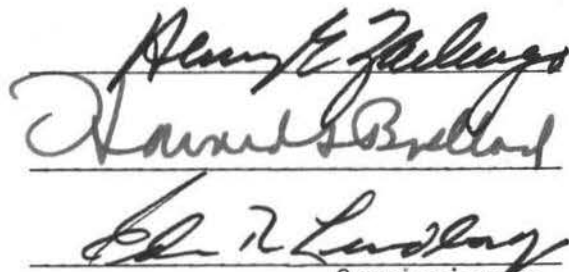
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 6, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
1s

(Decision No. 73227)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SYNTHETIC RESINS AND CHEMICALS, INC.)
COTTAGE PLACE)
CARPENTERSVILLE, ILLINOIS 60110)

PERMIT NO. M-9822

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

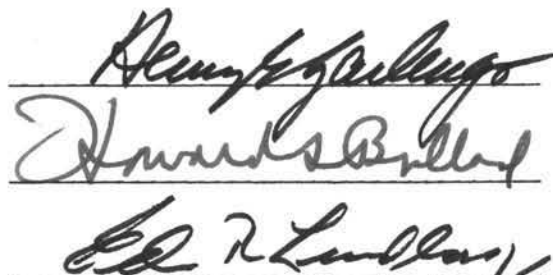
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 19, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

(Decision No. 73228)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TESCOTT CHEESE, INC., DOING BUSINESS AS)
"MELLOW MADE CHEESE")
TESCOTT, KANSAS 67484)

PERMIT NO. M-9360

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

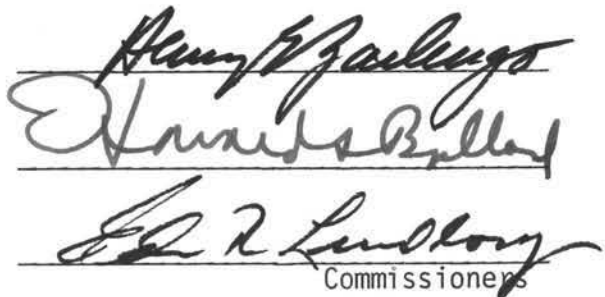
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 27, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

(Decision No. 73229)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
D. H. SHELTON, DOING BUSINESS AS)
"T & S AERIAL APPLICATORS")
1546 CLEVELAND AVENUE)
LOVELAND, COLORADO 80537)

PERMIT NO. M-13119

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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


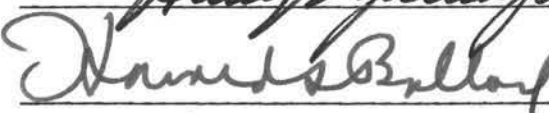
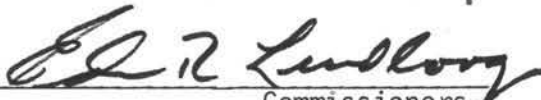
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 6, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

(Decision No. 73230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MERL G. NORRIS)
BOX 426)
DOLORIS, COLORADO 81323)

PERMIT NO. B-7239

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

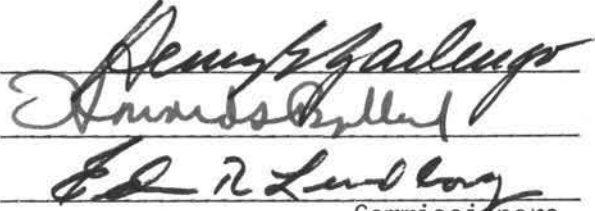
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 30, 1969 to and including December 30, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
1s

(Decision No. 73231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VIRGIL J. EVERSON)
P. O. BOX 106)
SALTON CITY, CALIFORNIA 92274)

PERMIT NO. B-4871

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

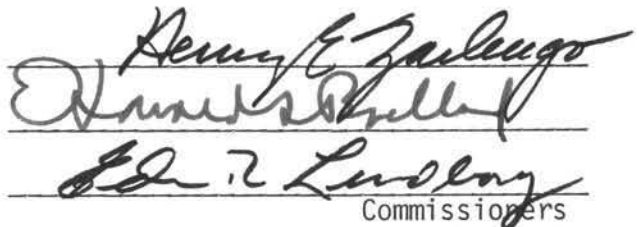
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from June 28, 1969 to and including December 28, 1969.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

(Decision No. 73232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
E. T. ALLEN, DOING BUSINESS AS)
"E. T. ALLEN LOGGING")
P. O. BOX 752)
STEAMBOAT SPRINGS, COLORADO 80477)

PERMIT NO. B-7053

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

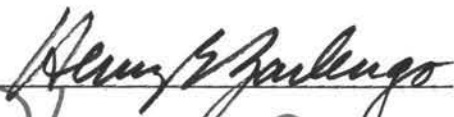
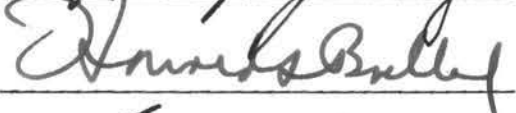

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of June 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
1s

(Decision No. 73233)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GLEN H. & MELVIN E. CHAMBERS)
DOING BUSINESS AS "STAR LOGGING CO.")
P. O. BOX 368)
EAGLE, COLORADO 81631)

PERMIT NO. B-7158

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of June 9, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
UNITED AIRLINES, STAPLETON INTER-)	
NATIONAL AIRPORT, DENVER, COLORADO,)	
FOR AUTHORITY TO TRANSFER PUC NO.)	APPLICATION NO. 23692-Transfer
ACS-24 TO UNITED AIR LINES, INC.,)	<u>SUPPLEMENTAL ORDER</u>
STAPLETON INTERNATIONAL AIRPORT,)	
DENVER, COLORADO.)	

June 30, 1969

Appearances: Macon M. Arthur, Esq., of Mayer, Friedlich, Spiess,
Tierney, Brown & Platt, 231 South LaSalle Street,
Chicago, Illinois 60604, and
John P. Akolt, Jr., Esq., of Akolt, Shepherd, Dick &
Rovira, Denver, Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 21, 1969, the Commission entered Decision No. 73053 in the above-entitled matter authorizing transfer of PUC No. ACS-24, subject, however, to the filing of a written acceptance within thirty days of the effective date of said Decision by the parties thereto advising the Commission that said Certificate has been formally transferred; and further that the parties have accepted the conditions and requirements as set forth in the Order part of said Decision No. 73053.

The Applicants above named, by their Attorney, John P. Akolt, Jr., have filed with the Commission a petition requesting an extension of time in which to comply with the Commission's transfer order to and until August 1, 1969.


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

ORDER

THE COMMISSION ORDERS:

That the above-named Applicants, be, and hereby are,
granted an extension of an additional period of time to file the
written acceptance of transfer as ordered and set forth in
Decision No. 73053, to and until August 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado
this 30th day of June, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. A. J. BUJACK, DOING BUSINESS AS)
"BUJACK'S ARMORED SERVICE," 512) APPLICATION NO. 23761-PP-Extension
COOK DRIVE, FORT COLLINS, COLORADO, TO)
EXTEND OPERATIONS UNDER PERMIT NO. B-6751.)

June 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Leonard DeLue, D. J. Sebern, T. W. Rinker and Ted P. Rinker, doing business as "Armored Motors Service," by their attorney, Herbert M. Boyle, filed a Petition for Leave to Intervene in the above-captioned proceedings and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

The Commission has carefully considered said Petition for Leave to Intervene filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Leave to Intervene filed with the Commission be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

* * *

CASE NO. 1593-H-Ins.

- July 1, 1969 -

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWIN C. WILSON AND ARMIN J. WELLHOUSE,)
DOING BUSINESS AS "W-W TRUCKING," 610)
HILLTOP DRIVE, COLORADO SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23717-PP

June 30, 1969

Appearances: Edwin C. Wilson, Colorado Springs,
Colorado, pro se;
Armin J. Wellhouse, Colorado
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 29, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion for continuance was made by Applicants, which Motion was granted."

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23717-PP, be, and is hereby, continued and reset for hearing at 10:00 o'clock A.M., August 5, 1969, in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD O. LAABS, 325 SOUTH 11TH)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23727-PP

June 30, 1969

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 6, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, to all interested persons, firms or corporations, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23727-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 30th day of June, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CARL O. EARLEY AND LUCY J. EARLEY,)	
DOING BUSINESS AS "EARLEY'S TRUCKING,")	
1225 WEST CUCHARRAS STREET, COLORADO	)	<u>APPLICATION NO. 23726-PP</u>
SPRINGS, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE CAR-)	
RIER BY MOTOR VEHICLE FOR HIRE.)	

June 30, 1969

Appearances: Lucy J. Earley, Colorado
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 5, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are a partnership, doing business as "Earley's Trucking."
2. Applicants do not hold previously granted authority from this Commission.
3. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicants to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Carl O. Earley and Lucy J. Earley, doing business as "Earley's Trucking," Colorado Springs, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 75 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


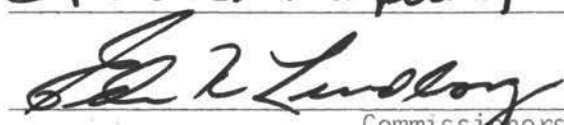
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 30th day of June, 1969.
1s

(Decision No. 73240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOE E. ARCHULETA, DOING BUSINESS AS)	
"J. & E. ENTERPRISES," ROUTE 4, BOX)	<u>APPLICATION NO. 23735-PP</u>
214, PUEBLO, COLORADO, FOR A CLASS)	
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

June 30, 1969

Appearances: Charles E. Butler, Esq., c/o
Legal Services, Inc. of Pueblo
County, Pueblo, Colorado, for
Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 8, 1969, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual, doing business as "J. & E. Enterprises."
2. Applicant does not hold previously granted authority from this Commission, other than Permit No. M-15871.
3. The customer to be served by this application, namely, Montgomery Ward Retail Store located in Pueblo, needs a personalized service in order to satisfy the demands of its customers and existing carriers will not provide said service.
4. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contract with customer to perform services thereunder.
7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
8. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) General commodities

Between all points within the County of Pueblo,
State of Colorado.

RESTRICTION:

- (a) This Permit is restricted to performing transportation service for one customer only, viz: Montgomery Ward Retail Store located in the City of Pueblo, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and

Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Joe E. Archuleta, doing business as "J. & E. Enterprises," Pueblo, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

General commodities

Between all points within the County of Pueblo, State of Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only the Montgomery Ward Retail Store located in the City of Pueblo, State of Colorado;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

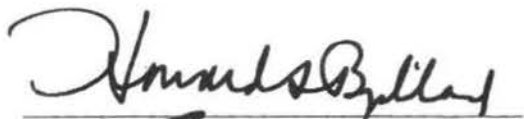
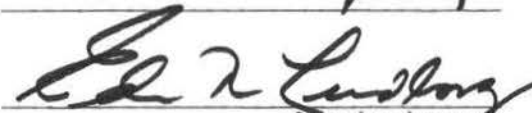
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN M. DISTEL, DOING BUSINESS AS)	
"CIRCLE ROUTE GARAGE," BOX 35,)	
SILVERTON, COLORADO, FOR AUTHORITY TO)	
ABANDON THAT PORTION OF PUC NO. 2193)	APPLICATION NO. 23734-Abandonment
WHICH PROVIDES FOR PASSENGER OPERA-)	<u>Portion</u>
TIONS BETWEEN SILVERTON, COLORADO,)	
AND THE IDARADO MINE ON U. S. HIGHWAY)	
NO. 550.)	

June 30, 1969

Appearances: John M. Distel, Silverton,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 1, 1969, the above-entitled application was filed requesting authority to abandon that portion of PUC No. 2193 which provides for passenger operations between Silverton, Colorado, and the Idarado Mine on U. S. Highway No. 550.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This is an application for abandonment of a portion of Certificate of Authority PUC No. 2193, specifically Applicant seeks to abandon that portion of Certificate of Authority PUC No. 2193 providing for scheduled passenger service for the transportation of miners and persons desiring service between the town of Silverton and The Idarado Mining property located on U. S. Highway No. 550.
2. Said service is no longer needed inasmuch as there is no demand or desire for the service and the public convenience and necessity no longer requires the continuance of said service.
3. Applicant, in maintaining the schedule, has been losing considerable money each year and persons now travelling between the points involved herein do so either by their own transportation or in carpools.
4. All other authority contained in Certificate of Authority PUC No. 2193 should remain in full force and effect.
5. Prior to and at the time of the hearing, there was no protest to this application. However, the Commission directed that the matter be heard as indicated.
6. Mr. Allen Nossaman, Editor of the Silverton Standard newspaper, appeared at the hearing and, upon inquiries by your Examiner, stated that no objection or protest had come to his attention concerning this proposed abandonment of service.
7. The proposed abandonment would be in the public interest and should be granted.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and allowing Applicant to abandon and discontinue that portion of Certificate of Authority PUC No. 2193 which provides for scheduled passenger service for the transportation of miners and persons between Silverton, Colorado, and The Idarado Mining Company property located on U. S. Highway No. 550 and the full and complete authority under Certificate of Authority PUC No. 2193 will be as follows:

"Transportation -- on schedule -- of

(1) Passengers

Between Silverton, Colorado, and Eureka, Colorado, over Colorado Highway No. 110 serving all intermediate points and the off-route points of Green Mountain and Iowa Mill.

(2) Passengers

Between Silverton, Colorado, and Gladstone, Colorado, over Colorado Highway No. 110."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That John M. Distel, doing business as "Circle Route Garage," Silverton, Colorado, be, and hereby is, authorized to abandon only that specific portion of Certificate of Public Convenience and Necessity PUC No. 2193 which provides for the scheduled transportation of miners and persons between Silverton, Colorado, and the Idarado Mining Company property located on U. S. Highway No. 550.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2193 shall read and be as follows, to-wit:

Transportation -- on schedule -- of

(1) Passengers

Between Silverton, Colorado, and Eureka, Colorado, over Colorado Highway No. 110 serving all intermediate points and the off-route points of Green Mountain and Iowa Mill.

(2) Passengers

Between Silverton, Colorado, and Gladstone, Colorado,
over Colorado Highway No. 110.

That this Order shall become effective twenty-one days from

date

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

✓ Dated at Denver, Colorado,
this 30th day of June, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GERALD ETHRIDGE)	
RURAL ROUTE 1)	
RIDGWAY, COLORADO)	
)	
Complainant,)	
)	
vs.	)	CASE NO. 5394
)	
DELTA-MONTROSE RURAL POWER LINES)	
ASSOCIATION)	
POST OFFICE BOX 59)	
DELTA, COLORADO)	
)	
Respondent.)	

July 3, 1969

Appearances: Andrew J. Slee, Esq., Montrose,
Colorado, for Complainant;
Roderick N. Stewart, Esq., Delta,
Colorado, for Respondent;
Harry A. Galligan, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

On April 10, 1969, the above-styled complaint was filed with the Commission. On April 14, 1969, this Commission issued an Order to Satisfy or Answer to Respondent herein. On April 29, 1969, Respondent filed its Answer to the within complaint with this Commission. The matter was initially set for hearing before Commissioner Howard S. Bjelland on June 6, 1969, but after preliminary discussion, the matter was continued to June 23, 1969 at 9 a.m. in the Courthouse, Montrose, Colorado. On June 17, 1969, the Commission, pursuant to law, designated Girts Krumins as an Examiner for the purpose of conducting the latter hearing, and after due and proper notice to all interested parties, the Case was heard by said Examiner at the time and place stated above.

On June 30, 1969, the said Examiner transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

EXAMINER FINDINGS OF FACT

From the record herein, your Examiner finds as fact, that:

1. Respondent is a Colorado corporation engaged in the distribution of electric energy and is a public utility under the jurisdiction of the Commission.
2. Complainant is a customer of the Respondent, served by distribution lines from the Ridgway substation. This substation is controlled by Western Colorado Power Company.
3. The voltage of said Ridgway substation is regulated to provide a substantially constant output voltage to the end that a customer's service voltage will remain within the $5\% \pm$ limits prescribed by this Commission's rule. The output voltage at the Ridgway substation is so regulated as to provide a reasonably constant 120 volts. The actual output voltage during the test period was confined within the limits of 120-122 volts.
4. The Rules Regulating the Service of Electric Utilities of the Commission require each utility to adopt a standard voltage or voltages for each district in which it operates. Tariff of Respondent mentions a 115/230 volt system, but does not state that this is the standard voltage. The voltage in this particular case being regulated by a third party at 120 volts, it is the finding herein that the proper standard customer service voltage in this area is 120 volts.
5. The voltage at the point of delivery to Complainant during the periods when the voltage charts were taken varies from a low of 110 to a high of 122 volts on one side of a 240 volt three-wire circuit, and from a low of 114 volts to a high of 122 volts on the other side of the 240 volt circuit.
6. During the period the charts were taken, the voltage at the point of delivery to the Complainant did not fall below 114 volts, which is 5% below 120 volts, for any appreciable period of time. While the voltage might be marginal at times, this does not constitute a violation of voltage regulation standards as contained in Rule 19 of the Rules Regulating the Service of Electric Utilities of this Commission.
7. If the standard voltage of Respondent is 115 volts, as claimed by one of the witnesses, then the voltage at the Ethridge residence consistently exceeded this value by more than 5% for long periods of time.
8. The so-called "single meter rule," as stated in Exhibit 6, requiring a separate meter for each "full time" residence, is not a rule filed with this Commission. Non-compliance with such rule is not proper grounds for discontinuance of service.

9. The Complainant has experienced difficulties and believes further difficulties may still be possible with his use of electric energy distributed and sold by Respondent, but has received little or no assistance from Respondent in this regard. Complainant's difficulties, if any, may possibly be caused by inadequate transformer capacity or load imbalance on the 3-wire service to Complainant.
10. Respondent should, upon request of Complainant, or any other customer, provide reasonable assistance in order that such customer may secure safe, efficient service and proper appliances adapted to the electric service furnished, as provided for in Rule 9 of the Rules Regulating the Service of Electric Utilities of this Commission.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order that:

1. Respondent shall upon request of Complainant provide such assistance as is reasonable to determine causes of Complainant's difficulties in the use of electric service, if any, in accordance with Rule 9 of the Rules Regulating the Service of Electric Utilities of this Commission and the Findings herein. Respondent shall report such request and the action taken, if any, to the Commission within a reasonable time thereafter.

2. Respondent shall make an appropriate filing with the Commission specifying its standard service voltage or voltages, within 30 days of the effective date of this Order.

3. Respondent shall not discontinue, or attempt to discontinue, with or without notice, service to Complainant upon an alleged violation of a rule which is not filed with the Commission. Respondent may discontinue service to Complainant upon a violation of any rule properly filed with the Commission after the effective date of such rule and upon such notice as may be required by the rules of this Commission.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

1. That Respondent, Delta-Montrose Rural Power Lines Association, Delta, Colorado, shall upon request of Complainant, Gerald Ethridge, Ridgway, Colorado, provide such assistance as is reasonable to determine causes of Complainant's difficulties in the use of electric service, if any, in accordance with Rule 9 of the Rules Regulating the Service of Electric

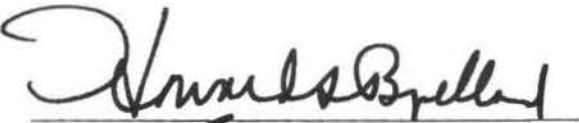

Utilities of this Commission and the Findings herein. Respondent shall report such request and the action taken, if any, to the Commission within a reasonable time thereafter.

2. Respondent shall make an appropriate filing with the Commission specifying its standard service voltage or voltages, within 30 days of the effective date of this Order.

3. Respondent shall not discontinue, or attempt to discontinue, with or without notice, service to Complainant upon an alleged violation of a rule which is not filed with the Commission. Respondent may discontinue service to Complainant upon a violation of any rule properly filed with the Commission after the effective date of such rule and upon such notice as may be required by the rules of this Commission.

4. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 3rd day of July, 1969.
ls

* * *

R. PAUL KINNE
Post Office Box 96
Cedaredge, Colorado 81413

CASE NO. 4458-M-Ins.

STATEMENT AND FINDINGS OF FACT

ORDER

Dated at Denver, Colorado, this
7th day of July, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LARSON OIL COMPANY INC.)
Post Office Box 128)
Brule, Nebraska 69127)
-----)

AUTHORITY NO. M 7464

CASE NO. 4461-M-Ins.

July 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

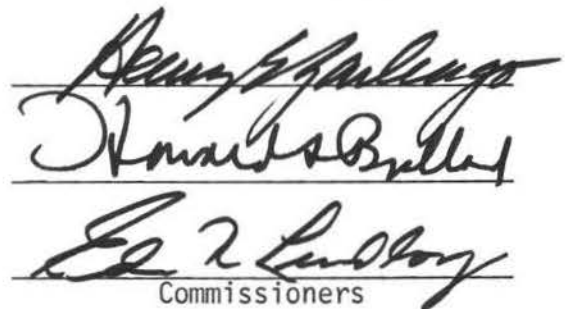
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
8th day of July, 1969 .

(Decision No. 73245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER CHAPTER 115-9-4)
(2), CRS 1963, FOR THE TEMPORARY)
OR SEASONAL MOVEMENT OF CORN, MILLET,)
SORGHUMS, SMALL GRAINS, ENSILAGE, AND)
ALFALFA.)

APPLICATION NO. 23765
EMERGENCY DISTRICT 3-69
SUPPLEMENTAL ORDER

July 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 3, 1969, the Commission entered Decision No. 73088, authorizing temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and alfalfa in only the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Conejos, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld, and Yuma, State of Colorado, for a period of ninety (90) days commencing June 6, 1969.

Report has been received by the Commission from Lloyd C. Espinosa, Supervising Transportation Representative, Enforcement Division of this Commission, requesting that hay be included as a commodity, and that the County of Chaffee be included in the above emergency district.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following:

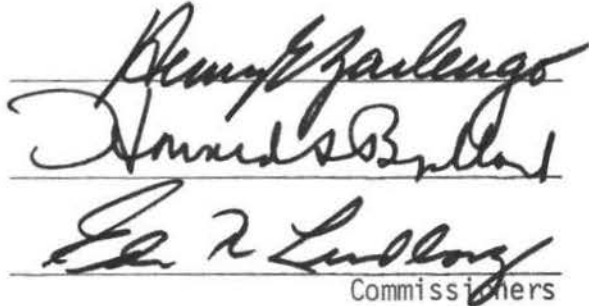
O R D E R

THE COMMISSION ORDERS:

That Decision No. 73088, dated June 3, 1969, be, and the same hereby is amended by adding thereto hay as a commodity and Chaffee as a county wherein temporary certificates are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, alafalfa, and hay.

That, except as herein amended, Decision No. 73088 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of July, 1969.
ls

(Decision No. 73246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATIONS OF)
LAMB CONSTRUCTION, INC., 229 PARK,)
LYONS, COLORADO, FOR RELIEF FROM THE)
PROVISIONS OF RULE 8 OF THE RULES AND)
REGULATIONS GOVERNING BOTH COMMON)
CARRIERS BY MOTOR VEHICLE AND PRIVATE)
CARRIERS BY MOTOR VEHICLE FOR HIRE,)
IN THE CONDUCT OF OPERATIONS UNDER)
PERMIT NO. B-7278, PUC NO. 6946 AND)
PUC NO. 6980.)

APPLICATION NO. 23738-PP-Waiver
APPLICATION NO. 23739-Waiver
APPLICATION NO. 23740-Waiver

June 30, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 14, 1969, the above-entitled applications were filed requesting relief from the provisions of Rule 8 of the Rules and Regulations Governing both Common Carriers by Motor Vehicle and Private Carriers by Motor Vehicle for Hire, in the conduct of operations under Private Carrier Permit No. B-7278 and Certificates of Public Convenience and Necessity PUC No. 6946 and PUC No. 6980.

After due and proper notice to all interested persons, firms or corporations, the applications were called for hearing by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said applications -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The Examiner, in his filed report with the Commission, has concluded and recommended, pursuant to request of Applicant, that the herein applications be dismissed.

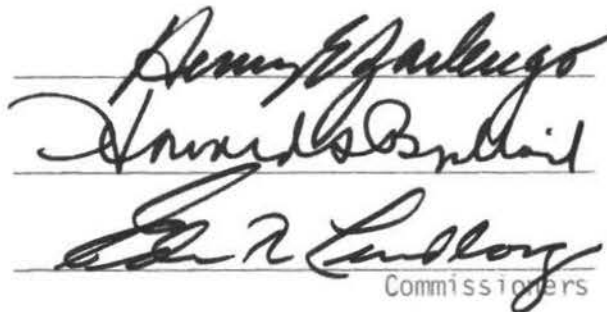
The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Applications No. 23738-PP-Waiver, No. 23739-Waiver, and No. 23740-Waiver, be, and the same are hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
gf

(Decision No. 73247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK,)
LYONS, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-7278.)

APPLICATION NO. 23737-PP-Extension

June 30, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, and
David E. Driggers, Esq., Denver,
Colorado, for Applicant;
William T. Secor, Esq., Longmont,
Colorado, for Golden Transfer
Company, Protestant;
A. L. Pritschau, doing business as
"Town & Country Disposal," Boulder,
Colorado, Protestant, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 14, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7278 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is the owner and operator of Permit No. B-7278, which provides as follows:

"Transportation of

Ashes, trash and other refuse

From schools, offices, buildings and properties of the St. Vrain Valley School District, RE-1J to designated and approved dumps and disposal sites located within Weld County, Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only the St. Vrain Valley School District, RE-1J."

2. Applicant also has certificated authority, which is not relative to this proceeding.
3. By this application Applicant seeks to remove the customer restriction in this Permit so as to allow transportation of "ashes, trash, and other refuse for anyone within the area of the Permit."
4. In his testimony, Mr. Lamb admitted that if this application were granted he would render services for any member of the public within the area of the Permit.
5. To grant the authority requested herein would, in effect, be the granting of Certificate of Public Convenience and Necessity under the guise of Private Carrier Authority.
6. To grant the authority applied for would not be within the purview of private carriage and the application, therefore, should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying the application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969.

Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

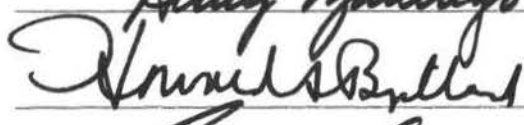
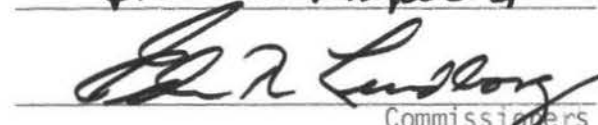
O R D E R

THE COMMISSION ORDERS:

That Application No. 23737-PP-Extension, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
gf

(Decision No. 73248)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF APPLICATION OF)
VIVIAN M. FREAD, INDIVIDUALLY, AND)
AS THE SOLE SURVIVING PARTNER OF THE)
PARTNERSHIP OF WARREN H. FREAD AND)
VIVIAN M. FREAD, DOING BUSINESS AS)
"CRAIG CAB COMPANY," 667 RANNEY)
STREET, CRAIG, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 1290 TO)
MICHAEL J. DUZIK, DOING BUSINESS AS)
"NORTHWEST TAXI CAB SERVICE," 590)
BREEZE, CRAIG, COLORADO.)

APPLICATION NO. 23704-Transfer

June 30, 1969

Appearances: R. H. Peck, Esq., Craig,
Colorado for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 1290.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Vivian M. Fread is an individual and the sole surviving partner of the partnership of Warren H. Fread and Vivian M. Fread, doing business as "Craig Cab Company." Warren H. Fread is now deceased.
2. By Order for Distribution Under the Small Estates Act in the District Court for the County of Moffat, Probate No. 1339, the said Vivian M. Fread received all of the interest of Warren H. Fread, deceased, in the Craig Cab Company, including Certificate of Authority PUC No. 1290. During the lifetime of Warren H. Fread, he, together with his wife, Vivian M. Fread, doing business as "Craig Cab Company," owned and operated Certificate of Authority PUC 1290, which is the subject of this transfer proceeding.
3. Michael J. Duzik is an individual, who resides in Craig, Colorado, and, by agreement, has agreed to purchase the aforementioned authority together with other assets of The Craig Cab Company. Mr. Duzik proposes to operate under the name of "Northwest Taxi Cab Service." Mr. Duzik holds no previously granted authority from this Commission.
4. The Authority has been continuously operated in the past and is presently in good standing with the Commission.
5. The consideration to be paid for the authority is fair and reasonable.
6. Transferee has sufficient equipment, experience, and net worth, all of which is ample and suitable for operation of the authority sought herein.
7. Transferee is familiar with the rules and regulations of the Public Utilities Commission, and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission, and has or will make adequate provision for insurance.
8. The Certificate is to be encumbered pursuant to security agreement contained in the file which should be approved.
9. Transferee is desirous of keeping the broad authority now contained in this Certificate (the fifty-mile radius of Craig); and because of the airport at Hayden, Colorado, and other features of activity in and about the Craig area, he intends to serve the whole area and will locate equipment so as to do so.
10. If this transfer is approved, Transferee intends to and will engage in bona fide carrier operations under the operating rights set forth herein.

11. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of her rights, title, and interest in and to PUC No. 1290 to Michael J. Duzik, doing business as "Northwest Taxi Cab Service," and that henceforth the full and complete authority under said PUC No. 1290 shall read as follows, to-wit:

"Transportation -- in taxi cab service -- of

(1) Passengers and their baggage

From point to point within Craig, Colorado, and a fifty-mile radius thereof and from said area to and from points in the State of Colorado."

Further, that the Commission make and enter its Order approving the encumbrance on the Authority.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Vivian M. Fread, individually, as the sole surviving partner of the partnership of Warren H. Fread and Vivian M. Fread, doing business as "Craig Cab Company," Craig, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1290 to Michael J. Duzik,

doing business as "Northwest Taxi Cab Service," Craig, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1290 shall read and be as follows, to-wit:

Transportation -- in taxi cab service -- of
Passengers and their baggage

From point to point within Craig, Colorado, and a fifty-mile radius thereof and from said area to and from points in the State of Colorado.

That, Vivian M. Fread, individually, and as the sole surviving partner of the partnership of Warren H. Fread and Vivian M. Fread, doing business as "Craig Cab Company," Craig, Colorado, be, and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1290 to Michael J. Duzik, doing business as "Northwest Taxi Cab Service," Craig, Colorado, to secure the payment of the sum of \$4,130.00, according to the terms and conditions of a certain Security Agreement, dated February 5, 1969, executed by and between the aforesaid parties, and as on file with the Commission.


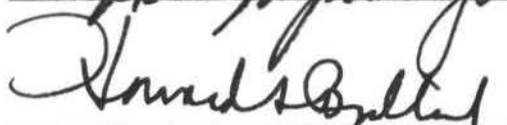
That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of Transferee to operate under this Order shall depend upon the prior filing of the annual report by Transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK,)
LYONS, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 23779-Extension
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 6980.)

June 30, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, and
David E. Driggers, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 22, 1969, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 6980 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation and owns and operates Certificate of Authority PUC No. 6980, which provides as follows:

"Transportation of ash and trash in the Town of Lyons, Colorado, and a five-mile radius thereof, to approved and designated dump and disposal sites within Boulder County, State of Colorado."

This Authority has been continuously operated in the past, and is presently in good standing with the Commission.
2. Applicant has other authority with the Commission, namely, PUC No. 6946 and Permit No. B-7278. Applicant also leases PUC No. 6815.
3. By this application Applicant seeks an extension to Certificate of Authority of PUC No. 6980 so as to authorize "the transportation of ashes, trash and other waste materials from Platteville and a 7½-mile radius thereof to authorized dumps."
4. To grant this application would allow certain minor overlapping with the Permit presently being operated by the Applicant and the Authority presently being leased by Applicant. However, this overlap would be immaterial and, therefore, other authorities held by Applicant have no particular bearing on this application.
5. Applicant has sufficient equipment, experience, and net worth, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provisions for insurance.
7. There is a present or special need for the proposed services and the granting of the extension as hereinafter set forth will be in the public interest.
8. There is presently no service available in the area to which extension is sought.
9. The present or future public convenience and necessity requires, or will require, the service as hereinafter set forth.

10. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Certificate of Authority PUC No. 6980, as follows:

"For the transportation of ashes, trash, and other waste materials from Platteville and a seven and one-half ($7\frac{1}{2}$) mile radius thereof to designated and approved dumps and disposal sites."

And that henceforth the full and complete authority under PUC No. 6980 shall read and be as follows, to-wit:

"Transportation of

(1) Ash and trash

From Lyons, Colorado, and a five (5) mile radius thereof, to approved and designated dump and disposal sites within Boulder County, State of Colorado.

(2) Ashes, trash and other refuse

From Platteville and seven and one-half ($7\frac{1}{2}$) mile radius thereof to designated and approved dumps and disposal sites."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Lamb Construction, Inc., Lyons, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 6980 to include the following:

Transportation of ashes, trash and other waste materials from Platteville and a seven and one-half (7½) mile radius thereof to designated and approved dumps and disposal sites.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6980, as extended, shall read and be as follows, to-wit:

Transportation of

(1) Ash and trash

From Lyons, Colorado, and a five (5) mile radius thereof, to approved and designated dump and disposal sites within the County of Boulder, State of Colorado.




(2) Ashes, trash and other refuse

From Platteville and a seven and one-half (7½) mile radius thereof to designated and approved dumps and disposal sites.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of June, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TOM TANAKA AND DOROTHY TANAKA, DOING)	
BUSINESS AS "TOMMIE'S CELLO PACK,")	
1306 SOUTHWEST 2ND STREET, OKLAHOMA)	<u>PUC NO. 5734-I - Transfer</u>
CITY, OKLAHOMA, FOR AUTHORITY TO)	
TRANSFER INTERSTATE OPERATING RIGHTS)	
TO TOM TANAKA, DOING BUSINESS AS)	
"TOMMIE'S CELLO PACK," 1306 SOUTHWEST)	
2ND STREET, OKLAHOMA CITY, OKLAHOMA.)	

July 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Tom Tanaka and Dorothy Tanaka, doing business as "Tommie's Cello Pack," Oklahoma City, Oklahoma, were granted a certificate of public convenience and necessity being PUC No. 5734-I, authorizing operation as a common carrier by motor vehicle for hire:

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in Interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holders now seek authority to transfer said PUC No. 5734-I to Tom Tanaka, doing business as "Tommie's Cello Pack," Oklahoma City, Oklahoma.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized as set forth in the Order following.

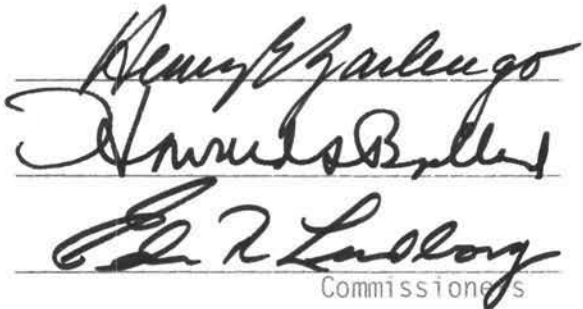
O R D E R

THE COMMISSION ORDERS:

That Tom Tanaka and Dorothy Tanaka, doing business as "Tommie's Cello Pack," Oklahoma City, Oklahoma, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 5734-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Tom Tanaka, doing business as "Tommie's Cello Pack," Oklahoma City, Oklahoma, subject to encumbrances against said certificate, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of July, 1969.
ls

(Decision No. 73251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. M. COOK, SR., DOING BUSINESS AS)
"COOK REFRIGERATED EXPRESS," 830 NORTH)
33 STREET, P. O. BOX 1348, BIRMINGHAM,)
ALABAMA, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO COOK)
REFRIGERATED EXPRESS, INC., 830 NORTH)
33 STREET, P. O. BOX 1584, BIRMINGHAM,)
ALABAMA.)

PUC NO. 5575-I - Transfer

July 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, O. M. Cook, Sr., doing business as "Cook Refrigerated Express," Birmingham, Alabama, was granted a certificate of public convenience and necessity, being PUC No. 5575-I, authorizing operation as a common carrier by motor vehicle for hire:

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in Interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 5575-I to Cook Refrigerated Express, Inc., Birmingham, Alabama.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized as set forth in the Order following.

O R D E R

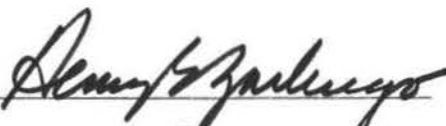
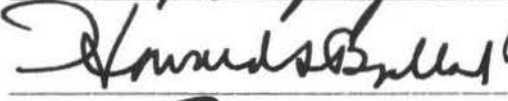

THE COMMISSION ORDERS:

That O. M. Cook, Sr., doing business as "Cook Refrigerated Express," Birmingham, Alabama, be, and hereby is, authorized to transfer

all right, title and interest in and to PUC No. 5575-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Cook Refrigerated Express, Inc., Birmingham, Alabama, subject to encumbrances against said certificate, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of July, 1969.
ls

(Decision No. 73252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN AIRWAYS, INC., DOING)
BUSINESS AS "ROCKY MOUNTAIN AVIATION,)
INC.," 1421 COURT PLACE BUILDING,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. AC-9.)

APPLICATION NO. 23725-Extension

July 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein seeks a certificate of public convenience and necessity authorizing extension of operations under PUC No. AC-9 for the transportation of passengers and property by air on call and demand to include Leadville, Colorado, as an additional base of operations and office for the solicitation of business.

Said application is presently set for hearing at 10:00 A.M., July 15, 1969, at Denver, Colorado.

On July 10, 1969, a "Motion to Withdraw Application," was filed with the Commission by the Applicant by its attorney Robert S. Wham.

The Commission finds that said motion is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

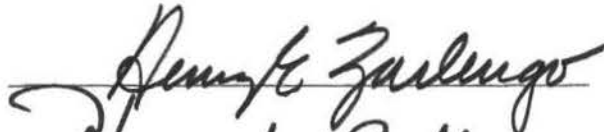
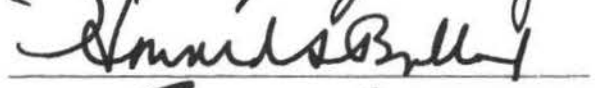
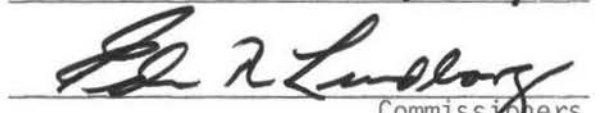
THE COMMISSION ORDERS:

That the hearing on Application No. 23725-Extension, presently set for 10:00 A.M., July 15, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That the Motion to Withdraw Application be, and the same hereby is, granted, and that Application No. 23725-Extension be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of July, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Clarke Thomas Co. Inc.)

P.O. Box 585)

Grand Island, Nebraska 68801)

AUTHORITY NO. 7426-I

CASE NO. 1591-H-Ins.

- - - - -
- July 11, 1969 - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 23, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

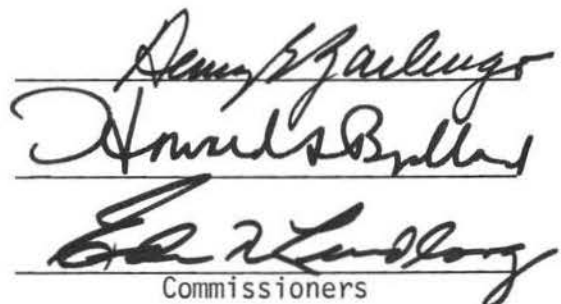
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
11th day of July 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Ynacio Alvarez, dba)
Tropical Fruit & Veg.)
211 El Rancho Road)
Santa Fe, New Mexico 87500)

AUTHORITY NO. 6664-I
CASE NO. 1530-H-Ins.

July 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 13, 1969, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

ORDER

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zedeno
David R. Bell
Ed W. Lundberg
Commissioners

Dated at Denver, Colorado, this
11th day of July 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED RATES)
AND CHARGES APPLICABLE TO MINIMUM)
CHARGE SHIPMENTS)
-----)

INVESTIGATION AND SUSPENSION
Docket No. 632

SUPPLEMENTAL ORDER

July 14, 1969

STATEMENT AND FINDINGS

BY THE COMMISSION:

On March 19, 1969, by Decision No. 72707, the Commission, upon protest, suspended rates, charges and provisions as proposed in Item 420 (1), 3rd Revised Page No. 85, Colorado Motor Carriers' Association, Agent, Local and Joint Class and Commodity Motor Freight Tariff No. 12-B Colorado PUC No. 19.

The suspended matter was placed under investigation and suspended to and including July 25, 1969, unless otherwise ordered by the Commission, and the matter set for hearing on April 24, 1969.

Under Decision No. 72867, postponement was granted by the Commission and the hearing date set for April 24, 1969 was vacated and reset for May 28 and 29, 1969. Said hearing was heard as scheduled and, at the conclusion thereof, the matter was taken under advisement. It now appears that the period of suspension will expire prior to the final entry of the Commission's Order in this docket. Therefore, the Commission, on its own motion, finds that the suspended matter set forth herein, shall be further suspended for an additional period of 90 days, or until October 23, 1969.

O R D E R

THE COMMISSION ORDERS:

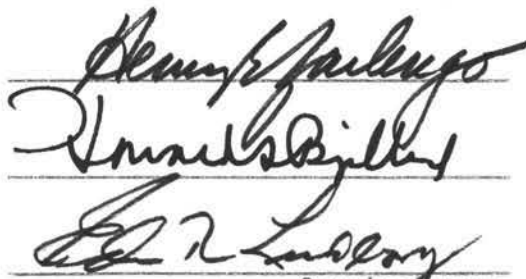
1. That the Statement and Findings herein, be, and they are hereby, made a part hereof.

2. That the operation of said schedule, as set forth in Decision No. 72707, dated March 19, 1969, be, and it is hereby, further suspended and the use thereof deferred to and including October 23, 1969, unless otherwise ordered by the Commission.

3. That a copy of this Order shall be filed with the schedule in the Office of the Commission, and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado 80216, and that the necessary extending suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings herein.

4. That, except as herein amended, said Decision No. 72707 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
14th day of July, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFFORD TRAVIS)
Post Office Box 32)
Anton, Colorado 80801)
-----)

AUTHORITY NO. M 13275
CASE NO. 7285 - Ins.

July 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 23, 1966 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

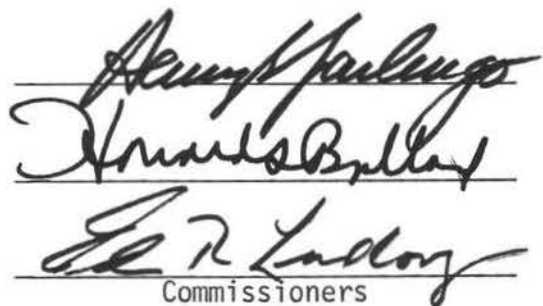
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
11th day of July, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER TRAMWAY CORPORATION)
FOR AUTHORITY TO INCREASE CERTAIN)
FARES AND FOR OTHER RELIEF INCLUDING)
DISCONTINUANCE OF ROUTE 31 TO)
WESTMINSTER.)

APPLICATION NO. 23769

July 14, 1969

Appearances: Raymond B. Danks, Esq., Denver, Colorado,
for Denver Tramway Corporation;
Max P. Zall, Esq., Denver, Colorado,
Brian H. Goral, Esq., Denver, Colorado, and
James W. Spelman, Esq., Denver, Colorado,
for the City and County of Denver;
Howard Hicks, Denver, Colorado,
for the Denver Chamber of Commerce;
Mrs. John D. Anderson, Golden, Colorado,
for the League of Women Voters;
Morris Adelman, Denver, Colorado,
for the East Side Action Center;
Sarah Wolf, Denver, Colorado,
for North Denver Action Center and
Stapleton-Globeville Coordinating Committee;
Harry A. Galligan, Jr., Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On June 5, 1969, the Denver Tramway Corporation (Tramway) filed its application with this Commission seeking authority to establish an increase in certain fares and charges in its transit system and authority to discontinue Route 31. The application was set down for hearing on June 25, 1969, at the hour of 10 o'clock a.m., in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by all Commissioners after due and proper notice to all interested parties. At the conclusion of the hearing on June 27, 1969, the matter was taken under advisement by the Commission.

The Applicant herein, Denver Tramway Corporation, is a corporation organized under the laws of the State of Delaware. It is duly authorized to conduct business in the State of Colorado as a common carrier of passengers by motor vehicle, under authority granted by this Commission, by virtue of Certificate of Public Convenience and Necessity PUC No. 210; and generally serves the metropolitan area of Denver, Colorado.

Applicant seeks authority to increase fares and charges as follows:

- A. An adult fare of 35¢ shall apply on routes and portions of routes listed below:

On Entire Routes

Route 3 - Englewood
" 4 - E. 4th Avenue - Lakeshore
" 5 - South Gaylord - Argo
" 6 - E. 6th Ave. - W. 44th Ave.
" 9 - York St.
" 15 - Colorado Boulevard
" 16 - Stockyards
" 18 - Brentwood
" 19 - Airport - Fairmount
" 23 - Brighton Boulevard
" 28 - E. 28th Ave. - Berkeley
" 40 - Park Hill
" 50 - E. 22nd Ave. - Kalamath
" 55 - Federal Boulevard
" 60 - Loretto Heights - Harvard & Yates
" 64 - E. 34th Ave. - W. Colfax Ave.
" 73 - Downing St.
" to Thomas Jefferson School
" to George Washington School

On Portions of Routes

Route 8 - (University Park - Edgewater) between points in Denver excepting the Route 8 University Hills Express.
" 13 - (E. 13th Ave. - W. 38th Ave.) between points in Denver.
" 14 - (Colfax-Aurora) between points in Denver and between points in Denver on the one hand and points from Yosemite to Geneva Streets on the other hand, excepting the Route 14 East Colfax Express.
" 17 - (Garfield - E. Louisiana) between points in Denver.
" 59 - (Federal Center) between points in Denver.
" 75 - (Barnum - E. Larimer) between points in Denver.
" 82 - (Arvada) between points in Denver.
" 83 - (Olivet) between points in Denver.
" 84 - (Golden) between points in Denver.

- B. On the above routes and portions of routes for a child six years of age, or over, but under twelve years of age a fare of 25¢ cash shall apply.
- C. On the above routes and portions of routes for a student under nineteen years of age attending public or parochial schools a fare of 25¢ cash shall apply.
- D. On Route 8 University Hills Express an adult fare shall be 45¢ cash, or valid transfer and 10¢ cash. The fare for a child or student, as above defined, shall be 30¢ cash, or valid transfer and 5¢ cash.
- E. On Route 14 Colfax Express to and from points east of Geneva Street an adult fare shall be 60¢ cash, or valid transfer and 25¢ cash; the fare for a child or student, as defined above, shall be 40¢ cash, or valid transfer and 15¢ cash. On Route 14 Colfax Express to and from points west on Geneva Street, and adult fare shall be 45¢ cash, or valid transfer and 10¢ cash; the fare for a child or student, as defined above, shall be 30¢ cash, or valid transfer and 5¢ cash.
- F. The adult zone fare on the following routes outside Denver for a passenger paying a Denver fare will be:
 - Route 8: 15¢ cash
 - " 13: 15¢ cash
 - " 14: Between Yosemite and Fitzsimons Hospital - 15¢ cash
 - " 17: 15¢ cash
 - " 59: 15¢ cash
 - " 75: 15¢ cash
 - " 82: 48th & Harlan to Carr and Oberon Road - Zone 1 - 15¢ cash; Carr and Oberon Road to 72nd and RR Crossing - Zone 2 - 15¢ cash; 72nd and RR Crossing to 82nd & Alkire Street - Zone 3 - 15¢ cash
 - " 83: 44th & Sheridan to 51st & Carr - Zone 1 - 15¢ cash; 51st & Carr to 44th & Youngfield - Zone 2 - 15¢ cash
 - " 84: 10th & Sheridan to 10th & Kipling - Zone 1 - 15¢ cash; 10th & Kipling to U. S. #40 & Indiana - Zone 2 - 15¢ cash; U. S. #40 & Indiana to 12th & Ford (Golden) - Zone 3 - 15¢ cash

The adult fare on the above routes for a passenger boarding and alighting outside Denver will be 35¢ plus the 15¢ zone fare for each zone beyond the boarding zone into which the passenger rides.

- G. On the above routes outside of Denver the zone fare for a child or student, as defined above, paying a Denver fare will be 10¢ for each zone into which the child or student rides. If the child or student boards and alights outside of Denver the fare will be 25¢ plus the 10¢ zone fare for each zone beyond the boarding zone into which the child or student rides.

- H. An adult shall pay 5¢ for a transfer on all routes where transfers are issued.
- I. The charge for the shopping pass sold for use in the downtown area will be increased from 30¢ to 35¢.

In support of its application, Tramway witnesses introduced exhibits showing a continuing decline of passenger use, beginning with 1947 continuing through 1968. It was also shown that operating miles had declined during this same period of time, although not as rapidly as has the number of passengers carried. Of more specific interest was page 9 of Applicant's Exhibit 2, which page was a comparison of total operating expenses with total operating revenue. For the first 4 months of 1969 operating expenses were very slightly above the operating revenue. However, in May of 1969, the total operating expenses exceeded the total operating revenue by some \$36,000. Applicant's witnesses stated that this was primarily due to increased labor cost brought about by a new contract with the union employees which went into effect on May 1, 1969. That contract provided for an immediate 20¢ an hour increase and subsequent increases of 10¢ per hour on November 1, 1969; on May 1, 1970; and on November 1, 1970. Additionally, the new union contract provides for incremental increases keyed to the cost of living index.

Page 23 of Applicant's Exhibit 2 was an estimate of operations under present and proposed rates for the fiscal year beginning July 1, 1969. These estimates indicated that continuation of present fares would result in a loss to Tramway of \$426,000 from operations before inclusion of non-operating income and the provision for income taxes. Under proposed fares, the income from operations was estimated to be \$26,000 plus non-operating income of \$132,000 or net income of \$78,000 after income taxes. These figures would indicate that the fare increases requested in this application will not provide an adequate return on investment for the Applicant, but will put Applicant in a positive earnings position.

Applicant's witnesses testified that they have for some time been negotiating with the City and County of Denver on a lease basis, the benefit of which would be to reduce taxes to Tramway Corporation by approximately \$263,000 per year. Such leasing arrangement would contemplate the ultimate acquisition of the Denver Tramway Corporation by the City and County of Denver. Tramway witnesses indicated that negotiations with the City and County of Denver would continue whether or not the requested increase is granted by this Commission.

At the hearing a number of public witnesses appeared and were heard. Without exception these public witnesses were opposed to the increase proposed by Applicant. However, it should be noted that in most cases the objections amounted to a plea for relief by people in special categories. This Commission recognizes that the bus transportation is especially important to people in lower income brackets who are unable to afford private transportation. While it might be desirable in some respects to distinguish between income levels in determining transportation fares, it would be totally impossible and impractical for this Commission to attempt to make any such distinction between the classes. Such an attempt would surely be discriminatory.

In addition to the fare increases proposed by Tramway, it is proposed by Applicant that Route 31 be discontinued. This route is a shuttle service between Westminster and the No. 6 Bus in North Denver. The testimony at the hearing indicated that the passenger use of this run was so small as to not warrant the continuance of this route.

F I N D I N G S

THE COMMISSION FINDS:

1. That the above and foregoing Statement should be, and hereby is, made part of these Findings by reference.
2. That the Commission has jurisdiction over the Applicant herein, Denver Tramway Corporation, and of the subject matter involved

in the instant application.

3. That the Commission is fully advised in the premises.

4. That the rates and charges proposed by Applicant, more specifically set forth in the Statement herein, are just and reasonable and not unjustly discriminatory; and that the public convenience and necessity requires, and will require, that such rates should be approved by this Commission and should be effective at 12:01 a.m. on July 27, 1969.

5. That Applicant herein should be allowed to discontinue its Route No. 31, which route consists of shuttle service between Denver Route No. 6 and Westminster. The public convenience and necessity does not require the continuation of this specific service.

O R D E R

THE COMMISSION ORDERS:


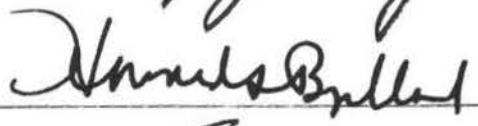

1. That the rates and charges as set forth in the Statement herein be, and hereby are, approved by this Commission and shall become effective as of 12:01 a.m., July 27, 1969, upon notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed by law and the Rules and Regulations of this Commission.

2. That the discontinuance of Route No. 31 of Applicant be, and hereby is, approved. Such discontinuance to be effective as of 12:01 a.m., July 27, 1969.

3. That the Commission retains jurisdiction of this matter, to make such further Order, or Orders, as may be necessary in the premises.

4. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 14th day of July, 1969.
jk

(Decision No. 73258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ERVILLE M. JONES, DOING BUSINESS AS)	
"LONGMONT TAXI SERVICE," 336 COFFMAN)	
STREET, LONGMONT, COLORADO, FOR AUTH-)	<u>APPLICATION NO. 23849-Transfer</u>
ORITY TO TRANSFER PUC NO. 6899 TO)	
RONALD V. METZ AND CARL G. MILACEK,)	
DOING BUSINESS AS "M & M TAXI SERVICE,")	
428 KIMBARK STREET, LONGMONT, COLORADO.)	

July 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, authority is sought to transfer PUC No. 6899 from Erville M. Jones, doing business as "Longmont Taxi Service," to Ronald V. Metz and Carl G. Milacek, doing business as "M & M Taxi Service."

The Commission has been advised by the Applicants that they no longer desire the authority herein sought and request that said application be dismissed.

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

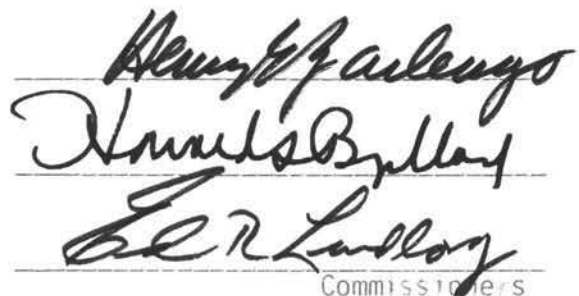
O R D E R

THE COMMISSION ORDERS:

That Application No. 23849-Transfer be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of July, 1969

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	
PROPOSED CHANGES IN TARIFF COLORADO)	
P.U.C. NO. 5 OF THE MOUNTAIN STATES	)	<u>INVESTIGATION AND SUSPENSION</u>
TELEPHONE AND TELEGRAPH COMPANY, 930	)	<u>DOCKET NO. 636</u>
15TH STREET, DENVER, COLORADO, FILED)	
PURSUANT TO THIS COMMISSION'S	)	<u>NOTICE OF HEARING ON MOTION</u>
<u>DECISION NO. 72385, DATED JANUARY 7, 1969.</u>)	

- - - - -
July 14, 1969
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 11, 1969, a Motion was filed by the Colorado Municipal League relating to telephone charges being made by the Mountain States Telephone and Telegraph Company arising out of the Federal income tax surcharge, all of which is more fully set out in said Motion to which reference is hereby made and which Motion has been served on Mountain States Telephone and Telegraph Company.

The Commission finds that a hearing should be held on said Motion and Notice is hereby given that such hearing will be held on July 21, 1969, at the Hearing Room of the Commission, Denver, Colorado, commencing at 9:00 A.M., which hearing shall be limited to one hour and only legal arguments shall be heard.

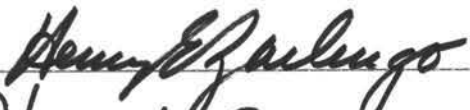
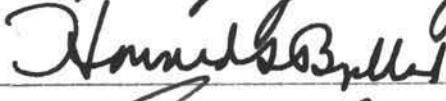
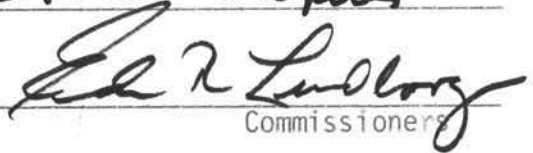
O R D E R

THE COMMISSION ORDERS:

That hearing on the above-referred Motion filed by the Colorado Municipal League be held on July 21, 1969, at the Hearing Room of the

Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado,
commencing at 9:00 A.M., and that said hearing shall be limited to one
hour and only legal arguments shall be heard.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of July, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FILADELFIO RAEI, P. O. BOX 37,)	
AVONDALE, COLORADO, FOR A CERTIFICATE)	<u>APPLICATION NO. 23732</u>
OF PUBLIC CONVENIENCE AND NECESSITY)	
TO OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

July 15, 1969

Appearances: Charles E. Butler, Esq., Pueblo,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 23, 1969, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

One Tom Velasquez appeared (pro se) stating that he was there on behalf of the ash and trash haulers of Pueblo to protest this application. However, he had failed to give any notice whatsoever of a Protest prior to the hearing either to the Commission or to the Applicant and, upon Motion of Applicant's attorney to not allow the Protest, the said Tom Velasquez was not allowed to participate in the hearing."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present or special need for the proposed service and the granting of the authority, as hereinafter set forth, will be in the public interest.
6. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application for a Certificate of Public Convenience and Necessity authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Ashes, trash and other refuse

From all points within the City of Pueblo, State of Colorado, to designated and approved dumps and disposal sites within the County of Pueblo, State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 27, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Filadelfio Rael, Avondale, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation of

Ashes, trash and other refuse

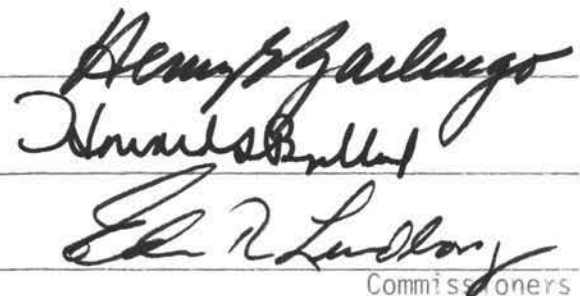
From all points within the City of Pueblo, State of Colorado, to designated and approved dumps and disposal sites within the County of Pueblo, State of Colorado;

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

* Dated at Denver, Colorado,
this 15th day of July, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK,)
LYONS, COLORADO, AND RICHARD STANLEY)
STAFFORD, DOING BUSINESS AS "NORTHERN)
TRASH DISPOSAL COMPANY," ROUTE 2,)
P. O. BOX 115-A, LONGMONT, COLORADO,)
FOR RELIEF FROM THE PROVISIONS OF)
RULE 8 OF THE RULES AND REGULATIONS)
GOVERNING COMMON CARRIERS BY MOTOR)
VEHICLE FOR HIRE IN THE CONDUCT OF)
OPERATIONS UNDER PUC NO. 6815.)

APPLICATION NO. 23749-Waiver

July 15, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 14, 1969, the above-entitled application was filed requesting relief from the provisions of Rule 8 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire, in the conduct of operations under Certificate of Public Convenience and Necessity PUC No. 6815.

After due and proper notice to all interested persons, firms or corporations, the application was called for hearing by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The Examiner, in his filed report with the Commission, has concluded and recommended, pursuant to request of Applicant, that the herein application be dismissed.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969.

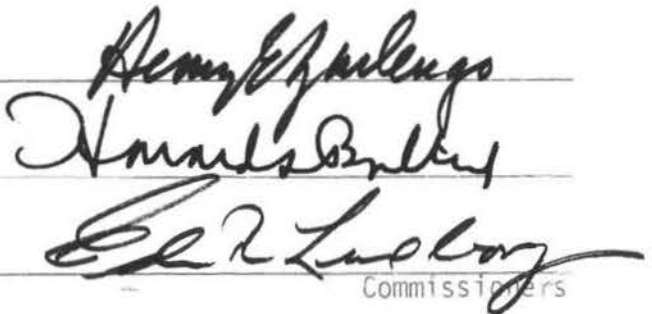
Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23749-Waiver, be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of July, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO SUPPLY)
THE PUBLIC ELECTRIC SERVICE IN THE)
S $\frac{1}{2}$ NW $\frac{1}{4}$ AND SW $\frac{1}{4}$, SECTION 26; THE)
E $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 27; THE SE $\frac{1}{4}$ NE $\frac{1}{4}$,)
SECTION 27; E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27,)
THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34; AND THE)
N $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 35, ALL LOCATED IN)
TOWNSHIP 6 NORTH, RANGE 67 WEST,)
6TH P.M., WELD COUNTY, COLORADO.)

APPLICATION NO. 23718

July 16, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

In the above-entitled application proceedings, on July 15, 1969, a Motion was filed with the Commission by the above applicant setting out the grounds therefor and requesting an Order that the Commission vacate its Order requiring the filing of briefs until the disposition of original proceedings in the Supreme Court and until further Order of this Commission. John P. Thompson, one of the attorneys for Poudre Valley Rural Electric Association, Inc., Protestant, has agreed to the granting of said Motion.

The Commission having considered the Motion and the grounds therefor and being fully advised in the premises FINDS that the Motion should be granted and accordingly enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That the filing of briefs as heretofore Ordered by the

Commission in this proceeding be suspended and that said briefs be filed at any time on or before two days prior to the date when actual hearing is held, unless hereafter otherwise ordered by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 16th day of July, 1969.
jk

(Decision No. 73263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN TARIFF--COLORADO)
PUC NO. 5, MOUNTAIN STATES TELEPHONE)
AND TELEGRAPH COMPANY, 930 - 15TH)
STREET, DENVER, COLORADO, FILED)
PURSUANT TO THIS COMMISSION'S)
DECISION NO. 72921, DATED APRIL 28,)
1969.)

INVESTIGATION AND SUSPENSION

DOCKET NO. 636

July 18, 1969

Appearances: Akolt, Shepherd, Dick & Rovira, Esqs.,
Denver, Colorado, by
Luis D. Rovira, Esq., Denver, Colorado,
and
Denis G. Stack, Esq., Denver, Colorado,
for Mountain States Telephone and
Telegraph Company;
Joseph F. Nigro, Esq., Denver, Colorado,
for Telephone Answering Service of
the Mountain States, Inc., and
Telephone Answering Service, Inc.,
Protestants;
H. L. Thurtell, Esq., Denver, Colorado,
Hart T. Mankin, Esq., Denver, Colorado,
Leonard M. Shinn, Esq., Denver, Colorado,
Iris Bell, Esq., Denver, Colorado, and
Marvin H. Morse, Esq., Denver, Colorado,
for the General Services Administration
and Executive Agencies of the United States;
John P. Holloway, Esq., Boulder, Colorado, by
Eric W. Jorgenson, Boulder, Colorado, for
the Board of Regents of the University
of Colorado;
Carl J. Rite, Denver, Colorado, of
Control, Inc., pro se;
Leonard M. Campbell, Esq., Denver, Colorado,
and
Ken Bueche, Esq., Boulder, Colorado,
for the Colorado Municipal League;
C. Hamilton Evans, Denver, Colorado,
for Colorado-Wyoming Hotel Association
and Greater Denver Hotel Association;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The Commission, by Decision No. 72921, permanently suspended and ordered to remain permanently ineffective tariff revisions filed by Mountain States Telephone and Telegraph Company (Company) pursuant to Commission Decision No. 72385 of January 7, 1969. It further ordered the Company, inter alia, to file a new Rate Schedule in conformity with the Findings of Decision No. 72921, such rates to raise the revenues authorized in Decision No. 72385 and to be just and reasonable and not unjustly discriminatory; and that an appropriate Advice Letter should be attached to the revised filing, in accordance with Rule No. 20 of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, setting forth in detail the changes proposed, the revenue effect of each change and the percent increase or decrease involved for each such change.

Pursuant to said Order of the Commission, the Company filed on May 29, 1969, its Advice Letter No. 507 accompanied by a new schedule of rates, rules and regulations consisting of approximately 447 new or revised tariff sheets to become effective July 1, 1969, hereinafter sometimes referred to as Proposed Rate Schedule.

Pursuant to Commission Decision No. 73079 of May 29, 1969, entered by the Commission on its own motion, the effective date of said Proposed Rate Schedule was suspended and the matter set for a hearing before the Commission at 10 o'clock a.m. on June 16, 1969, in the Commission Hearing Room, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, all of which is more fully set out in said decision.

Formal protests were duly entered by the Regents of the University of Colorado, by the Telephone Answering Service of the Mountain States, Inc. and Telephone Answering Service, Inc.

At the time and place set forth above, pursuant to proper notice to all interested parties, the matter was duly heard by the Commission, and,

at the conclusion of the hearing, the matter was taken under advisement.

Exhibits 1 through 19 were received in evidence. Applicant's Exhibit No. 1, which is the Proposed Rate Schedule, was slightly modified during the hearing by Exhibit No. 3.

Decision No. 72385 of the Commission authorized the Company to file new rate schedules to raise additional revenues as follows:

- a. \$3,745,004 to offset the 10% federal income tax surcharge.
- b. \$2,133,957 to augment the Company's earnings in order that it might realize a fair return.

The combined authorization amounts to approximately 4.85% increase in overall revenues and is based upon 1967 test year. In many cases, the proposed rates involve increases substantially in excess of the overall percentage increase. The Company has, however, by adequate evidence shown the necessity for such action, usually because of the cost of service (revenue requirements) involved in each particular case. In many cases, however, such as toll diversion, secretarial boards and other services, the impact to the customers involved if rates were raised to the full revenue requirements would be so severe that the Company has proposed an intermediate step. Generally speaking, the Company's position with respect to the Proposed Rate Schedule has been that increases must be minimized upon basic services while other services that might be termed as "luxury", "vertical", or "premium" services should bear the full cost burden. The Commission generally agrees with this principle. We also recognize that customer impact cannot be too severe or serious dislocations will occur; and that it is not always easy to define a "luxury" service.

Some of the highlights of the Proposed Rate Schedule which have, incidentally, also aroused protests as they affect particular customers are:

1. Packaging of PBX and multi-line or key telephone services. At the present time many items connected with PBX or key equipment are rated on a "hardware" basis, i.e., the various components of the system

are charged separately, such as switches, buttons, selectors, connectors, lights, etc. The proposed "packaging" by the Company will simplify this schedule and make it more understandable to customers and, in our opinion, will provide better service without penalizing the customer who does not always have the requisite knowledge to economize in his selections. It is equally true, however, that such packaging will have different effects on different customers. Some will receive increases while others will receive decreases. This situation is unavoidable but, in our view, is necessary and reasonable. The customers involved who now receive the services to be packaged may be entitled, without additional charge, to certain services they do not now receive. In these situations the customers should have reasonable opportunity to obtain the additional services without an installation charge. Also, in packaging PBX services, as well as in certain other areas, the Company undertakes to provide the equipment necessary to provide an acceptable level of service without the customer being charged for each specific hardware item that may be necessary to provide such service. The tariff, however, in several instances states that these requirements will be determined by the Company and that if the customer requests additional facilities that are considered unnecessary by the Company, he will be assessed additional, sometimes unspecified, charges. We feel that this provision should be corrected to provide for an objective test of adequacy rather than the subjective opinion of the Company.

2. The multi-party services, generally, receive almost no increase, and many of them will get decreases. This too is appropriate in our view as, generally speaking, these services are used by people to whom the better grade of service is not available or the costs involved are unacceptable.

3. The proposed ten-group classification of exchanges appears to be equitable. As might be expected, exchanges including cities of recent rapid growth may receive proportionally larger increases after regrouping. A classification in a lesser number of groups would

necessarily result in a more severe impact to subscribers in some such exchanges.

4. Specific rate items to which protests were directed, such as toll diversion, PBX extensions and secretarial boards, received substantial increases but were properly and adequately justified by testimony of Company witnesses and by the exhibits introduced.

5. Reduction of one-time charges for color and princess telephones and elimination of one-time charges for 9-foot cords is justified, as the costs involved do not warrant the existing charges any longer. The primary purpose of extra charges for these items is and has been for inventory control purposes. These costs have served their purpose well, but no need exists to continue them at present levels.

6. The rate increase in connection with the 10% federal income tax surcharge is equitably distributed over most of the local service revenue.

7. Intrastate toll receives a small increase while the times for "bargain" calling in the evening and night are made to conform with the interstate schedule. This is most appropriate.

The University of Colorado bases its protest mainly on the fact that it would receive a rate increase (exclusive of the surcharge increment) of 5.9%, or about three times the average increase of 1.78%. It should be noted that this includes only the Boulder Campus, which appears to have a rather high station to trunk ratio. This may or may not be the case if other campuses of the University were included. Also, this computation of the percentage does not consider intrastate toll charges.

One of the reasons why certain subscribers will experience larger rate changes than others arises from the fact that 54 exchanges are now out of the proper rate group. No adjustments in this regard have been made since 1954. The Company, therefore, has suggested in this filing that it will apply to the Commission for a change in rates to the subscribers in any exchange after such exchange has been out of group by at

least 5% for at least six months. The Commission feels this is appropriate; however, such applications should be consolidated and not made more than once each year so that all the changes proposed in any given year can be considered by the Commission at one time coincidental with its program of continued surveillance regarding the Company's earnings.

Two public witnesses testified with respect to exchange boundaries involving Erie and Elbert exchanges.

The Company advanced no adequate justification for freezing the measured PBX service as proposed, nor did the Company support its proposal to freeze the offering of certain manual Private Branch Exchange Switchboards, now subject to availability "from existing stock only."

F I N D I N G S

THE COMMISSION FINDS THAT:

1. Mountain States Telephone and Telegraph Company is a public utility subject to the jurisdiction of the Commission with respect to its Colorado intrastate operations, and the subject matter of this proceeding is within the jurisdiction of the Commission.

2. The Proposed Rate Schedule will provide additional revenues to the Company not in excess of the revenues authorized by our Decision No. 72385.

3. The Commission is fully advised in the premises, and the above Statement is incorporated in these Findings by reference.

4. The provision in the Proposed Rate Schedule that measured PBX will be frozen to existing customers is unjustly discriminatory and should be corrected to make this service available to both existing and new customers. Likewise, the provision that certain manual PBX installations no longer manufactured "will be maintained for existing subscribers only until such time as the subscriber disconnects, changes location or subscribes to another type of service" is unjustly discriminatory and should be removed from the Proposed Rate Schedule.

5. The tariff provisions of the Proposed Rate Schedule relating to the determination by the Company of the equipment necessary for adequate service should be changed, in conformance with the Statement above, to provide for an objective test of adequacy.

6. The proposed Metro-Pac offering is of an experimental nature and should be made an experimental offering for a period of not to exceed one year in the five exchanges now included; namely, Erie, Bailey, Elizabeth, Longmont and Fort Lupton. Before expiration of this experimental offering, the Commission should be advised as to the success or failure thereof, and if successful and meeting with customer acceptance, this offering should then be made available to all of the exchanges in the State of Colorado not later than 18 months from the effective date of this Order.

7. The Proposed Rate Schedule, after corrections as discussed in Findings Nos. 4, 5 and 6 above, does and will provide for rates and charges that are just, reasonable and not unjustly discriminatory, and should be permitted to become effective when so corrected upon not less than one day's notice to the Commission.

8. The study of exchange boundaries, as provided for in our Order and Decision No. 72921, shall specifically include the Erie exchange and that part of Douglas County that is in part of the Elbert exchange.

9. Customers now using telephone services that will be involved in packaging, as set forth in the Proposed Rate Schedule, should have reasonable opportunity to obtain additional services included in the package at no installation charge, and that the provisions of the Order hereinbelow will provide such reasonable opportunity.

10. The Proposed Rate Schedule is in conformance with our Decision No. 72921, except as noted herein.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Proposed Rate Schedule, when corrected and modified in

accordance with the Findings herein, be, and hereby is, permitted to become effective upon not less than one day's notice to the Commission.

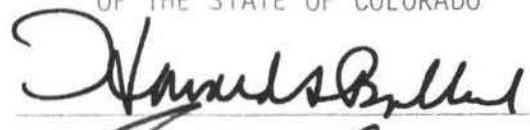

2. The study of the exchange boundaries previously ordered shall specifically include the Erie exchange and those parts of the Elbert exchange which are located in Douglas County, Colorado.

3. The Company shall within a reasonable time contact or notify all customers who, under the Proposed Rate Schedule and the packaging of PBX and multi-line services provided thereunder, would be entitled to additional services without an increase in rates, and shall advise the Commission in writing of the date such contacts have been completed within three days of such date. The customers involved shall have the option to obtain such additional services without paying any installation charge, and such option shall extend for not less than 60 days after the date all of the contacts as provided herein have been completed. Any customer desiring such additional services who shall notify the Company before the date such option expires shall within a reasonable time receive such additional services without installation charges.

4. The Company shall make an appropriate filing with the Commission, not oftener than once each year, requesting rate adjustments for exchanges that have moved out of their group by more than 5% for a period of more than six months; such filing shall not be made before May 1 of any calendar year, starting with the calendar year 1970. The Company shall also file with the Commission, on or before February 15, 1970, and each year thereafter, a schedule showing the number of terminals in each exchange as of the last day of the previous calendar year.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY F. ZARLENGO DISSENTING.

Dated at Denver, Colorado,
this 16th day of July, 1969

15

CHAIRMAN HENRY E. ZARLENGO DISSENTING.

I respectfully dissent to the charges approved for all groups receiving 8-party residential service.

The concept of the value of service is based on the theory that the service to a subscriber increases in value as the number of potentially callable terminals or stations increases. The theory itself postulates that the more terminals or stations a subscriber may call, or be called from, the more will his phone be used, and, therefore, the more valuable is the service to him. Bearing in mind, however, that only one line serves 8 subscribers, it is obvious that the more, use of the line is made by his 7 co-subscribers, the less will his phone be actually available for his own use. The theory, as here applied, disregards the fact that as the number of potentially callable terminals or stations increases the subscriber to an 8-party residential service actually suffers a decrease in the availability of the use of his phone for outgoing and incoming calls which offsets any theoretical increase in value of the service by virtue of having more potentially callable terminals or stations. Of what greater value is it to have hundreds, and even thousands, of potentially callable terminals or stations added if by the very fact of such addition the availability for use of his phone to any one subscriber is actually decreased?

Mr. Watson, a recognized rate expert, testified as follows, to-wit:

"Q. You heard my questions to Mr. O'Boyle about the 8-party service?

A. Yes I did.

Q. Would you care to comment as an expert whether or not the advantages of increasing the number of callable phones to a subscriber on an 8-party line -- whether the advantages are equal to, greater than, or less than the disadvantages resulting from the consequent less opportunity to have the line available for his use.

A. I am strongly of the opinion that any broadening of the local calling area would deteriorate 8-party service below the point of reasonable service, so from this it would be my opinion that whatever value comes from broadening the local calling area would be more than negated by the deterioration of the service itself.

Q. In other words, then it would work in reverse?

A. That would be my opinion."

It is obvious that this deterioration in service is real and actual and that such deterioration, if not more than, at the very least offsets any theoretical enhancement in the value of the service predicated on the addition of more terminals or stations.

With respect to 8-party residential service, I would approve of the proposed charge for group 1 of \$2.50 monthly for all 10 groups and would disapprove as unjust, unreasonable and discriminatory any increases as proposed.


Chairman

Dated at Denver, Colorado,
this 18th day of July, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: METHOD OF COMPUTING DISTANCES)
AND EXCLUSION OF CERTAIN MOUNTAIN)
PASSES IN COMPUTING THROUGH MILEAGES)
USED IN ASSESSING RATES IN PART III,)
SECTION C (FARM PRODUCTS))
-----)

CASE NO. 1585

July 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 27, 1969, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, filed revised pages as designated in Appendix "A" attached hereto, to its Motor Freight Tariff No. 14, Colorado PUC No. 13*(*The Motor Truck Common Carriers' Association, Agent, Series) which schedules were published to become effective July 28, 1969.

In support of the changes, Wally Fletchinger, General Traffic Manager, Rio Grande Motor Way, Inc., in a letter dated April 25, 1969, submitted to the Commission, states:

"It appears to me that the second paragraph of Item No. 20 should be canceled from this item and republished in Item No. 145. Standing alone, the first paragraph of Item 145 reads that except as otherwise provided, distances to be used in connection with the mileage rates named in this tariff shall be determined by use of the map attached to page 105. It is then time consuming for the tariff user to locate the exceptions that are otherwise provided in the tariff and the second paragraph of Item No. 20 must be applied in conjunction with the first paragraph of Item No. 145, in order to arrive at the possible lowest rate which, in some instances, is based on greater mileages.

The portion being transferred from Item No. 20 to Item No. 145 was first prescribed in Decision No. 58768, dated June 14, 1962.

The exclusion of certain mountain passes in computing through mileage used in assessing rates, Mr. Fletchinger states, is necessary because the "exceptions include segments of roads and highways which are impractical for truck travel and I do not believe that mileages should be computed over these segments where travel is not feasible."

The Commission, in Decision No. 71399, dated June 10, 1968, Case No. 1585, excluded these identical portions of roads and highways under Part III, Section D, (Brick and Related Articles) and Decision No. 70068 of September 11, 1967, under Part II (Heavy Haulers) and Part II, Section A (Oilfield Equipment and Supplies).

Since the changes as proposed in Appendix "A" attached hereto, appear to represent just, fair and reasonable rates and charges, the Commission states and finds that an Order should be entered prescribing the same as it affects matter prescribed in Case No. 1585, under the provisions of Rule 18C (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

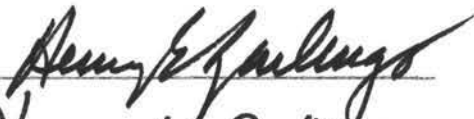
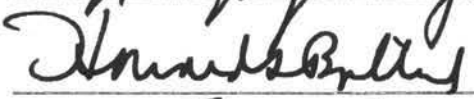
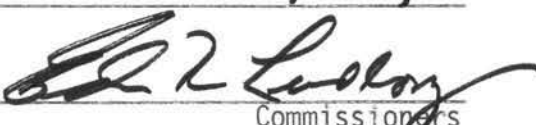
1. That the Statement and Findings of Fact, be, and they are hereby, made a part hereof.
2. That the provisions as set forth in Appendix "A" attached hereto should be allowed to become effective on the date set forth herein.
3. That on and after July 28, 1969, the affected common carriers by motor vehicle herein shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.
4. That all private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those prescribed for motor vehicle common carriers.
5. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

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

7. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of July, 1969. av

Case No. 1585
Decision No. 73264
July 18, 1969

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Motor Freight Tariff No. 14
Colorado P.U.C. No. 13*

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

EFFECTIVE: July 28, 1969

Item

No.

General Rules and Regulations

2nd Revised Page No. 32-A

Method of Computing Distance:

Except as otherwise provided /© and subject to Note 1, distances to be used in connection with the mileage rates named in this tariff shall be determined by use of the map attached to page 105.

For distances from or to points not covered by the map referred to in the above paragraph, the actual mileage by the shortest practicable route shall be used, except that the map will be used for such portion of the distance as may be provided therein or ascertainable therefrom.

145

In computing mileage, the following will govern in the disposition of fractions:

- (A) Fractions of less than one-half mile, omit;
- (B) Fractions of one-half mile or greater, increase to the next full mile.

When, at the request of the shipper, a longer route than the shortest available regularly traveled highway route is used, the mileage via route of movement shall be used.

/© NOTE 1: In applying the distance commodity rates published herein, the rate making distance shall be the distance from origin to destination which produces the lowest rate and/or charge.

SECTION NO. 5

6th Revised Page No. 88

Farm Products

The distance rates published on pages 89 to 96 of this Section will apply on Farm Products, viz.: Alfalfa, Baled; Straw, Baled; Beans, Dry; Corn and the products thereof unprepared for human consumption; Feed, animal and poultry; Broom Corn; Grain and the Products thereof unprepared for human consumption; Hay, Baled; Maize; Onions, without tops; Potatoes; Sorghums, all; *Cucumbers, Fresh; Seed.

*When shipped in open top crates, rate includes return of empty crates when the loaded movement is over the line of the motor carrier handling the return of the empty crates.

The Plains Scale of rates herein provided on Farm Products and Fertilizing Compounds will apply within the boundaries of the Plains Territory, as described in Item No. 110, and within the boundaries of the following described territories, viz.: U. S. Highway No. 24, Glenwood Springs to Grand Junction; U. S. Highway No. 50, Montrose to Colorado-Utah State Line; U.S. Highway No. 550, Montrose to Uncompahgre. (See exceptions.)

SECTION NO. 5
Farm Products (concluded)

✱ (A) EXCEPTION:

The following segments of roads and highways are impractical for truck travel and under no circumstances shall routes over such segments of roads and highways be employed or used to compute through mileages:

1. County Roads from U.S. Highway 50 to Tincup, Colorado, which cross Black Sage Pass;
2. That portion of Colo. Highway 14 which crosses Cameron Pass;
3. County Roads from Colo. Highway 10 and Colo. Highway 15 to Colo. Highway 17, which cross Celeste Pass;
4. That portion of Colo. Highway 306 which crosses Cotton Wood Pass;
5. That portion of Colo. Highway 111 which crosses Cucharas Pass;
6. County Roads from U.S. Highway 50 to Tincup, Colo., which cross Cumberland Pass;
7. That portion of Colo. Highway 17 which crosses Cumbres Pass;
8. That portion of Colo. Highway 139 which crosses Douglas Pass;
9. That portion of Colo. Highway 82 which crosses Independence Pass;
10. County Roads from Colo. Highway 135 to Crested Butte, Colo., which cross Kebler Pass;
11. County Roads from Colo. Highway 114 to Lake City, Colo., which cross Los Pinos Pass;
12. That portion of Colo. Highway 133 which crosses McClure Pass;
13. County Roads from Colo. Highway 135 to Gunnison, Colo., which cross Ohio Pass;
14. County Roads from Colo. Highway 149 to Creede, Colo., which cross Spring Creek Pass;
15. County Roads from Colo. Highway 149 to Creede, Colo., which cross Slumgullion Pass;
16. That portion of Colo. Highway 16 and U.S. Highway 34 which cross Trail Ridge High Point;
17. County Roads from U.S. Highway 50 to Tincup, Colo., which cross Waunita Pass.

EXCEPTION:

The distance rates published in this Section will not apply in connection with the scheduled line haul operation of Frederic A. Bethke d/b/a Bethke Truck Lines; Edward P. Ruff and Barbara A. Ruff, d/b/a Brooks Transportation Company; Donald G. Anderson d/b/a Castle Rock Transfer; Denver-Limon-Burlington Transfer Company; Denver-Loveland Transportation, Inc.; Edson Express, Inc.; Thomas P. Miller, d/b/a Evergreen Freight Line; Navajo Freight Lines, Inc.; North Eastern Motor Freight, Inc.; Red Ball Motor Freight, Inc., and Westway Motor Freight, Inc.

The distance rates of Farm Products published in this Section will apply via Larson Transportation Company and Rio Grande Motor Way, Inc., only when the shipments are transported a distance of 100 miles or more.

✱ denotes addition

(C) denotes change, resulting in neither increase nor decrease.

(A) denotes increase

Case No. 1585, Decision No. 73264
July 18, 1969

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMERCIAL)
CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE))
OVER THE PUBLIC HIGHWAYS OF THE STATE OF)
COLORADO.)

July 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the herein-after stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons listed in the Order part of this Decision should be

dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Ark Valley Coach, Inc.	Rt. 2, Box 330-A La Junta, Colo. 81050
Arrow Seed Co., Inc.	P. O. Box 159 Broken Bow, Nebr. 68822
Bert Griefenberg dba Arrow Tile Co.	145 River View Drive E Great Falls, Mont. 59401
Dave E. Thomas dba Aurora Auto Towing Service	18800 East Colfax Aurora, Colo. 80010
Avondale Shipyards, Inc. Avoncraft Div.	P. O. Box 50280 New Orleans, La. 70150
B and R Lumber and Supply Co., Inc.	P. O. Box 407 Show Low, Ariz. 85901
Arnold E. Baker	2204 Tilden Wichita Falls, Tex. 76309
Benco, Inc.	Memphis, Tenn. 38101
Bob's Garage	1333 So. Main St. Springfield, Colo. 81073
J. C. Boyd, Jr.	P. O. Box 123 Gunnison, Colo. 81230
Eddie Brown dba Eddie Brown Used Cars	316 East Main St. Cordell, Okla. 73632
Builders Ready Mix Concrete Co.	2300 Delganey St. Denver, Colo. 80216
C and C Leasing and Investment, Inc.	2721 Midland Blvd. Ft. Smith, Ark. 72901
Gerald S. Clements	4918 Bonny Drive Wichita Falls, Tex. 76302
Colo. Mining Co. (Corp.)	185 Rosalie Drive Grand Junction, Colo. 81501

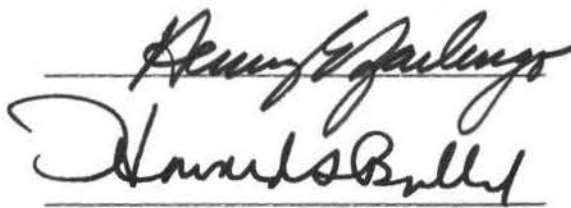
Leonard Lee Cole	P. O. Box 448 Nederland, Colo. 80466
Coronado Paint Co., Inc.	Box 957, Whittier, Calif. 90608
Datco Television	3538 W. 44th Ave. Denver, Colo. 80211
Leo Joseph Deidel, Jr.	1592 So. Ogden St. Denver, Colo. 80210
Diane's Food, Inc.	McMinnville, Ore. 97128
William R. Elder	128 Carroll Ave. Cheyenne, Wyo. 82001
James E. Farmer dba James E. Farmer Trucking	306 N. W. 11th, Box 992 Seminole, Tex. 79360
The First National Bank in Fort Collins	205 West Oak St. Fort Collins, Colo. 80521
Floyd and Gerald Keck dba Floyd's Used Parts	Rt. 1, Box 133 Trinidad, Colo. 81082
Ft. Smith Plywood Co.	5201 So. 34th Ft. Smith, Ark. 72901
Gunnison Mobile Homes Sales	West of Gunnison, Highway 50 Gunnison, Colo. 81230
H and H and W, Inc.	P. O. Box 177 Carbondale, Colo. 81623
William Hamann dba William Hamann Trucking	Box 106 Dickinson, N. Dak. 58601
Hammon's Implement, Inc.	2349 4th Ave., Greeley, Colo. 80631
Happiness, Inc.	1930 No. 94th St. Kansas City, Kan. 66112
Henry V. Ellwood, III dba Happy Hank, The Ice Cream Man	2860 7th St., Boulder, Colo. 80302
Hertbertson Concrete, Inc.	2000 West Hampden Ave. Englewood, Colo. 80110
Hercules Intermountain Tire, Inc.	P. O. Box 368, Vernal, Utah 84078
Johnny D. Horn	Bayard, Nebr. 69334
Willie Huston	3359 High St., Denver, Colo. 80205
Instamatic Corporation dba Insta-Matic	2323 Middlebury St. Elkhart, Ind. 46514
International Equipment Co., Inc.	Box 767, Mayfield, Ky. 42066
Jackson Sawmill, Inc.	P. O. Box 588, Fairview Station Espanola, New Mex. 87532

Dave K. Reid and Charles W. Rains, Jr. dba Kersey Meat Processing Co.	443 4th St. Kersey, Colo. 80644
Floyd E. Knight	Rt. 2, Conifer, Colo. 80433
L. H. Logan, Inc.	P. O. Box 90 Texas Highway 48 and Texas 511 Brownsville, Texas 78520
Arthur W. Mace dba Mace Repair	P. O. Box 211 Las Animas, Colo. 81054
Jerry McDonald Floor Covering	1001 East 18th St. Greeley, Colo. 80630
N. O. Nelson Co. of Wyoming	802 East "C" St., Casper, Wyo. 82601
Pat, Jim and Ray Onorato dba Onorato's T.V. and Appliance	901 Broad Milliken, Colo. 80543
Clarence Pajeaud	3452 St. Ferdinand St. New Orleans, La. 70126
Nolan E. Poovey dba Poovey Cattle Co.	14025 Tanglewood Drive Farmers Branch, Tex. 75234
Hammon's Implement, Inc. dba Prospect Implement Co.	(7 Miles S. E. of Keenesburg) Rt. 1, Keenesburg, Colo. 80643
Public Fixture Co.	1550 Platte St., Denver, Colo. 80202
Paul F. Russell	422 So. Cedar St. Colorado Springs, Colo. 80903
Martha E., R. D. and Georgia L. Morton dba The St. Vrain Lumber Co.	303 Main Street Lyons, Colo. 80540
Santa Fe Meat and Produce, Inc.	P. O. Box 4533, West Alameda Santa Fe, New Mex. 87501
Shalco Land and Cattle Co., Inc.	P. O. Box 306, Minatare, Nebr. 69356
Frank V. Waugh dba Snap-On Tools	3048 Zion St., Aurora, Colo. 80010
Donald F. Snyder	Box 537, Basalt, Colo. 81621
Steinbaugh Hardware Furniture and Building Materials Co.	800 Front St. Louisville, Colo. 80027
Charles M. Stinson	10720 West Center, Omaha, Nebr. 68124
Gordon D. Hamit dba Stratton Lumber Co.	420 Main St. Stratton, Colo. 80836
Ruben Stugart	Rt. 3, Box 579 Fort Collins, Colo. 80521

James De Haan dba Sunrise Sod Farm	8919 Arapahoe Road Boulder, Colo. 80302
Dudley D. Slaybaugh and Bill Taff dba Taff and Slaybaugh	603 Queen St. King City, Mo. 64464
Thornton Feed Mill	1200 Avenue D, Cisco, Tex. 76437
L and L Implement Co., Inc. dba Valley Implement Co.	Route 2 Sterling, Colo. 80751
Vector Industries, Inc.	P. O. Box 725, Forney, Tex. 75126
Vehicles, Inc.	Box 257, Granby, Colo. 80446
The Mead Corporation dba Western Foundry Div. - Woodward Co.	P. O. Box 899 Tyler, Tex. 75701
Gerald D. Williams dba Gerald Williams Logging	P. O. Box 374 Naturita, Colo. 81422
Willis Young dba Willis Young Cement and Gravel	Morrill, Nebr. 69358
Southwest Egg Co. dba Zanios Foods	P. O. Box 1985 Albuquerque, New Mex. 87103

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 18th day of July, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL G.)
HARPER, WILLIAM L. TAYLOE, AND DAVID W. BLACK-)
MORE, FOR AUTHORIZATION TO TRANSFER ALL THEIR)
OUTSTANDING STOCK OF ACADEMY VAN & STORAGE,) APPLICATION NO. 23870
INC., TO LUTHER JAMES ANDERSEN AND LUCILLE R.)
ANDERSEN, 1939 WEST 32ND AVENUE, DENVER, COLO-)
RADO, PLACING SAID CONTROL OF ACADEMY VAN &)
STORAGE, INC., IN LUTHER JAMES ANDERSEN AND)
LUCILLE R. ANDERSEN.)

July 18, 1969

The above-entitled application under CRS 1963, 115-6-20, being under consideration and investigation of the matters involved having been made, and

It appearing, That applicants have established the following: That appropriate application has been made to this Commission for permanent authority to transfer all their outstanding stock of Academy Van & Storage, Inc., to Luther James Andersen and Lucille R. Andersen, 1939 West 32nd Avenue, Denver Colorado, placing said control of Academy Van & Storage, Inc., in Luther James Andersen and Lucille R. Andersen; That transferors are not able to continue their active participation in the operation of Academy Van & Storage, Inc. (Academy); That unless transferees are at once permitted to assume control of and actively manage the operations of Academy, destruction of and injury to such carrier and its properties may result and; That failure to immediately grant the relief requested may interfere substantially with the future usefulness of such carrier and its properties in the performance of adequate and continuous service to the public.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority;

It is Ordered, That Luther James Andersen and Lucille R. Andersen be, and are hereby, granted emergency temporary authority for a period of 15 days commencing July 18, 1969 to temporarily operate Academy Van & Storage, Inc., conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, that the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of July, 1969

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: NATIONAL MOTOR FREIGHT
CLASSIFICATION A-10, COLORADO
PUC NO. 7, SUPPLEMENT NO. 24

CASE NO. 1585

July 25, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 5, 1969, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N. W., Washington, D. C. 20036, filed Supplement No. 24 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective August 5, 1969, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 24, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 24, are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 24, appear to represent just, fair and reasonable classes and rules, the Commission states and finds that an Order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.
2. That the Classes and Items (rules) as set forth in Supplement No. 24, amending NMFC A-10, Colorado PUC No. 7, shall be

the prescribed classes and items (rules) of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on August 5, 1969, except as otherwise provided.

4. That on and after August 5, 1969, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.


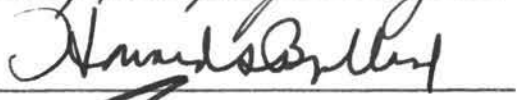
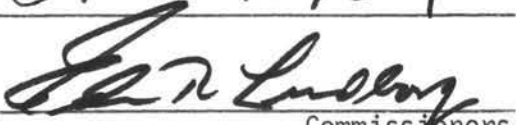
5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

7. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
25th day of July, 1969. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC A-10, Colorado PUC No. 7
Supplement No. 24

Effective August 5, 1969

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 24
amending NMFC A-10

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this
classification as such tariffs may provide.

Case No. 1585
Decision No. 73267
July 25, 1969

Preface: Below is a summary list of changes being proposed in this Supplement. "*" indicates new item number. Following this summary list will be found a detailed explanation of the reasons for the proposed change ("S?" means Docket number and Subject number under which the National Classification Board handled this proposal.)

14100-A	29450-A	61820-A	*161832	Pkg. 23	Pkg. 899
*16330	29510-A	61822-A	172380-A	Pkg. 210	Pkg. 923
*16332	29530-A	66375-B	172530-A	Pkg. 211	Pkg. 942
*16970	29540-A	66760-A	*174650	Pkg. 213	Pkg. 982
17740-A	29590-A	66780-A	178450-A	Pkg. 221	Pkg. 985
18660-A	29592-A	74710-A	181950-A	Pkg. 240	Pkg. 1005
18990-A	29690-A	83472-A	182640-A	Pkg. 251	Pkg. 1035
18992-A	32870-A	*88525	182642-A	Pkg. 256	Pkg. 1044
18994-A	36010-A	93680-A	182644-A	Pkg. 277	Pkg. 1049
21020-A	36014-A	105560-A	*182646	Pkg. 382	Pkg. 1056
25920-A	36630-A	106120-A	190220-A	Pkg. 392	Pkg. 1067
26060-A	36640-A	106200-A	190222-A	Pkg. 503	Pkg. 1097
28200-A	37140-A	113620-C	*190230	Pkg. 513	Pkg. 1124
28202-A	41080-A	113625-A	*190232	Pkg. 531	Pkg. 1125
28720-A	42370-A	127250-A	*190235	Pkg. 546	Pkg. 1162
29040-A	42390-A	*138245	*190237	Pkg. 558	Pkg. 1186
29080-A	42400-A	145750-A	190300-A	Pkg. 563	Pkg. 1329
29281-A	42410-A	151390-B	*190301	Pkg. 693	Pkg. 1377
29285-A	42420-A	151392-B	190302-A	Pkg. 813	Pkg. 2043
29286-A	*49925	153080-A	*190450	Pkg. 816	Pkg. 2053
29288-A	*49927	161600-A	191710-A	Pkg. 824	Pkg. 2077
29370-A	60260-A	*161830	Pkg. 3	Pkg. 829	Pkg. 2078
					Pkg. 2081
					Pkg. 2084

14100-A (D138-S58) Bullets or Bullet Cores. This is a carrier proposal in behalf of interested shipper to reduce from class 85 to class 70, LTL, on bullets or bullet cores. Since this commodity is non-explosive, and on basis of density, value and all other factors, the reduced LTL class will properly reflect the transportation characteristics.

*16330
*16332 (D129-S79) Football Blocking Machine. New item added to the classification to specifically provide for this commodity, at classes reflective of their transportation characteristics. New Note added to clearly indicate how pads and accessory items must be packaged.

**16970 (D137-S44) Basketball Outfits. New item added to the classification to specifically provide for these articles at classes reflective of their transportation characteristics. This will ensure the proper application of the tariff provisions.

17740-A (D138-S13) Weights. This was a shipper proposal to establish a specific item in the classification for a new article - a lead weighted balancing bowling glove under the Athletic Goods group. Article now moves as "Gloves, NOI" under clothing group. Since there is presently an item for body training weights this item was amended to include "balancing" weights, which in effect, this article is. The density and value shipping characteristics 44 pounds per cubic foot, and \$1.75 per pound are considered reasonable for the present effective classes.

18660-A (Memo) Fenders. Item republished to correct typographical error in Sub 2. The word "Pages" corrected to "Packages" as was originally intended, which change results in neither increases nor reductions.

18990-A
18992-A
18994-A (Memo) Lamps. Item republished to correct punctuation error and bad printing, which correction results in neither increases nor reductions. Note items brought forward without change in application.

21020-A (D138-S1)	Bags. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No interest or objections were made known. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
25920-A (Memo)	Castings. Item republished to correct bad printing in NMFC A-10 to clearly show the "commas" where they should have appeared, which correction results in neither increases nor reductions.
26060-A (Memo)	Item republished to correct faulty printing in NMFC A-10 and clearly show the proper minimum weight factor is 24.2, which results in neither an increase nor a reduction.
28200-A 28202-A (Memo)	Item 28200 republished to correct faulty printing and clearly indicate the comma after "combined" as was intended, which republication results in neither increases nor reductions. Note item brought forward without change in application.
28720-A (Memo)	Item republished to correct faulty printing and clearly indicate the comma after "base" as was intended, which republication results in neither increases nor reductions.
29040-A (D137-S45)	Boxes, cash, document or utility. United inch requirement changed so that all like boxes having similar transportation characteristics will be embraced therein. Change is in the interest of clarification and results in a reduction.
29080-A (Memo)	Item republished to correct faulty printing and clearly indicate the comma after "TL", which correction results in neither increases nor reductions.
29281-A 29285-A 29286-A 29288-A (Memo)	Comma removed after the word "bodies" in item 29281, which correction may result in both increases and reductions. Format corrections in item 29285 result in neither increases nor reductions. Other items brought forward without change in application.
29370-A (Memo)	Jewelry Boxes. Item republished to correct the spelling of the word "Jewelery" to read "Jewelry", resulting in neither an increase nor a reduction.
29450-A (Memo)	Microscopic Slide Boxes. Item republished to the spelling of the word "mirosopic" to read "microscopic" resulting in neither an increase nor a reduction.
29510-A (Memo)	Removal of comma results in neither increases nor reductions.
29530-A (Memo)	Addition of comma results in neither increases nor reductions.
29540-A (Memo)	Precipitation Boxes. Item republished to correct the spelling of the word "precepitation" to read "precipitation", resulting in neither an increase nor a reduction.
29590-A 29592-A (Memo)	Republication of item 29590 is to clarify the comma (faulty printing) which correction results in neither increases nor reductions. Note brought forward without change in application.
29690-A (Memo)	Republication is to show the proper punctuation more clearly, which correction results in neither increases nor reductions.
32870-A (D139-S3)	Broom filler. This N.C. Board proposal grew out of handling a previous subject and having received information from National Broom Council they did not know of such a movement this was placed on National Classification Board's Public Docket. No objections are outstanding by any shipper or carrier. Restricting the classification to no longer apply on this commodity, per se, results in an increase.

36010-A 36014-A (Memo)	Item 36010 brought forward without change in application. Note item 36014 republished to correct the word "wood" to read "wool" resulting in neither an increase nor a reduction.
36630-A 36640-A (Memo)	Guards or Grilles. Items 36630 and 36640 republished to amend the spelling of "grills" as appearing in these two items, to "grilles" as appearing in item 36620. This to conform with the preferred dictionary spelling of "grilles." Result of this change is neither an increase nor a reduction.
37140-A (D139-S34)	Skylights Frames or Mounting Curbs. This N.C. Board proposal would correct error when item was originally established. The present Minimum weight factor is below that normally observed by the N.C. Board. No objections were registered by any shipper or carriers. Changing minimum weight factor from 14.2 to 24.2 results in an increase.
41080-A (D138-S1)	Carriers, Cookers. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No interest or objections were made known. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
42370-A 42390-A 42400-A 42410-A 42420-A (Memo)	These items being republished to remove cross-reference to Package 240 which is being cancelled as explained below. Since Package 240 merely made the same requirements as item (rule) 222, the elimination of the cross-reference in these items results in neither an increase nor reduction.
*49925 *49927 (D137-S58)	Gowns, academic. New description being added at shipper's request to provide specifically for rental academic regalia. Note added in conjunction with new entry for academic regalia to clearly indicate classes apply only on rental outfits and also that the entry includes the accessories for academic gowns.
60260-A (D136-S68)	Dye Soap (packaging). This is a shipper proposal to provide for a new type of package covering dye soaps, item 60260 of the classification. Package 2081 has been tested in accordance with the provisions of item 689, NMFC and found to be satisfactory. This is a broadening of the packaging requirements of the item and therefore results in a reduction.
61820-A 61822-A (D139-S30)	Exercising Apparatus. Increased minimum weight factors result in increases. This N.C. Board proposal would adjust the minimum weight factor to be more in line with presently observed standards. Density average of 7.8 pounds per cu. ft. would reflect a loadability of 16,000 pounds with no problems. No objections have been registered by any shipper or carrier. This would correct an error made in the re-issue of NMFC A-6 and all other re-issues since that time. Supplement 6 of NMFC A-5 did reflect Class 55 on 24,000 pounds and density of 16.06 pounds per cubic foot would show loadability would be no problem. No shipper or carrier objection has been made to these provisions. Note item 61822 brought forward without change in application.
66375-B (Memo)	Fasteners. Item republished to correct printing error in supplements 9 and 22 which showed bold face print for sub 1 and should have shown light face print. The result of this correction is neither an increase nor a reduction, since bold face vs. light is merely style (format) and has no effect whatsoever upon application.
66760-A (D139-S22)	Aueromycein Residue. The N. C. Board proposed cancellation of this item after investigation did not produce a known movement. No objections were registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity, per se, results in an increase.

67780-A (D139-S31)	Sour Skim Milk. The N.C. Board proposed cancellation of this item after being informed the American Dairy Association was not aware of such a product. No objections were registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
74710-A (D135-S96)	Foodstuffs, Sauces. This is a shipper proposal to add a new package to the National Motor Freight Classification. Package 2078 was tested under Test Shipment Permit and the results warrant the inclusion of the package in the classification. Broadening the application of this item results in a reduction.
83472-A (D139-S58)	Note. Cancellation is for tariff clarification since note provisions no longer have application to existing entries, in view of which this cancellation results in neither increases nor reductions in charges.
*88525 (D137-S23)	Shells or Bodies. New item added to the classification at shipper's request to specifically provide for this item at classes reflective of their transportation characteristics. This will ensure proper application of the tariff provisions.
93680-A (D138-S1)	Bridle blind blanks. Cancellation is for tariff clarification to remove obsolete provisions from the classifications. No interest or objections were made known. Restricting classification to no longer apply on this commodity, per se, results in an increase.
105560-A (D139-S33)	Structural Inserts. Inserts, structural - Item description changed for tariff clarification and simplification to more clearly indicate the nature of the articles embraced therein. The addition of the qualifiers restricts the application of this item and therefore results in an increase.
106120-A (D139-S57)	Plate, Sheet or Strip. Item description changed for tariff clarification and simplification to include "strip" which has similar transportation characteristics to plate or sheet. Broadened application results in a reduction.
106200-A (D139-S35)	Plate or Sheet. This N.C. Board proposal resulted after research of "Thomas Register" and one known manufacturer taken from our files. N.C. Board advised by this manufacturer the product is no longer made. No shipper or carrier registered an objection to this cancellation. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
113620-C 113625-A (D133-S103)	Wood, built-up or combined, or Plywood NOI, made from or faced with birch, pine or spruce. Item description being changed to remove LTL provisions for shipping loose when weighing 20 pounds or more. This will remove provisions causing problems and ensure protection for this type commodity. Restricting the application of this item results in an increase. Wood, built-up or combined, or Plywood NOI, made from or faced with boxwood, butternut, dogwood, holly, ironwood, lancewood or tulipwood. Item description being change to remove LTL provisions for shipping loose when weighing 20 pounds or more. This will remove provisions causing problems and ensure protection for this type commodity. Restricting the application of this item results in an increase.
*161830 *161832 (D136-S65)	Pictures. Based on information furnished by the proponent and interested shippers the proposed classes are considered reasonable (value 33 cents to \$1.50 per pound density - 11.5 to 46.7 pounds per cubic foot). This new item is needed to remove application of item 149420, released valuation classes which were established for high value painting and pictures. These obviously are low with the restriction to 10 cents for each picture. This new note is necessary to require the shipper of printed pictures to certify that the value of each is 10 cents or less in order to use the classes and description of the above item.

127250-A (D133-S148)	Projectors. This is a shipper proposal requesting that item 127250, covering contour projectors, be amended to include a new package. This package 2077, was tested in accordance with the provisions of item 689 of the classification and found to be acceptable. Adding alternate packaging provisions to this item broadens its application and results in a reduction.
*138245 (Memo)	Molds, glass - New item added to the classification to specifically provide for this commodity. Classes assigned are reflective of the transportation characteristics of this commodity.
145750-A (Memo)	Bandoleers or Pouches. Item republished to remove improper punctuation following the word "Ammunition", such correction resulting in neither an increase nor a reduction.
151390-B 151392-B (D135-S40)	Paper, scrap or waste. TL minimum weight factor increased from 24.2 to 30.2 to reflect loading capability of involved commodity. Note item brought forward without change in application.
153080-A (D135-S50)	Excelsior, paper (Shredded Paper). TL minimum weight factor increased from 20.2 to 30.2 to reflect loading capability of involved commodity, which results in an increase.
161600-A (D138-S1)	Books. Cancellation is for tariff clarification to remove obsolete provisions from the classifications. No interest or objections were made known. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
172380-A (D138-S1)	Sandalwood Chips. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No interest or objections were made known. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
172530-A (Memo)	Screenings. Item republished to correct printing error in minimum weight factor. Since the minimum weight factor of 56.2, as printed, could have no application, the result is neither an increase nor a reduction.
*174650 (D137-S55)	Dishes or Plates. New entry being added at request of shipper to provide specifically for "sizzle-serve steak plates" and at classes that properly reflect the transportation characteristics and will also ensure the proper application of the tariff provisions.
178450-A (D138-S1)	Stands, copying press. Cancellation is for tariff clarification to remove obsolete provisions from the classifications. No interest or objections were made known. Restricting the classification to no longer apply on this commodity, per se, results in an increase.
181950-A (D136-S71)	Targets, military. This is a shipper proposal to provide for a new type of package for item 181950 covering military targets. The new package 2084 with the targets was tested in accordance with item 689 of the classification. Favorable test results were obtained and item 181950 should be amended to include the new package, which broadened application results in a reduction.
182640-A 182642-A 182644-A *182646 (D138-S28)	Tile, floor. This was a shipper proposal to establish a new item on tiles made from old tire carcasses. Rather than establish a new item, we chose to amend the existing item on rubber composition tile to include this particular type. Based on the transportation characteristics of these tiles - 38 pounds per cu. ft. and 82 cents per lb; the classes in item 182640 are reasonable. New note 182646 facilitates the inclusion of tiles made from old rubber tires in item 182640. Broadening the application of item 182640 results in a reduction. Items 182642 and 182644 brought forward without change in application.

190220-A 190222-A (D138-S3)	Automobiles or Cars, children's. Item description amended for tariff clarification and simplification to more adequately reflect the type of vehicles embraced therein. Note amended in connection with item 190220 to further explain the application of the entry. Since the application of this item (and its note) has been broadened in some respects and restricted in others, this results in both increases and reductions insofar as these two items are concerned.
*190230 *190232 (D138-S3)	Cars, electric, NOI. New item added to the classification to embrace articles formerly covered by item 190300. Classes established more adequately reflect the transportation characteristics of this commodity. New note added to explain type of vehicles intended to be embraced in new item 190230 in the interest of clarification.
*190235 *190237 (D138-S3)	Cars, golf, messenger or light delivery. New item added to the classification to embrace vehicles having similar transportation characteristics to motor scooters and electric cars. Classes assigned are reflective of their characteristics. New Note added to the classification in connection with item 190235 to more clearly indicate the type of vehicles embraced therein.
190300-A *190301 190302-A (D138-S3)	Motor Scooters, 2 or 3 wheeled. Item description amended for tariff clarification and simplification to apply only to motor scooters. Separate provisions established for these articles "SU" and "KD" or partially disassembled to more adequately reflect the transportation characteristics of this commodity. New note added to explain the meaning of the term "partially disassembled" in the interest of clarification. Note item 190302 cancelled as having no further application as to item 190300. Restricting the application of item 190300 and cancellation of note item 190302 results in an increase.
*190450 (D138-S3)	Vehicles, multi-terrain. New item added to the classification to specifically provide for these vehicles at classes reflective of their transportation characteristics.
191710-A (D138-S34)	Fenders. Item description being amended to include fenders for snow or ice vehicles to reflect transportation characteristics and to allow unfinished fenders to be shipped in packages. This will ensure proper application of the tariff provisions. Broadened application of this item results in a reduction.
Pkg. 3 (Memo)	This package republished to correct error in last sentence thereof. The word "new" is being corrected to read "net", which correction could result in both increases and reductions.
Pkg. 23 (Memo)	This package republished to correct error by substituting the word "test" for the word "be" which correction could result in technical increases and reductions.
Pkg. 210 (Memo)	Provisions republished to reflect proper wording which was overlooked by printer in printing of NMFC A-10. The result of broadened provisions is a reduction.
Pkg. 211 (Memo)	Package is republished to correct misspelled word in paragraph (b) which results in neither increases nor reductions in charges.
Pkg. 213 (Memo)	This package republished to correct error in last sentence. Removal of the hyphen is a change in wording which results in neither increases nor reductions.
Pkg. 221 (Memo)	This package republished to correct minor typographical error in punctuation and spelling. "Comma" is inserted at the end of the first line and the words "boxes" corrected to the singular "box". These changes in wording result in neither increases nor reductions.
Pkg. 240 (Memo)	This package being cancelled since Section 7 of Rule 222 has the same requirements and therefore this cancellation results in neither an increase nor a reduction.

Pkg. 251 (Memo)	This package being republished to correct typographical error by substituting the word "double-wall" in lieu of "double-walled." This correction results in neither increases nor reductions in charges.
Pkg. 256 (Memo)	This package being republished to substitute the word "boxes" for the word "cartons", which change technically results in both increases and reductions.
Pkg. 277 (Memo)	This package being republished to make correction in last sentence. By substituting the positive requirement "must" for the permissive word "may", this change results in an increase.
Pkg. 382 (Memo)	This package republished to make correction in penultimate sentence. The package now refers to "Rule 293" and by referring to page 240 of NMFC A-10, it will be noted that Rule 293 was cancelled effective July 1, 1968. By substituting in this package reference to Section 13 of Rule 222 (which is the same cross-reference made when Rule 293 was cancelled), this change results in neither an increase nor a reduction.
Pkg. 392 (Memo)	Provisions republished to reflect proper reference to item (rule) 222. The result of this correction is neither an increase nor a reduction.
Pkg. 503 (Memo)	Removal of the extraneous comma results in neither an increase nor a reduction.
Pkg. 513 (Memo)	The penultimate sentence of this package being corrected by substituting the singular "box" for the plural "boxes", which correction results in neither increases nor reductions.
Pkg. 531 (Memo)	Correction of punctuation results in neither increases nor reductions.
Pkg. 546 (Memo)	Provisions republished to eliminate improper reference to item (rule) 222, resulting in neither an increase nor reduction.
Pkg. 558 (Memo)	Correction from "205" pounds to "200" pounds results in a reduction.
Pkg. 563 (Memo)	Removal of redundant "semi-colon" results in neither increases nor reductions in charges.
Pkg. 693 (Memo)	Removal of the "hyphen" results in neither increases nor reductions.
Pkg. 813 (Memo)	Removal of the "hyphen" results in neither increases nor reductions.
Pkg. 816 (Memo)	Substitution of the word "fibreboard" for "board" could result in technical increases and reductions.
Pkg. 824 (Memo)	Provisions republished to correct improper reference in 6th paragraph to size of screws resulting in neither an increase nor a reduction.
Pkg. 829 (Memo)	This package republished to remove the specified closure methods and in lieu thereof make reference to Section 7 of Rule 222, which changes could result in technical increases and reductions.
Pkg. 899 (Memo)	Since no item makes reference to Package 899, it is redundant, and since its cancellation has no effect in view of the non-cross reference, this results in neither increases nor reductions.

Pkg. 923 (Memo)	Package is republished to remove the erroneous "period" which correction results in neither increases nor reductions in charges.
Pkg. 942 (Memo)	The words "double faced" are being substituted for the word "double" which could result in technical increases and reductions.
Pkg. 982 (Memo)	This package republished to correct typographical error in the spelling of the word "than" which correction results in neither increases nor reductions.
Pkg. 985 (Memo)	This package republished to include certain words within parenthesis, which change results in neither increases nor reductions in charges.
Pkg. 1005 (Memo)	This package republished to remove the phrase "as provided for in item 53130." Since all specified numbered packages have application only where item cross-reference is made to specified numbered packages, the removal of this phrase does not affect its application and therefore this change results in neither increases nor reductions in charges.
Pkg. 1035 (Memo)	This package republished to correct the word "inches" to the proper "inch" which results in neither increases nor reductions.
Pkg. 1044 (Memo)	The substitution of "26" for the erroneous "66" pounds results in a reduction and the other wording change results in neither an increase nor a reduction.
Pkg. 1049 (Memo)	The erroneous requirement "26 pounds per square feet" being corrected to read "26 pounds per 1,000 square feet" which broadened application results in a reduction.
Pkg. 1056 (Memo)	Provisions republished to remove improper punctuation in 6th paragraph, resulting in neither an increase nor reduction.
Pkg. 1067 (Memo)	The addition of the additional cross-reference results in an increase.
Pkg. 1097 (Memo)	Removal of the redundant phrase "as box is made" is a change in wording which results in neither increases nor reductions in charges.
Pkg. 1124 (Memo)	The erroneous spelling correction results in neither increases nor reductions.
Pkg. 1125 (Memo)	The phrase "11 gauge" is being repositioned in front of the word "aluminum" which change results in neither increases nor reductions.
Pkg. 1162 (Memo)	Republication is to correct cross-reference to the proper rule which could result in technical increases and reductions.
Pkg. 1186 (Memo)	Package is republished to remove redundant phrase "and item (rule) 320" which results in neither increases nor reductions since there is no "rule 320".
Pkg. 1329 (Memo)	In the last paragraph the word "truck" is being substituted for the word "car" which change in wording results in neither increases nor reductions in charges.
Pkg. 1377 (Memo)	This package is republished to effect proper cross-reference, which may result in technical increases and reductions.
Pkg. 2043 (Memo)	This package republished to substitute the capital letter "L" for the lower case letter "l", which change results in neither increases nor reductions.

Pkg. 2053 This package republished to remove reference to Rule 293(which
(Memo) has already been cancelled in NMFC A-10) and inclusion of the
proper cross-reference results in neither increases nor reductions
in charges.

Pkg. 2077 This is a new package (wirebound wooden crates) being added to the
(D133-S148) classification after being satisfactorily tested under the pro-
visions of item 689 of the classification. Broadening the appli-
cation of the classification results in a reduction.

Pkg. 2078 This is a new package (plastic bag in a corrugated fibreboard box)
(D135-S96) being added to the classification after having performed satis-
factorily while evaluated in accordance with the provisions of
item 689 of the classification.

Pkg. 2081 This is a new type carboy which has been tested under permit and
(D136-S68) should be authorized for the classification. Broadening the
application of the classification results in a reduction.

Pkg. 2084 This is a new package (molded polystyrene box) being added to the
(D136-S71) classification after being satisfactorily tested) under the pro-
visions of item 689 of the classification. Broadening the appli-
cation of the classification results in a reduction.

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Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
14100-A	AMMUNITION, NOT EXPLOSIVE, GROUP , subject to item 14000: Bullets or Bullet Cores, in boxes, kegs or Package 906.	470	40	36.2
*16330	ATHLETIC GOODS GROUP , subject to item 15300: Football Blocking Machines or Sleds, loose or in bundles, see Note, item 16332:	250	125	10.2
Sub 1	SU or KD other than KD flat.	100	70	18.2
Sub 2	KD flat.			
*16332	Note—Pads and accessory parts must be in boxes.			
*16070	Outfits, basketball, consisting of basketball and steel goal, with or without net, inflating needle, net hooks or inflating pump, in boxes.	175	125	10.2
17740-A	Weights, body balancing for training, lead and cloth, leather or plastic, in boxes.	70	45	30.2
18060-A	AUTOMOBILE PARTS GROUP , subject to item 17800: Fenders, with finish:			
Sub 1	Not nested, wrapped, see Packages 753 or 754.	300	See item 20200	
Sub 2	Not nested, in boxes or crates; or nested, wrapped, see Packages 753, 754 or 886.	250	See item 20200	
Sub 3	Nested in boxes, crates or Package 886.	100	See item 20200	
18090-A	Lamps, see Note, item 18092. Lamp Fixtures or Lamp Fixture Parts , NOI, see Note, item 18094, in barrels boxes or Package 1288.	85	55	18.2
△18092-A	Note—Also applies on sealed-beam type lamps, automobile incandescent lamps or lamps with incandescent lamps inserted.			
△18094-A	Note—"Lamp fixtures" applies only on assemblies which consist of a body or shell, with or without facing rims and with or without lamps and which function to provide a source of light. "Lamp fixture parts NOI" applies only on those parts which are integral in the construction of lamp fixtures. Provisions will not apply on trim for installation in areas surrounding the lamp fixtures.			
21020-A	BAGS , subject to item 20500: Rush. ♦Cancel. Obsolete.			
25020-A	BOILERS GROUP , subject to item 25400: Castings, house heating furnace, iron, NOI:			
Sub 1	Loose, weighing each less than 25 pounds.	70	35	40.2
Sub 2	Loose, weighing each 25 pounds or over, or in packages.	50	35	40.2
26060-A	Fireplace Grates, with electric heating units, in barrels, boxes or crates.	85	45	24.2
28200-A	BOOT GROUP , subject to item 28120: Boots or Shoes, plastic, see Note, item 28202, or rubber, or plastic or rubber and canvas, felt or wool ♦combined, in bales or boxes.	100	70	15.2
△28202-A	Note—Does not apply on boots or shoes made entirely from cellular, expanded or foam plastic.			
28720-A	Bowls, mixing or baby feeding, glass or metal, with rubber suction ♦base, in boxes.	85	55	24.1
29040-A	BOX GROUP , subject to item 28000: Boxes, subject to item 28940: Cash, Document or Utility, sheet steel, with locks or latches, with or without trays, outside measurement not exceeding 435 united inches, length, width and depth added, in boxes.	85	See item 29040	
29080-A	Cheese, cylindrical, wooden:			
Sub 1	Loose.	150	See item 29040	
Sub 2	LTL, in boxes or crates; ♦TL, loose or in packages.	85	See item 29040	
29281-A	Fibreboard, subject to item 29207: Without wooden frames, subject to item 29250: Other than corrugated, see Notes, items 29207 and 29209, ♦♦bodies folded flat, tops SU nested, in packages; also TL, loose.	65	See item 29040	
29285-A	SU, with fibreboard sides, without tops or with tops or bottoms made of same or other materials, see Notes, ♦items 29289 and 29293:			
△29286-A	Outside measurement not exceeding 1 inch in depth, or outside measurement exceeding 1 inch in depth but not exceeding 15 united inches, length, width and depth added, see Note, item 29290, LTL, in boxes or crates; or in packages wrapped in a double thickness of 60 pound Kraft paper, completely enclosed and securely taped, packages not to exceed 40 pounds in weight or 70 united inches; or in packages wrapped in fibreboard securely tied or bound with rope or steel strapping, packages not to exceed 90 pounds in weight or 70 united inches; TL, loose or in packages.	100	70	12.2
△29288-A	Outside measurement exceeding 1 inch in depth and exceeding 15 united inches, length, width and depth added, see Note, item 29290:			
Sub 1	Nested or not nested:			
Sub 2	Loose or in bundles, see Note, item 29292.	300	70	12.2
Sub 3	In boxes or crates.	150	70	12.2
Sub 4	Nested solid, see Note, item 29291, LTL, in boxes or crates; TL, loose or in packages.	100	70	12.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
	BOX GROUP, subject to item 28000: Boxes, subject to item 28040:			
29370-A Sub 1	▲Jewelry, Cutlery or Silverware, see Note, item 29382, paperboard, SU: Outside measurement not exceeding one inch in depth or outside measurement not exceeding 15 united inches, length, width and depth added, in boxes; also TL, in crates or in wrapped cartons.....	110		See item 29940
Sub 2	Outside measurement exceeding one inch in depth and exceeding 15 united inches, length, width and depth added, in boxes; also TL, in crates or in wrapped cartons.....	200		See item 29940
29450-A	▲Microscopic Slide, wood and fibreboard combined, in boxes.....	100		See item 29940
29510-A	Postal or Letter, iron or steel, cast or cast and sheet combined:			
Sub 1	SU, LTL, in barrels, boxes, ▲crates or Package 1088; TL, loose or in packages.....	85		See item 29940
Sub 2	KD flat or taken apart and parts nested, LTL, in barrels, boxes or crates; TL, loose or in packages...	70		See item 29940
29530-A	Postal or Letter, ▲NOI, in barrels, boxes or crates.....	100		See item 29940
29540-A	▲Precipitation, ore reduction, in boxes or crates.....	100		See item 29940
29590-A	Shipping, aluminum, or aluminum and steel combined, or aluminum and wood combined, or ▲aluminum, steel and wood combined, SU, nested, see Note, item 29592.....	125		See item 29940
△29592-A	Note - Item (rule) 110, Sec. 13 will govern except that the words "one-half of its height" may be substituted for "one-third of its height."			
29690-A	Wooden, bored and turned, finished or unfinished, in ▲bags, barrels or boxes.....	85		See item 29940
	BROOMS GROUP, subject to item 32770: Broom Filler. ▲Cancel. Obsolete.			
32870-A				
	BUILDING METAL WORK GROUP, subject to item 35600: Ceiling or Siding, or Ceiling or Siding Moldings, Panels or Ornaments, enameled, iron or steel, or wood covered with iron or steel or tin plate, see Note, item 36014, in boxes or Package 531.....	70	40	30.2
36014-A	Note—Also applies on iron or steel ceiling panels containing mineral ▲wool (clay, rock, slag or glass wool) insulating material.			
36630-A	Guards or ▲Grilles, door, window or skylight, NOI, iron or steel, wire:			
Sub 1	Nested; or in single panels, not joined one to another.....	77½	40	30.2
Sub 2	Not nested; or other than single panels.....	125	85	12.2
36640-A	Guards or ▲Grilles, floor, window or skylight, NOI, iron or steel, other than wire (window grating).....	70	37½	36.2
37140-A	Skylight Frames or Mounting Curbs, aluminum:			
Sub 1	SU or in SU sections.....	300	300	AQ
Sub 2	KD, in packages.....	100	55	▲24.2
	CARRIERS, SHIPPING, GROUP, subject to item 40770: Cookers, fireless. ▲Cancel. Obsolete.			
41080-A				
	CEREALS GROUP, subject to item 42300: Cooked, subject to item 42320: Flaked or Shredded, NOI, subject to item 42360:			
42370-A	▲Compressed and then crumbled, in containers in barrels, boxes or Package 1119.....	70	45	24.1
42390-A	▲Granulated, in barrels or boxes, or in four-ply paper bags.....	60	45	24.2
42400-A	▲Popped or Puffed, confection coated, other than popped corn, in barrels or boxes.....	100	70	18.1
42410-A	▲Popped or Puffed, NOI, other than popped pop corn, in barrels, boxes or Packages 193, 1119, or in bulk in double bags.....	200	100	10.1
42420-A	▲Rice, rolled and toasted, in barrels or boxes.....	100	70	18.1
	CLOTHING GROUP, subject to item 49790: Gowns, academic, woven cloth, see Note, item 49927, in boxes.....	100	85	12.2
*49925 *49927	Note - Applies only on rental academic gowns not hanging on hangers. Boxes may include caps (mortar-boards), tassels, collars or honor cords.			
60260-A	Dye Soap, in boxes ▲or Package 2081. See item 60000 for classes dependent upon agreed or released value...	100	55	30.2
	ELECTRICAL EQUIPMENT GROUP, subject to item 60500: Exercising Apparatus, vibratory, in boxes or crates:			
61820-A	Chair or lounge type, see Note, item 61822:			
Sub 1	SU.....	150	100	10.2
Sub 2	KD.....	125	70	▲16.2
Sub 3				
Sub 4	Other than chair or lounge type:			
Sub 5	SU.....	150	100	10.2
Sub 6	KD.....	85	55	▲24.2
△61822-A	Note—Also applies when articles also have heating or massaging effect.			
66375-B	Fasteners, bag, plastic:			
Sub 1	▲Combined with paper price tags or paper labels, printed or not printed, in boxes.....	85	55	24.2
Sub 2	Without paper price tags or paper labels, printed or not printed, in boxes.....	70	40	30.2
	FEED GROUP, subject to item 66700: Aueromycein Residue. ▲Cancel. Obsolete. Sour Skim Milk. ▲Cancel. Obsolete.			
66760-A 67780-A				

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
74710-A	FOODSTUFFS GROUP, subject to item 72000: Sauces, viz.: Catsup; Dressing, salad, also in Package 2078; Horseradish, prepared; Mayonnaise, also in Package 2078; Mustard, prepared; Sauce, pepper; Sauces, basic food, such as marinara, pizza, spaghetti or Spanish sauce; Sauces, table, NOI: Other than dry, in barrels, boxes, kits or pails, or in Packages 392, 1204, 1304, 1429, or 2000.	60	35	36.2
83472-A	FURNITURE PARTS GROUP, subject to item 82750: Note - *Cancel. No further application.			
*88523	GLASSWARE GROUP, subject to item 87500: Shells or Bodies, screw type electrical fuse plug, glass, in boxes.	77½	45	30.2
93680-A	HARDWARE GROUP, subject to item 92900: Bridle Blind Blanks, *Cancel. Obsolete.			
105500-A	IRON OR STEEL, subject to item 10400: Inserts, structural, for concrete or masonry construction.	50	35	40.2
106200-A	Plate or Sheet, NOI, planished, *Cancel. Obsolete.			
106120-A	Plate, Sheet or Strip, NOI, crystallized, decorated, embossed, enameled, japanned, marbled or sensitized, in boxes or in crates lined with fibreboard.	70	45	30.2
113620-C	LUMBER GROUP, subject to item 112000: Wood, built-up or combined, or Plywood NOI, in rectangular shapes, made from or faced with: Birch, pine or spruce, native or foreign; native wood NOI; or Canadian wood NOI: Not bent nor curved; LTL in packages; TL, loose or in packages.	55	35	36.2
Sub 1	Bent or curved; LTL in packages; TL, loose or in packages:			
*Sub 2	Corrugated, nested solid.	55	35	36.2
Sub 3	Other than corrugated; nested or nested solid:			
Sub 4	With arc comprising not more than ¼ of a circle.	55	35	36.2
Sub 5	With arc comprising more than ¼ of a circle.	70	35	30.2
Sub 6	Not nested nor nested solid.	125	85	12.2
Sub 7				
Sub 8				
113025-A	Wood, built-up or combined, or Plywood NOI, in rectangular shapes, made from or faced with: Boxwood, butternut, dogwood, holly, ironwood, lancewood or tulipwood, native or foreign; or foreign wood NOI: Not bent nor curved; LTL in packages, TL, loose or in packages.	60	35	36.2
Sub 1	Bent or curved; LTL in packages; TL, loose or in packages:			
*Sub 2	Corrugated, nested solid.	60	35	36.2
Sub 3	Other than corrugated; nested or nested solid:			
Sub 4	With arc comprising not more than ¼ of a circle.	60	35	36.2
Sub 5	With arc comprising more than ¼ of a circle.	70	35	30.2
Sub 6	Not nested nor nested solid.	125	85	12.2
Sub 7				
Sub 8				
127250-A	MACHINERY GROUP, subject to item 114000: Projectors, contour (Optical Comparators), gauging, in wooden boxes or in Packages 945 or *2077.	100	45	24.2
*138245	MOLDS, subject to item 137900: Rubber Molding; or Plastic Molding, see Note, item 138252, subject to item 138230: Glass, in boxes or crates.	150	100	10.2
145750-A	ORDNANCE GROUP, subject to item 145600: Bandoleers or Pouches, small arms *ammunition clip, with shoulder slings, cotton, in boxes.	77½	55	24.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		MW
		LTL	TL	
151390-B Sub 1 Sub 2	PAPER , subject to item 150600: Scrap or Waste , not sensitized: LTL: In sheets or folded flat, viz.: Old directories, see Note, item 151392; Old magazines, see Note, item 151392; Magazine covers or part covers, see Note, item 151392; Old pamphlets, see Note, item 151392; Old newspapers, see Note, item 151392; Old index cards; Old tabulating cards; Books containing trading stamps, stamps canceled by perforation; Books with paper or paperboard covers; see Note, item 151392; In bags, boxes or bundles.			
Sub 3	NOT:	50		
Sub 4	In bags, barrels, boxes or crates, or in bales not machine pressed.	85		
Sub 5	In machine pressed bales.	50		
Sub 6	TL, in packages.		35	430.2
△151392-B	Note—When in bags, articles must be in tied bundles in bags. When in bundles, not in bags, bundles must be tied with heavy cord or rope completely encircling the bundle at least twice around sides and once around ends, securely knotted at each crossing.			
153080-A Sub 1 Sub 2 Sub 3 Sub 4	PAPER ARTICLES GROUP , subject to item 152000: Excelsior, paper (Shredded Paper) , in packages compressed to or having a density of: Less than 6 pounds per cubic foot. 6 pounds and over but less than 12 pounds per cubic foot. 12 pounds and over but less than 15 pounds per cubic foot. 15 pounds and over per cubic foot.	200 100 85 70	100 85 70 35	10.1 20.1 20.1 430.2
161600-A *161830 *161832	PRINTED MATTER GROUP , subject to item 161500: Books, tissue copying. ¶Cancel. Obsolete. Pictures, printed on paper or paperboard sheets, without frames, actual value not exceeding 10 cents each, see Note, item 161832, in boxes. Note—Shipper must certify on shipping order and bill of lading the actual value of the pictures as follows: "The actual value of the printed pictures is hereby specifically stated to be not exceeding 10 cents each."	85	55	24.2
172380-A 172390-A	Sandalwood Chips . ¶Cancel. Obsolete. Screenings, flaxseed , in bags or barrels.	65	37½	430.2
*174650	SHEET STEEL ARTICLES GROUP , subject to item 174300: Dishes or Plates, enameled steel, with plastic holding plate or tray, in boxes.	85	55	24.2
178450-A	STANDS , subject to item 178350: Copying Press. ¶Cancel. Obsolete.			
181950-A Sub 1 Sub 2	Targets , military, aerial, tow-type, in boxes or crates: SU, also in Package 2084. KD, or fabric, with or without wire reinforcement, folded flat.	300 85	300 55	AQ 18.2
182640-A △182642-A △182644-A *182646	TILE , Facing or Flooring; OR MOLDING , Facing Baseboard or Cover, other than metal, subject to item 182300: Rubber Composition, other than foam rubber; in bales, barrels or crates; or in boxes, see Notes, items 182642, 182644 and 182646. Note—TL classes also apply on installation adhesives, wax, rollers, hand tools other than power, or mops, not in excess of 10 percent of the weight upon which charges are assessed. Note—In boxes complying with the requirements of item (rule) 680 except that one side may have a die cut circle, other than a hole, not exceeding 7 inches in diameter. Each box must contain one sample tile placed directly behind the die cut circle for protection of contents. Note—Also applies on tiles consisting of strips cut from rubber tires, surface buffed and fabric backed.	70	35	30.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
	VEHICLES, MOTOR, subject to item 190100:			
♦♦190220-A	Automobiles or Cars, children's, in boxes or crates, see Note, item 190222:			
Sub 1	SU.....	150	100	10.2
Sub 2	KD.....	100	70	16.2
♦♦190222-A	Note—Also applies on gasoline powered tubular frame vehicles without bodies, not designed for general highway use.			
*190230	Cars, electric, NOI, see Notes, item 190232, in boxes or crates:			
Sub 1	SU.....			
Sub 2	Without batteries.....	150	100	10.2
Sub 3	With batteries installed.....	100	70	16.2
Sub 4	KD, or partially disassembled, see Note, item 190301.....	100	70	16.2
*190232	* Note—Applies only on battery powered electric cars, such as are used on golf courses or for messenger or light delivery work.			
*190235	Cars, golf, messenger or light delivery, gasoline powered, in boxes or crates, see Note, item 190237:			
Sub 1	SU.....	150	100	10.2
Sub 2	KD, or partially disassembled, see Note, item 190301.....	100	70	16.2
*190237	Note—Applies only on cars not designed for general highway use and not exceeding 1000 pounds net weight.			
♦190300-A	Motor Scooters, 2 or 3 wheeled, gasoline powered, in boxes or crates:			
Sub 1	SU.....	150	100	10.2
Sub 2	KD, or partially disassembled, see Note, item 190301.....	100	70	16.2
*190301	Note—The term "partially disassembled" means that the following parts must be removed: wheels; steering fork; steering wheel or tiller bar; bumpers; backrest; windshield; cabs or canopies; and on golf course models, seats and bag racks must be collapsed or removed.			
190302-A	♦Note—Cancel. No further application.			
*190450	Vehicles, multi-terrain, gasoline powered, not designed for general highway use, in boxes or crates (loose, when weighing 1600 pounds or more).....	150	100	10.2
	VEHICLE PARTS, subject to item 190500:			
191710-A	Fenders, boat carrying trailer, ♦or snow or ice vehicle, steel, 18 gauge or thicker, nested, primed or not primed, not finish painted, in packages.....	70	45	30.2

For explanation of abbreviations and reference marks, see last page of this Appendix.

SPECIFICATIONS FOR NUMBERED PACKAGES

(For application, see item (rule) 680, Sec. 1 (c).)

Miscellaneous

(Cancels "Package 3", page 597 of classification.)

Package 3

In single wall laminated bags made of three plies of creped Kraft paper, total basis weight after creping not less than 185 pounds, each ply having a minimum stretch of 15 percent in each of the lateral and longitudinal directions. Note 2, Section 2, item (rule) 200, need not be complied with. All plies must be laminated with asphalt, the asphalt having a total basis weight of not to exceed 200 pounds per ream. Center seam must be adhered with rubber adhesive. Article must be enclosed in an inner plastic bag. Bottom seam of outer bag must be made by sewing through creped Kraft paper tape, basis weight not less than 90 pounds, with $3\frac{1}{2}$ stitches per inch. Top must be closed by sewing with not less than three nor more than four stitches per inch. ♦♦Net weight must not exceed 100 pounds.

(Cancels "Package 23", page 597 of classification.)

Package 23

Bags meeting the requirements of item (rule) 200 except total basis weight of all plies must ♦♦test not less than 200 pounds.

(Cancels "Package 210", page 604 of classification.)

♦♦Package 210

In six 1-gallon fibre or metal cans in corrugated fibreboard boxes testing not less than 200 pounds with top flaps not more than three inches apart and bottom flaps meeting. All flaps must be glued to entire area of contact. Weight of the box and contents must not exceed 55 pounds.

(Cancels "Package 211", page 605 of classification.)

Package 211

In single-wall corrugated fibreboard boxes testing not less than 350 pounds, gross weight not to exceed 200 pounds and maximum dimensions not to exceed 145 united inches. Stove must be suspended in the box as follows:

- (a) When the outside width and length dimensions are 30 inches or less, bolted to not less than two skids made of standard 1 x 6 inch lumber so arranged to fit snugly to the inside of the carton. Or

Skids made of one piece of not less than 200 pound test corrugated fibreboard so scored and folded so as to provide four thicknesses and being not less than $5\frac{1}{2}$ inches in width. Holes cut for mounting to be such that no hole is closer than $1\frac{1}{2}$ inches from any edge of the board.

- (b) When either the outside width or length dimension ♦exceeds 30 inches bolted to a base made of four pieces of wood with a total cross sectional area of not less than 84 square inches with no piece less than $\frac{3}{4}$ inch thick. Or

The base may be made of one piece of not less than 275 pound test corrugated fibreboard so designed to make a rectangular sheet fitting the inside of container and so scored and folded at each of two opposite edges to form a skid of four thicknesses; no mounting hole to be closer than $1\frac{1}{2}$ inches from any edge of the skid.

- (c) Articles must be supported at the top with a die cut pad made of single-wall corrugated fibreboard testing not less than 275 pounds. Design of this pad must be such as to maintain $1\frac{1}{2}$ inch clearance and scored and folded so as to form a box section for support of the unit. Top of container must be reinforced by one or more thicknesses of single-wall corrugated fibreboard testing not less than 275 pounds.

All flaps must be firmly glued throughout entire area of contact or must be securely fastened with metal rivets, staples or stitches not more than $2\frac{1}{2}$ inches apart.

(Cancels "Package 213", page 605 of classification.)

Package 213

In single-wall corrugated fibreboard boxes complying with Section 3 of item (rule) 222 for boxes testing not less than 275 pounds, except gross weight must not exceed 120 pounds. Sides of box forming joint must lap not less than $1\frac{1}{2}$ inches and must be fastened with metal staples not more than $1\frac{1}{2}$ inches apart. Box must have full overlap inner and outer flaps and outer flaps must be firmly glued to inner flaps throughout entire area of contact. Box must be lined on all sides with a taped tube made of double-wall corrugated fibreboard testing not less than 275 pounds having four flanges at top and at bottom not less than two inches wide. Box must be strapped with not less than two ♦♦inch metal straps.

(Cancels "Package 221", page 606 of classification.)

♦♦Package 221

In fibre boxes complying with all requirements of item (rule) 222, except 200 pound test boxes must not exceed 130 united inches, 275-pound test box must not exceed 135 united inches, and 350-pound test box must not exceed 135 united inches and gross weight of the latter must not exceed 125 pounds. Finished aluminum surfaces must be fully protected by non-abrasive material and finished surfaces other than aluminum must be fully separated by pads made of fibreboard testing not less than 200 pounds.

(Cancels "Package 240", page 607 of classification.)

Package 240

♦Cancel. No further application.

(Cancels "Package 251", page 607 of classification.)

Package 251

Bulbs or tubes may also be packed in double-faced corrugated fibreboard boxes testing not less than 275 pounds, except maximum weight must not exceed 350 pounds, and maximum inside dimensions must not exceed 140 united inches. Box must have top and bottom liners made of corrugated fibreboard testing not less than 200 pounds. Boxes must be metal strapped to pallet with not less than two metal straps and not more than three boxes loaded on pallet. In truckloads, when height of closed vehicle will not permit loading of second tier on pallet, pallet need not be used for second tier.

Each article must be separated one from the other by a sleeve, partition, or similar enclosing member made of ♦double-wall corrugated fibreboard testing not less than 200 pounds. Each layer of article in box must be separated by a pad made of double-wall corrugated fibreboard testing not less than 275 pounds, provided with holes or supports so designed that the neck of each article is held securely in place.

TL shipments meeting the above requirements need not have boxes metal strapped to pallet. Shipper must load and consignee must unload.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous—Continued

(Cancels "Package 256", page 608 of classification.)

Package 256

In double-faced corrugated $\Phi\Phi$ boxes, dimensions not exceeding 60 united inches, maximum weight of $\Phi\Phi$ boxes and contents not exceeding 20 pounds, securely sealed.

(Cancels "Package 277", page 609 of classification.)

Package 277

In fibre boxes meeting requirements of item (rule) 222 for boxes testing not less than 275 pounds, except that board must test not less than 325 pounds, and weight of box and contents not to exceed 125 pounds, and the box must be made with the length of each flap one inch less than the width of box and box must be provided with a liner, covering the ends and sides of the box made of double-wall corrugated board testing not less than 275 pounds. Box Φ must be closed by metal strapping, tightly clamped around the box approximately 4 inches from each end.

(Cancels "Package 382", page 611 of classification.)

Package 382

TL in inner polyethylene bags of not less than 4 mil thickness, enclosed in full overlap slotted container made of corrugated fibreboard testing not less than 275 pounds having a minimum combined weight of facings not less than 138 pounds per 1,000 square feet and laminated medium of total weight of 52 pounds per 1,000 square feet. Three thicknesses of corrugated fibreboard must be provided at top and bottom. Closure of inner bag may be made by metal clip or otherwise conform to provisions of Φ item (rule) 222. Sec. 13. Gross weight must not exceed 55 pounds.

(Cancels "Package 392", page 612 of classification.)

Package 392

In shipping containers composed of plastic film bags in fibreboard boxes complying with the provisions of item (rule) Φ 222, Section 13, except for gross weights exceeding 20 pounds but not exceeding 40 pounds. Box must be constructed of double wall corrugated fibreboard testing not less than 350 pounds per square inch. Box to have top and bottom pads made of corrugated fibreboard testing not less than 125 pounds per square inch.

(Cancels "Package 503", page 615 of classification.)

Package 503

Φ In fibre boxes testing not less than 175 pounds, all flaps glued throughout entire area of contact or all seams sealed by sealing strips not less than 3 inches wide having resistance of not less than 60 pounds, or all flaps securely closed by metal stitching. When secured by sealing strips, boxes must be securely corded or strapped with metal straps. Boxes need not otherwise comply with requirements of item (rule) 222.

(Cancels "Package 513", page 615 of classification.)

Package 513

Not less than three nor more than four watt-hour meters may be shipped in single trip containers of expanded polystyrene plastic. The box shall be made of expanded beads or granules of polystyrene compressed or formed into a solid material having a minimum density ranging from $1\frac{1}{4}$ to $1\frac{1}{2}$ pounds per cubic foot. They shall be so molded as to provide form-fitting cavities for the meters with not less than $\frac{1}{8}$ inch thick walls between meters and outside of box, and $\frac{1}{8}$ inch thick walls between meters and between top of meters and top of box. Φ Box must be strapped with pressure sensitive tape not less than $\frac{1}{8}$ inch wide with a tensile strength of not less than 50 pounds. Gross weight of box not to exceed 25 pounds.

(Cancels "Package 531", page 615 of classification.)

Package 531

Φ Wooden crates must have solid ends, and must be lined with double faced corrugated fibreboard or contents must be wrapped in double faced corrugated fibreboard. Enameled surfaces must be placed face to face and separated by non-abrasive material, such as chipboard or Kraft paper sheets.

(Cancels "Package 546", page 118 of Supplement 22.)

Φ Package 546

Crates must be lined with double-wall fibreboard testing not less than 275 pounds. Glass parts must be so packed so as to provide not less than two inches clearance between such parts and the inside wall of container.

(Cancels "Package 558", page 616 of classification.)

Package 558

Crates must be lined with double-wall fibreboard testing not less than Φ 200 pounds. Glass parts must be so packed so as to provide not less than 2 inches clearance between such parts and the inside wall of container.

(Cancels "Package 563", page 616 of classification.)

Package 563

Flat glass cut to size, edges ground, may be shipped in crates having tight or solid wooden tops and bottoms (edges) and ends, completely lined with double-faced corrugated fibreboard, with slatted sides, apertures not exceeding 4 inches in width, reinforced by strips extending lengthwise on each side of crate, two strips if crate is not over 28 inches high, three strips on crates 30 to 36 inches high, and four strips on crates 38 to 68 inches Φ high or when reinforcement strips are used at both top and bottom on each side extending lengthwise, additional reinforcement may be made by strips extending diagonally from the center of the top strip to the ends of the bottom strip.

(Cancels "Package 693", page 619 of classification.)

Package 693

In four-ply extensible bags meeting the requirements of item (rule) 200, Table C, with bag being constructed as follows: three-ply of 50 pound and one-ply of 60 pound basis weight paper with two plies coated with polyethylene sufficient to provide a Φ vapor or moisture proof barrier.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous Continued

(Cancels "Package 813", page 624 of classification.)

Package 813

Butter in bulk in fibre boxes complying with item (rule) 222, or in fibre boxes, the fibreboard complying with Sections 2 and 3 of item (rule) 222 for boxes testing not less than 200 pounds, except gross weight must not exceed 70 pounds. Boxes may be sealed with $\frac{1}{2}$ inch paper tape of 90 pound basis weight or $\frac{1}{2}$ inch paper tape of 60 pound basis weight, applied over top and bottom lengthwise seams extending not less than 2 inches over each end. Butter must be wrapped in grease-resistant paper and boxes must be coated or lined on inside with a water-proof material, except that coating or lining of container will not be required when butter is wrapped in polyethylene film not less than 1.25 mils in thickness.

(Cancels "Package 816", page 624 of classification.)

Package 816

In fibre boxes meeting requirements of item (rule) 222 for boxes testing not less than 275 pounds, except that fibreboard must test not less than 350 pounds, and weight of box and contents must not exceed 100 pounds. Boxes must be securely bound with not less than two metal straps.

(Cancels "Package 824", page 626 of classification.)

Package 824

In packages made of fibreboard testing not less than 450 pounds. Solid board must be not less than .120 inch thick. Corrugated board must have liners not less than .030 inch thick.

Top flaps of container must be firmly glued throughout entire area of contact. Bottom flaps must be held by 2 strips of wood not less than 1 x 4 inches running lengthwise of package to serve as skids and securely fastened to bottom of legs or refrigerator proper by not less than 2 screws in each corner or leg.

When gross weight of package does not exceed 260 pounds, skids will not be required if top and bottom flaps are firmly glued throughout entire area of contact.

Bottom flaps may be omitted if refrigerator is suspended off its legs by a rectangular wooden frame made of boards not less than 1 inch thick, the 2 outside boards of which form skids not less than 4 inches wide and which must project beyond all sides of refrigerator and package not less than 1 inch. Bottom of package must be secured to frame by cleats not less than 1 x 1 inches securely fastened by nails or screws through the fibreboard to the inside members of frame;

OR

In packages, sides of which consist of 1 or 2 pieces of solid fibreboard not less than .120 inch thick testing not less than 450 pounds, held at least 1 inch away from refrigerator surfaces, door handles or hinges by suitable interior packing.

Top of package must be made of 1 piece of same fibreboard as sides, nailed to frame made of wooden cleats not less than 1 x 2 inches. Sides must be nailed to this frame with cement-coated nails not over 4 inches apart.

Bottom of package must be a rectangular wooden frame made of boards not less than 1 inch thick, 2 of which form skids not less than 4 inches wide. Frame must project beyond all sides of refrigerator not less than 1 inch, and must suspend refrigerator off its legs. Sides must be secured to frame by $\frac{1}{2}$ inch screws not over 6 inches apart. Screws must be inserted either through washers or a half-inch metal strap;

OR

In packages made of corrugated fibreboard testing not less than 275 pounds covering refrigerator on top and sides, bottom of refrigerator must rest on a rectangular wooden frame made of boards not less than 1 inch thick, the 2 outside boards of which form skids not less than 4 inches wide. Top edges of refrigerator must be protected by padded wooden frame made of boards not less than 1 inch thick, extending over sides of refrigerator, also filling space along both sides of longest dimension between top of refrigerator and inside of fibreboard covering top. Two metal straps must encircle package just inside each skid. When corrugated fibreboard testing not less than 400 pounds is used and top and bottom frames are fastened together at corners by wooden strips, metal straps may be omitted.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous—Continued

(Cancels "Package 829", page 627 of classification.)

Package 829

In fibreboard boxes meeting the following requirements:

Maximum weight of boxes and contents (Pounds)	Maximum inside dimensions, length, width and depth added (Inches)	Minimum combined weight of component plies of solid fibreboard exclusive of adhesive (Pounds per 1,000 square feet)	Minimum combined weight of facing of corrugated fibreboard, including center liner or liners in double-wall or triple-wall boxes (Pounds per 1,000 square feet)	Minimum test per square inch of combined board, either solid or corrugated (See item (rule) 680, Sec. 10) (Pounds)
Double-faced corrugated boxes, with one corrugated medium				
20	40	114	52	125
40	60	149	75	175
65	75	190	84	200
90	90	237	138	275
120	100	283	180	350
140	110	330	...	500
160	120	360	...	600
Double-wall corrugated boxes, with two corrugated mediums				
65	75	...	92	200
90	90	...	100	275
120	100	...	126	350
140	110	...	222	500
160	120	...	270	600
Triple-wall corrugated boxes, with three corrugated mediums				
275	120	...	264	Minimum puncture test 1100

For box and contents exceeding 65 pounds and not over 110 pounds, dimensions not exceeding 90 united inches, box must be made of double-wall corrugated fibreboard testing not less than 200 pounds.

For box and contents exceeding 90 pounds, and not over 140 pounds, dimensions not exceeding 100 united inches, box must be made of double-wall corrugated fibreboard testing not less than 275 pounds.

For box and contents exceeding 140 pounds, and not over 175 pounds, dimensions not exceeding 115 united inches, box must test not less than 400 pounds, except boxes made of double-wall corrugated fibreboard may test not less than 350 pounds.

For box and contents exceeding 175 pounds, and not over 230 pounds, dimensions not exceeding 135 united inches, box must be made of double-wall corrugated fibreboard testing not less than 500 pounds.

For box and contents exceeding 230 pounds, and not over 270 pounds, dimensions not exceeding 135 united inches, box must be made of double-wall corrugated fibreboard testing not less than 600 pounds.

For box and contents exceeding 270 pounds, and not over 325 pounds, dimensions not exceeding 135 united inches, two complete double-faced corrugated fibreboard boxes each testing not less than 350 pounds must be used, one fitting closely inside the other, or one triple-wall corrugated fibreboard box having a Beach puncture test of not less than 700 units must be used. Such boxes may also be used for any weight exceeding 120 pounds, but not exceeding 325 pounds.

For box and contents exceeding 325 pounds and not over 345 pounds, dimensions not exceeding 140 united inches, box must be made of triple-wall corrugated fibreboard having a Beach puncture test of not less than 900 units.

For box and contents exceeding 345 pounds but not over 365 pounds, dimensions not exceeding 145 united inches, box must be made of triple-wall corrugated fibreboard having a Beach puncture test of not less than 1100 units.

♦♦Boxes must be closed in accordance with item (rule) 222, Section 7:

Articles must be supported or suspended in boxes and must be so protected that there will be no shifting and so that no part will come within less than 1 inch from inside surface of box, except top may come within not less than one-half inch from inside surface of box, except the following articles must be so supported or suspended as to prevent shifting within box and minimum inside clearances must be as set forth below.

Article	Clearances (between article and inside of box) not less than:	
	At top	All other
Television or vision receiving sets, or television or vision receiving sets and talking machines or radio receiving sets combined.....	1/2 inch	1 inch
Radio receiving sets, talking machines, or wire or tape recorders, separate or combined:		
Weighing 20 pounds or less.....	3/8 inch	3/8 inch
Weighing more than 20 pounds but not more than 90 pounds.....	1/2 inch	3/4 inch
Weighing more than 90 pounds.....	1/2 inch	1 inch

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous Continued

*(Cancels "Package 899", page 631 of classification.)***Package 899**

*Cancel. No application.

*(Cancels "Package 923", page 631 of classification.)***Package 923**

In cylindrical fibreboard containers coated inside and outside with polyethylene, the containers to consist of an inner sleeve with a minimum outer 3 inches cap. The outer cap must caliper not less than .035 inch and test not less than 310 pounds Cady or Mullen test. The inner sleeve must caliper not less than .048 inch and test not less than 375 *pounds Cady or Mullen Test. The bottom and top circle must caliper not less than .090 inch and test not less than 400 pounds Cady or Mullen Test. Bottom circle must have a polyethylene coating. Net weight of contents not to exceed 40 pounds.

*(Cancels "Package 942", page 633 of classification.)***Package 942**

Provisions for "in boxes" will apply only when packed in plastic film bags in fibreboard boxes as follows: Maximum inside dimensions 57 united inches and must test 275 pounds. Box must be lined on all four sides, top and bottom with $\frac{1}{4}$ " double faced corrugated fibreboard. Plastic film bag must have dimensions larger than the fibreboard box and must be of .003 inches or thicker. Bag to contain not more than five quarts of liquid. Gross weight of contents and container not to exceed 70 pounds.

*(Cancels "Package 982", page 636 of classification.)***Package 982**

In containers made of double-wall corrugated fibreboard testing not less *than 350 pounds spliced at center and the splice reinforced with veneer not less than $\frac{1}{4}$ inch thick stapled to inside walls of container around entire circumference of splice. Fibreboard forming ends must be flanged to provide recessed ends which must be securely stapled around entire circumference to walls of container. Ends must be reinforced on inside with veneer not less than $\frac{1}{16}$ inch thick and not less than 20 inches square stapled to container. Articles must be floated within container by die-cut forms placed at center and each end, made of same board of which container is made. Maximum dimensions must not exceed 256 united inches and gross weight must not exceed 155 pounds.

*(Cancels "Package 985", page 636 of classification.)***Package 985**

In fibre boxes meeting requirements of item (rule) 222, for boxes testing not less than 275 pounds, except that maximum inside dimensions * (length, width and depth added) must not exceed 115 inches and gross weight of box and contents must not exceed 150 pounds. The container must be banded four ways with metal straps $\frac{3}{4}$ inch wide or full flap slotted container may have all flaps firmly glued not less than 50 percent of area of contact.

*(Cancels "Package 1005", page 638 of classification.)***Package 1005**

*Truckload shipments of cooling boxes with cooling apparatus may be shipped when packed on skids as follows: Skids must extend out from the face of the cabinet 4 inches at both sides and 2 inches at the front and back. Top of cabinet or box to be covered with a corrugated paper cap extending approximately 14 inches down from the top on all sides. All corners and vertical edges underneath the cap must be protected by a 1 inch thickness of corrugation. Cap and corrugated cushioning to be held in place by 1/2 inch steel strapping.

*(Cancels "Package 1035", page 640 of classification.)***Package 1035**

In flat sheets in packages consisting of top and bottom and two end caps made of single-wall corrugated fibreboard testing not less than 200 pounds, and two side caps made of fibreboard testing not less than 350 pounds. End and side caps must overlap top and bottom of package and be firmly glued thereto over entire length. The entire perimeter of contents must be protected by not less than 2 *inch clearance maintained by built-up corrugated forms made of single-wall corrugated fibreboard testing not less than 125 pounds. Maximum gross weight of packages must not exceed 350 pounds.

*(Cancels "Package 1044", page 641 of classification.)***Package 1044**

In fibre boxes testing not less than 150 pounds. Gross weight must not exceed 60 pounds. Combined weight of facings must be not less than 26 pounds per 1,000 square feet and corrugating medium must be not less than 26 pounds *per 1,000 square feet. Articles must be enclosed in inner fibreboard boxes made of single-wall corrugated fibreboard testing not less than 75 pounds, constructed with facings weighing each not less than 17 pounds and corrugating medium not less than 26 pounds per 1,000 square feet.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous—Continued

(Cancels "Package 1049", page 641 of classification.)

Package 1049

In three-piece boxes made of single-wall corrugated fibreboard, the fibreboard complying with Sections 2 and 3 of item (rule) 222 for testing not less than 275 pounds except fibreboard must test not less than 300 pounds.
Body of box must cover all sides and must have flanges not less than 3 inches wide at top and bottom. Top and bottom must be covered by flanged fibreboard caps testing not less than 200 pounds, the top cap constructed so as to provide double thickness, corrugations of one thickness at right angles to the other. Flanges of caps must fold down over and back under flanges of body. Both caps must be securely strapped around flanges with metal straps or wire.
Clearance of not less than 3/4 inch must be maintained between article and inner walls of box by single-wall corrugated fibreboard testing not less than 200 pounds on sidewalls of box extending full height of box scored and folded at corners, or by "L" shaped corner posts made of same fibreboard scored and folded or by built-up corrugated fibreboard with corrugating mediums and each liner not less than .009 inch thick and weighing not less than 26 pounds per 1,000 square feet.
Article must be secured to base frame full inside dimensions of box meeting the following requirements:

For gross weight	Minimum number of pieces in base frame	Minimum combined cross sectional area of lumber (square inches)	Minimum thickness of lumber
Not over 180 pounds.....	4	7	5/8 inch
Over 180 pounds, but not over 225 pounds.....	4	9	11/16 inch
Over 225 pounds, but not over 275 pounds.....	4	10	11/16 inch
Over 275 pounds, but not over 325 pounds.....	4	12	3/4 inch

(Gross weight of package must not exceed 325 pounds.)

(Cancels "Package 1056", page 642 of classification.)

Package 1056

In 3-piece single-wall corrugated fibreboard containers, the fibreboard meeting requirements of Sections 2 and 3 of item (rule) 222, for boxes testing not less than 275 pounds, except that the fibreboard must test not less than 300 pounds.
Body of box must cover all sides and must have flanges not less than 3 inches wide at top and bottom. Top must be covered by flanged fibreboard cap constructed so as to provide double thickness, the corrugations of one thickness at right angles to the other, or when fibreboard tests not less than 350 pounds, cap may be of single thickness. Bottom cap must also be flanged.
Flanges of caps must fold down, over and back under the flanges of the body. Both caps must be securely strapped around flange with metal straps or wire.
Article must be secured to skids made of lumber not less than 3/4 x 4 inches or of plywood, not less than 5/8 x 4 inches, so positioned as to maintain clearance at bottom of not less than 3/4 inch from all sides of box.
All vertical edges of box must be reinforced by built up corrugated fibreboard posts, with the corrugations parallel to the length of the posts glued to inside of box body at each side of vertical edges to form L-shaped corner posts, resting on wooden base runners and extending to top. Corrugating medium and liners of posts must be not less than .009 inch thick and weight not less than 26 pounds per 1,000 square feet and must be not less than 15/16 inch thick and combined cross sectional area must be not less than 30 square inches.
Refrigerators must have one or more hinged fibreboard bands, each not less than 2 inches wide, made of same material as posts, with the corrugations at right angles to the length of the band. Bands must be applied around article with metal straps not less than 1 1/4 inch wide to provide, in combination with corner posts, a clearance of not less than 1 inch from container. Each fibreboard band must have a recessed section running lengthwise to provide space to countersink and to position the metal strap. To prevent abrasion where padding comes in contact with article, padding must be faced with laminated creped cellulose wadding glued to Kraft paper weighing not less than 20 pounds per 1,000 square feet and in turn glued to the fibre pads. Wadding must be not less than .06 inch thick, weighing not less than 20 pounds per 1,000 square feet.
On the outside bottom of the box must be fastened not less than two runners of lumber not less than 3/4 x 3 inches or plywood not less than 5/8 x 3 inches, at right angles to inner runners and secured to inner runners with not less than two wood screws or three clinched nails at each corner.

(Cancels "Package 1067", page 643 of classification.)

Package 1067

In double-wall corrugated fibreboard boxes complying with item (rule) 222, Sections 2 and 3, for boxes testing not less than 600 pounds, except the dimensions may be increased to not exceed 140 united inches. Parts within box must be wrapped or finished surfaces of individual parts must be protected with non-abrasive separators interleaved between parts. Box must be closed with 3 metal straps or wire, 2 applied around the girth of the box located approximately 18 inches in from each end and one lengthwise around the box located approximately at the center of the width of the box.

(Cancels "Package 1097", page 647 of classification.)

Package 1097

*In double-wall corrugated fibreboard boxes meeting all requirements of item (rule) 222 for boxes testing not less than 275 pounds except gross weight may exceed 90 pounds but must not exceed 130 pounds. Box must be lined with same board, and article must be held within box by four "L" shaped corner posts full height of box, constructed of built-up fibreboard not less than 5 plies. Top of articles must be protected by double-wall corrugated fibreboard pad.
Article must be bolted to platform made of 2 sheets of double-wall fibreboard each testing not less than 400 pounds, glued together. Platform must be equipped with not less than 3 runners made of built-up corrugated fibreboard not less than 5 plies.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued**Miscellaneous—Continued***(Cancels "Package 1124", page 649 of classification.)***Package 1124**

In full telescope double wall corrugated fibre boxes, combined weight of facings not less than 207 pounds, the fibreboard testing not less than 450 pounds. Gross weight must not exceed 190 pounds.
 Not less than 1 1/2 inch clearance must be maintained between machine and inner surfaces of box by corrugated fibreboard testing not less than 200 pounds.
 Box must be strapped with not less than 3 metal straps.

*(Cancels "Package 1125", page 649 of classification.)***Package 1125**

▲In container made of 11 gauge aluminum or thicker fully enclosing article, securely fastened to pallet or skid by shock proof mounts.

*(Cancels "Package 1162", page 653 of classification.)***Package 1162**

In 12 ounce flat top metal cans enclosed in not more than 6 pack carton caliper not less than .025 inch. Cartons must be closed by gluing or by interlocking tabs, with or without ends enclosed. Cartons must be inserted in tray not less than 7 3/4 inches in depth made of single-wall corrugated fibreboard testing not less than 200 pounds, the fibreboard complying with item (rule) 44222. Number of cans per tray must not exceed 48.

*(Cancels "Package 1186", page 655 of classification.)***Package 1186**

▲Rosin sizing in solid mass having a melting point of not less than 140 degrees Fahrenheit may be shipped in plastic bags meeting requirements of item (rule) 200, Sec. 5, except wall thickness may be not less than 7 mils thick and plastic must be of the one olefin type having a tensile strength of not less than 3100 pounds per square inch. Net weight of contents not to exceed 50 pounds.

*(Cancels "Package 1329", page 669 of classification.)***Package 1329**

In 3-piece fibreboard box, the fibreboard meeting requirements of item (rule) 222, Sections 2 and 3.
 When gross weight does not exceed 240 pounds, body of box must be made of double-wall corrugated fibreboard testing not less than 275 pounds.
 When gross weight exceeds 240 pounds but does not exceed 350 pounds, body of box must be made of double-wall corrugated fibreboard testing not less than 350 pounds.
 When gross weight exceeds 350 pounds but does not exceed 485 pounds, body of box must be made of double-wall corrugated fibreboard with combined weight of facings not less than 180 pounds per 1,000 square feet and board must test not less than 400 pounds.
 Top and bottom must be covered by flanged caps made of single-wall corrugated fibreboard testing not less than 275 pounds and must have flanges not less than 3 inches. Flanges of caps must fold down over and back under flanges of body. Caps must be securely strapped around flanges with metal straps.
 Article must be mounted on and bolted to skids made of lumber not less than 7/8 x 3 7/8 inches, or must be mounted on wood frame full dimensions of box made of lumber not less than 3/4 inch thick, the combined cross sectional area not less than 9 square inches.
 Not less than 1 inch clearance must be maintained between article and inner wall of box, including top, by forms made of expanded plastic having a density of not less than 1 3/4 pounds per cubic foot. Such forms must extend from front to back on both sides of top of article.
 Refrigerators must be loaded upright in ▲truck, except that refrigerators in upper tier may be loaded on their backs when blocking, bracing or padding is provided between rows in upper tier to prevent impact between refrigerator tops and bottoms. Such extra blocking, bracing, or padding need not be provided when skids or wood frame of refrigerators in upper tier are laminated to built-up corrugated fibreboard, corrugations vertical, not less than 7/8 inch thick backed with wood veneer not less than 1/8 inch thick.

*(Cancels "Package 1377", page 673 of classification.)***Package 1377**

In double-wall fibreboard containers, testing not less than 275 pounds, fully enclosing the article, constructed with half-slotted top and flanged bottom cap. Body and bottom cap must have flanges not less than 3 1/2 inches wide and flanges of cap must fold down over and back under the flanges of body, and be securely strapped with metal strap not less than 5/8 inch wide around girth at center of overlap.
 Articles must be suspended on laminated corrugated fibreboard blocks made of double-wall board testing not less than 275 pounds, corrugations vertical, positioned around perimeter of base of article so as to maintain a clearance of not less than 3/4 inch between article and bottom of container. Blocks must be positioned on a full-dimension pad made of 275 pound test double-wall corrugated fibreboard.
 Finished surfaces subject to abrasion must be protected with non-abrasive material. All fibreboard must comply with 44Section 2, item (rule) 222 for tests specified.
 When gross weight does not exceed 300 pounds, clearance of not less than 3/4 inch must be maintained between article and sides and top of container by scored and folded fibreboard forms testing not less than 200 pounds. When gross weight exceeds 300 pounds but does not exceed 450 pounds, clearance of not less than 3/4 inch must be maintained between article and sides of container by full-height L-shaped corner posts made of 275 pound test fibreboard, and clearance of not less than two inches must be maintained between article and top of container by scored and slotted fibreboard form.

*(Cancels "Package 2043", page 687 of classification.)***Package 2043**

In double wall corrugated fibreboard boxes testing not less than 350 pounds.
 Not less than one inch clearance must be maintained between article and outer walls of container by ▲"L" shaped corner posts and not less than 1/2 inch clearance must be maintained at top and bottom by scored and folded pads made of same material.
 Gross weight must not exceed 200 pounds.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Concluded

Miscellaneous—Concluded

(*Cancel "Package 2053" to page 688 of classification.*)

Package 2053

Not more than 2 gallons of commodity may be contained in a plastic film bag of not less than 4 mil thickness, which in turn must be enclosed in a full overlap slotted corrugated fibreboard box testing not less than 200 pounds, providing three thicknesses of board on ends. Not more than three such containers must then be enclosed in a plastic film bag of not less than 2 mil thickness and then placed in a regular slotted corrugated fibreboard box testing not less than 200 pounds. Closure of plastic bags must conform to item (rule) 222, Section 13. Gross weight must not exceed 65 pounds.

(*Add "Package 2077" to page 689 of classification.*)

Package 2077

Contour projectors may be shipped in wirebound wooden crates meeting the following requirements:

- Vertical supporting members of the crate must be not less than 5 1/2 inches in width and of 1/4 inch thick hardwood. Plywood of the same width and 3/24 inch thick may be utilized in place of the hardwood except at the corners of the crate. Apertures between wooden members must not exceed 3/8 inch.
 - All crates must have at least 4 horizontal unitizing wires. Crates of 1000 pounds or less and 60 inches or less in height must have wires of 13 gauge. Crates in excess of 1000 pounds and 60 inches in height must have wires of 12 gauge. Distance between wires must not exceed 15 inches.
 - A minimum of two intermediate wood cleats, each with a thickness not less than 1 3/4 inch x 7/8 inch, must be used in the construction of crates which weigh in excess of 1000 pounds and 40 inches in height. At least one intermediate wood cleat with the same minimum thickness must be used with crates weighing 1000 pounds or less and 40 inches or less in height.
 - Top of crate must be constructed of solid plywood material with a minimum thickness of 3/24 inch. Tops must have at least two battens of not less than 7/8 inch thickness.
 - Base must be constructed of a closely-fitted deck or pallet type deck with attached runners. Closely fitted deck must be constructed of hardwood not less than 7/8 inch thick with at least two runners of hardwood not less than 1 3/4 inch thick. Pallet type deck must be constructed of at least three pieces of lumber attached to the runners and each piece of hardwood not less than 7/8 inch thick. Runners must be 1 3/4 inch thick hardwood except when projector weighs less than 1000 pounds 7/8 inch thick hardwood may be used.
- Total gross weight of package not to exceed 3000 pounds.

(*Add "Package 2078" to page 689 of classification.*)

Package 2078

TL or mixed TL shipments may be made in plastic bags in corrugated fibreboard boxes, the fibreboard meeting the requirements of item (rule) 222. See 13 for gross weight exceeding 20 pounds but not exceeding 40 pounds, except as to closure of bag. Closure may be accomplished only by twisting and only when there is left, after twisting a sufficient amount of bag so that a minimum of 8 inches may be tucked between wall of box and filled bag.

(*Add "Package 2081" to page 689 of classification.*)

Package 2081

Glass carboys of 13 1/2 gallon capacity may be shipped in two piece corrugated fibreboard containers consisting of half-slotted triple-wall corrugated fibreboard body and cover. Fibreboard must comply with the requirements of item 222, Sections 2 and 3 for board testing not less than 1,100 puncture units. Body must have top flaps of 6 inches in length. Cover must have sides not less than 8 inches in length. Inner packing must consist of molded polystyrene forms located at the neck and bottom of the carboy. Polystyrene forms must have a minimum wall thickness of 1 inch and a density of at least 3/4 pound per cubic foot. A corrugated fibreboard form, same material specification as container, must be positioned around the neck of the carboy after the top flaps have been securely closed to protect the neck and provide the minimum clearance. Clearance between the top and bottom of the carboy and the inside surface of the container must be a minimum of 1 1/2 inches while clearance between the side of the carboy and the inside surface of the container to be at least 1 inch. Container must be securely closed by at least 2 metallic or non-metallic straps.

(*Add "Package 2084" to page 689 of classification.*)

Package 2084

In molded foamed or cellular polystyrene boxes which must meet the following requirements:

1. Minimum wall thickness of 7/8 inch.
2. Minimum density of the polystyrene must be not less than 1.5 pounds per cubic foot.
3. Closure must be attained by filament reinforced tape meeting the requirements of item 680, section 9 (a) which completely encircles boxes in at least 4 designated recessed areas.
4. Sections of boxes which mate must have tongues and grooves of at least 1/4 inch length or depth.
5. Form fitting cavity must serve as an interior packing system for articles.
6. Gross weight not to exceed 50 pounds.

EXPLANATION OF REFERENCE MARKS
(For explanation of abbreviations, see Page 713 of Classification)

Refer- ence Mark	EXPLANATION
↓	Indicates reduction.
◆	Indicates increase.
▲	Indicates change in wording which results in neither increases nor reductions
△	Matter in this item is brought forward without change in application from item being cancelled.
*	Indicates new item.
Ⓜ	Minimum weight factor, see item (rule) 997.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF)	
COLO. PUC NO. 4 - ELECTRIC, COLO)	<u>INVESTIGATION AND SUSPENSION</u>
PUC NO. 4 - GAS AND THE INTEGRATION)	
OF COLO. PUC NO. 2 - ELECTRIC INTO)	<u>DOCKET NO. 640</u>
COLO. PUC NO. 4 - ELECTRIC OF THE)	
PUBLIC SERVICE COMPANY OF COLORADO,)	
550 - 15TH STREET, DENVER, COLORADO)	
- - - - -	

- - - - -
July 22, 1969
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Public Service Company of Colorado (Company) on July 3, 1969 filed with this Commission its Advice Letter No. 594 - Electric and No. 140 - Gas accompanied by 225 revised tariff sheets applicable to electric service and 98 revised tariff sheets applicable to gas service, as more fully described therein and reference to which is hereby made. According to the Advice Letter the purpose of the filing is to:

"... restructure the Company's electric rates and to provide a general increase in the Company's gas rates.

"The principal change in electric rates will be the establishing of a large, densely populated metropolitan area adjacent to the City of Denver in which the present Denver residential and commercial rates will be applicable. These Denver rates will also be made available in the cities of Boulder and Grand Junction and the Town of Morrison. All customers affected will benefit except in certain areas presently supplied under the former Colorado Central Power Company rates adopted by the Company, wherein an increase in Commercial Lighting Service rates will occur. The present five rate areas will be reduced to four benefiting certain customers served under General Secondary Power Schedules. Small Lighting and Power schedules are modified resulting in minor decreases in most areas served by the Company. A further significant change will make Denver area Industrial Electric rates available statewide resulting in decreases to most of the industrial customers outside the Denver area. In certain locations industrial customers affected by primary power rate minimums will receive increases.

"The proposed change in gas rates will affect all of the Company's gas customers. The overall general increase will be approximately 5-1/2 percent with changes ranging from approximately one percent to ten percent depending on location and type of service. In limited areas minor decreases will occur."

Company further states that the result of this filing will be an annual decrease of approximately \$1,885,000 for electric revenue and an increase of approximately \$3,250,000 for gas revenue.

It is proposed these rates shall become effective September 15, 1969.

Letters of complaint have already been received opposing the proposed tariff changes, and since notification to all customers will not be complete until about August 15, 1969, additional letters of complaint may be anticipated.

Because of the extensive changes in the tariff and the impact on the public using the electric and gas service of the Company, pursuant to CRS 1963, Chapter 115-6-11, and having considered said tariff and being fully advised in the premises, the Commission finds that the same should be suspended and that a hearing be held thereon as set out in the following Order.

O R D E R

THE COMMISSION ORDERS:




That all tariff sheets filed by Public Service Company of Colorado accompanying its Advice Letter No. 594 - Electric, No. 140, Gas, consisting of approximately 225 electric tariff sheets and 98 gas tariff sheets, to become effective September 15, 1969, be, and the same hereby are suspended for a period of one hundred twenty (120) days from the proposed effective date of September 15, 1969, or until January 13, 1970, unless otherwise ordered by the Commission.

That a hearing thereon be held commencing at 10 o'clock a.m. on October 23, 1969, at the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which hearing the

Respondent, Public Service Company of Colorado, shall present its case in chief and any parties to said proceedings be permitted to examine for purposes of clarification, and that thereafter said hearing be recessed and be resumed commencing at 10:00 A.M. on November 12, 1969 in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, for such pruposes as indicated at the closing of the original hearing before the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of July, 1969.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE TERMINOLOGY)
OF THE WORDS "VOLUME" AND/OR)
"TRUCKLOAD"; AND ADJUSTMENTS IN)
COMMODITY ITEMS APPLICABLE TO)
BOXES, FIBREBOARD; CASTINGS,)
FIBREGLASS; AND LIQUOR)

CASE NO. 1585

July 22, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1969, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed Revised Pages as designated in Appendix "A", attached hereto, to its Motor Freight Tariff No. 12-B, Colorado PUC No. 19, which schedules were published to become effective July 30, 1969.

In support of these adjustments the Commission is in receipt of communications from the Chief of Tariff Bureau and Carriers involved.

Items 30, 40 and 5,000 A (V) Column appearing in the class rate bases, Section No. 1, appear to have been causing some confusion in the application of the rates and charges for shipments tendered, based upon weights of 5,000 and 10,000 pounds by the interchange or terminology of the words "volume" and/or "truckload". The word volume is being eliminated and in lieu thereof truckload is being inserted.

Wally Fletcher, General Traffic Manager, Rio Grande Motor Way, Inc., in his letter of April 28, 1969, states: --

"Our position is that these rates are truckload and/or volume rates and that when mixed commodities are shipped under these truckload and/or volume weights the provisions of Item (Rule) 645 of the National Motor Freight Classification applies, which provide for charges to be assessed at the highest volume or truckload rate to any commodity in the shipment. In applying Item 645 of the Classification there is no allowance for the mixing of class rates and the highest rate on any commodity in the shipment is applicable to the entire weight of the shipment. The confusing aspect is that many shippers and carriers are mixing the class rates on 5,000 pound and 10,000 pound shipments in accordance with Item (Rule) 640 of the classification. The issues boil down as to whether the 5,000 pound and 10,000 pound column rate

basis are LTL or Truckload and/or Volume rates.

"Thus by the deletion of the reference to volume ratings and, where necessary change the word to read truckload is necessary as the Class ratings in the classification are described as truckload ratings rather than volume ratings. I can find no reference in the classification whatsoever to a volume rate or a volume rating."

Mr. Fletchinger also states that adding Item 185 to the Rules and Regulations Section will provide that the rate basis under the Column 5,000 pounds and 10,000 pounds are to be used only in the determination of truckload and/or volume rates. (Item (Rule) 645 of the Classification).

In Items No. 1390 and 1400, the changes instituted by Westway Motor Freight, Inc., reflect increased rates and charges. Kemp Shacklett, Vice President NW Transport Service, Inc., operator of Westway Motor Freight, Inc., states:

"The item is used very little because the shipper has his own trucks, but occasionally it is used and the present rates are far beyond our ability to possibly make a profit on today's level of costs."

With the cancellation of Item 1390, the cities listed therein are transferred into Item 1400 with its present rates resulting in the increased level of charges. The proviso eliminated in Item 1400 - "will not apply on palletized shipments" will now provide for transportation service either palletized or not palletized.

In essence, this item is not subject to Item 470 (Penalty - Irregular Route Carriers). Reference is guided to this Commission's Decision No. 59465, dated October 19, 1962, in Investigation and Suspension Docket No. 497. The Boise Cascade Container Corporation plant site is located at 4565 Indiana Road near Golden, Colorado. It will be so ordered hereinafter that the penalty provision will not apply. No protests have been received relative to this item.

Item 2210 is amended to include castings, fibreglass, NOI, in the rough. Thomas L. R. Mead, Assistant General Traffic Manager, Rio Grande Motor Way, Inc., states in his letter of July 16, 1969, that:

"This item is being manufactured on a small scale basis and will move in mixed shipments with the iron or steel castings presently moving under the provisions of Item

2210. The rough fibreglass castings are being installed on a limited trial basis by the user and will move only with the iron or steel castings.

"The fibreglass castings anticipated to move under these provisions are desirable traffic in that they have very little susceptibility to damage, shipped on pallets for convenience of loading and unloading. The density is 8.57 pounds per cubic foot, and size is 22" x 22" x 10" with a weight of 24 pounds. The value is 34¢ per pound and utilized for manhole covers and frames."

Item 2290 provides an amendment for the addition of Craig, Colorado as a destination point. Wally Fletchinger, General Traffic Manager, Larson Transportation Company, in his letter of May 15, 1969, supports the change, stating:

"The mileage from Denver to Craig is 213 miles, or only approximately 83 percent of the Denver to Grand Junction mileage of 258 miles. The proprietor of a liquor store in Craig picks up on his own truck liquor in Denver on an average of one or two times a month in the winter and two to three times a month in the summer. The average tonnage involved in each trip is 2,000 to 3,000 pounds. The proprietor prefers to receive his liquor shipments more often, but cannot afford to make the trip to Denver on a more frequent basis for less tonnage each trip. He has told our terminal manager in Craig that if he could receive the 2,000 pound rates on smaller type shipments that he would divert these shipments to common motor carrier and not utilize his own truck on these hauls. Based on an average weight per case of 40 pounds, the \$1.31 per case rate on alcoholic liquors results in a \$3.28 rate per cwt. The class 100 rate, 2,000 pounds or over, from Denver to Craig, is \$3.30."

Under the provisions of Rule 18 C (1) (a) of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, the Commission states and finds that the changes proposed appear to represent just, fair and reasonable rates and charges, and governing provisions, and that an order should be entered prescribing the same.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" herein, be, and they are hereby, made a part hereof.
2. That the rates and charges as set forth in Appendix "A" of this Order, subject to the rules and regulations as provided in the aforesaid tariffs, shall be the prescribed rates, rules and regulations of the Commission.
3. That all motor vehicle common carriers who are affected

by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

4. That all private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. That on and after July 30, 1969, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent, except for rates and charges published in Item No. 1400.

6. That on and after July 30, 1969, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) percent, except for rates and charges published in Item No. 1400.

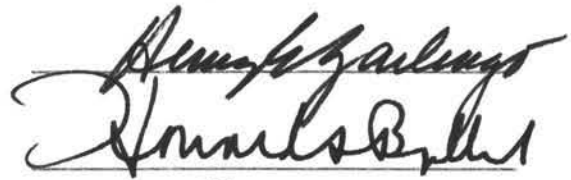
7. That this Order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

9. That this Order shall become effective forthwith.

10. That jurisdiction is retained to make such further
Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
22nd day of July, 1969. dh

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
LOCAL AND JOINT CLASS AND COMMODITY TARIFF NO. 12-B, COLORADO PUC NO. 190

(*SCHEDULED TO BECOME EFFECTIVE JULY 30, 1969)

EXCEPTIONS TO RULES OF THE GOVERNING CLASSIFICATION

1ST REVISED PAGE 57

ITEM	RULE
30	<p>♦ MINIMUM WEIGHTS AND TRUCKLOAD RATINGS:</p> <p>EXCEPTION TO RULE 997 OF NATIONAL MOTOR FREIGHT CLASSIFICATION.</p> <p>EXCEPT AS OTHERWISE PROVIDED IN ITEM 440, THE ♦ TRUCKLOAD RATINGS AND MINIMUM WEIGHTS AS PUBLISHED IN THE CURRENT CLASSIFICATION WILL APPLY VIA ALL CARRIERS PARTIES TO THIS TARIFF.</p> <p>TO ASCERTAIN RATES TO APPLY, REFER TO PAGES 101 TO 172, INCLUSIVE, OF THIS TARIFF, AND DETERMINE THE CLASS RATE BASIS UNDER THE COLUMN HEADED "MINIMUM WEIGHT 5,000A POUNDS." NEXT, REFER TO PAGES 173 TO 244 OF THE TARIFF AND LOCATE THE CLASS RATE BASIS IN THE COLUMN HEADED "RATE BASE NO." THEN, THE DESIRED CLASS RATE WILL BE FOUND OPPOSITE THAT FIGURE.</p> <p>WHERE LINES "A", "B" AND "C" ARE SHOWN IN CONNECTION WITH RATE BASE NUMBERS ON PAGES 173 TO 244, RATES PUBLISHED OPPOSITE LINE "C" WILL BE USED.</p>

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ITEM	ARTICLES	CLASS RATING
40	<p>FREIGHT, ALL KINDS, EXCEPT THOSE ARTICLES HAVING ♦ TRUCKLOAD RATINGS HIGHER THAN CLASS 85 AS PUBLISHED IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION:</p> <p>MINIMUM WEIGHT 20,000 POUNDS PER VEHICLE USED.....</p> <p>MINIMUM WEIGHT 25,000 POUNDS PER VEHICLE USED.....</p> <p>MINIMUM WEIGHT 35,000 POUNDS PER VEHICLE USED.....</p> <p>SUBJECT TO CONSIGNOR LOAD; CONSIGNEE UNLOAD. THIS PROVISION MUST APPEAR ON THE SHIPPING ORDER COPY OF THE BILL OF LADING IN ONE OF TWO WAYS: (1) CONSIGNOR MUST SHOW THAT THE SHIPMENT IS LOADED BY CONSIGNOR AND IS TO BE UNLOADED BY CONSIGNEE, OR (2) CONSIGNOR MUST SHOW THAT THE SHIPMENT IS LOADED BY CONSIGNOR. IN THE EVENT THIS SECOND ALTERNATIVE IS EMPLOYED, THE CONSIGNEE, AT TIME OF DELIVERY, MUST NOTATE THE DELIVERY RECEIPT COPY OF THE CARRIER'S WAYBILL THAT THE SHIPMENT WAS UNLOADED BY CONSIGNEE.</p> <p>TRAILERS OR TRUCKS, SINGLE UNITS, TO HAVE NOT LESS THAN 1,800 CUBIC FEET CAPACITY.</p> <p>WHEN THE CHARGES BASED ON THE HIGHER RATE AND ACTUAL WEIGHT (BUT NOT LESS THAN THE MINIMUM WEIGHT SPECIFIED FOR THE LOWER RATE) EXCEEDS THE CHARGE BASED ON THE LOWER RATE AND THE ACTUAL WEIGHT (BUT NOT LESS THAN THE MINIMUM WEIGHT SPECIFIED FOR THE LOWER RATE), THE LATTER CHARGE WILL APPLY.</p> <p>TO ASCERTAIN RATES TO APPLY, REFER TO SECTION I OF THIS TARIFF AND DETERMINE THE CLASS RATE BASIS UNDER THE COLUMN HEADED "MINIMUM WEIGHT 5,000A POUNDS." NEXT, REFER TO PAGES 173 TO 244 OF THE TARIFF AND LOCATE THE CLASS RATE BASIS IN THE COLUMN HEADED "RATE BASE NO." THEN THE DESIRED CLASS RATE WILL BE FOUND OPPOSITE THAT FIGURE.</p> <p>WHERE LINES "A", "B" AND "C" ARE SHOWN IN CONNECTION WITH RATE BASE NUMBERS ON PAGES 173 TO 244, RATES PUBLISHED OPPOSITE LINE "C" WILL BE USED.</p> <p>NOT SUBJECT TO ITEM 240 OF THIS TARIFF NOR TO RULE 595 ▲ OF GOVERNING NATIONAL MOTOR FREIGHT CLASSIFICATION.</p>	<p>37½</p> <p>32½</p> <p>27½</p>

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RULES AND REGULATIONS
APPLICATION

ITEM	APPLICATION
185	APPLICATION OF RATES SUBJECT TO 5,000 AND 10,000 POUND MINIMUM WEIGHTS:
▲	RATE BASES IN SECTION I, PUBLISHED UNDER MINIMUM WEIGHT COLUMNS OF 5,000 POUNDS AND 10,000 POUNDS, WILL BE USED ONLY IN THE DETERMINATION OF VOLUME RATES.

SECTION 4
 COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)
 FOR APPLICATION, SEE PAGE 245

ITEM	COMMODITY	FROM	TO	RATES	ROUTE
1390	♦ CANCEL. SEE ITEM 1400 FOR RATE TO APPLY.				
1400	BOXES, FIBREBOARD OR PULPBOARD, CORRUGATED, KNOCKED DOWN FLAT, IN BUNDLES.	THE SITE OF THE BOISE CASCADE CONTAINER CORP. PLANT NEAR GOLDEN	♦ ARVADA ♦ AURORA DENVER ♦ ENGLEWOOD	(2) 63 (3) 54 (5) 41	----- ----- 43 -----

ITEM	COMMODITY	FROM	TO	RATES	ROUTE
1400 CON- CLUDED	(2) MIN. WT. 10,000 LBS. (3) MIN. WT. 15,000 LBS. (5) MIN. WT. 24,000 LBS. (SUBJECT TO ITEM 240) (E) ♦		♦ GOLDEN ♦ LITTLETON ♦ LOUVIERS		43 ----- -----
1ST REVISED PAGE 281					
2210	INGOTS, PIGS OR SLABS, ALUMINUM, AS DESCRIBED IN ITEM 13240 OF THE GOVERNING CLASSIFICATION. BILLETS, BLOOMS OR INGOTS, IRON OR STEEL, AS DESCRIBED IN ITEM 104460 OF THE GOVERNING CLASSIFICATION. CASTINGS, ALUMINUM, NOI, AS DESCRIBED IN ITEM 13320 OF THE GOVERNING CLASSIFICATION. CASTINGS, FIBREGLASS, NOI, IN THE ROUGH. CASTINGS, IRON OR STEEL, NOI, OR FORGINGS, IRON OR STEEL, NOI, IN THE ROUGH. (1) MINIMUM WEIGHT 5,000 POUNDS. (2) MINIMUM WEIGHT 10,000 POUNDS. (3) MINIMUM WEIGHT 15,000 POUNDS. (4) MINIMUM WEIGHT 20,000 POUNDS. (SUBJECT TO ITEM 240)	DENVER	GRAND JUNCTION GRAND JUNCTION COLORADO SPRINGS DENVER PUEBLO	(1) 145 (2) 116 (3) 104 (4) 92 (1) 100 (2) 75 (4) 50	87
2ND REVISED PAGE 284					
2290	LIQUORS, BEVERAGE: LIQUORS, ALCOHOLIC, NOI IN GLASS IN BOXES OR CRATES. MINIMUM 5 CASES PER SHIPMENT. LIQUORS, BEVERAGE: BEER, IN CANS OR BOTTLES, IN CASES; WINE, NOI, IN CONTAINERS IN BOXES OR CRATES. MINIMUM 10 CASES PER SHIPMENT.	DENVER	♦ CRAIG GRAND JUNCTION	\$1.31 PER CASE 84¢ PER CASE	25 87
NOTE1: RATES IN THIS ITEM APPLY WHEN THE FOLLOWING NOTATION IS CARRIED ON THE SHIPPER'S BILL OF LADING: "THE ARTICLES LISTED ON THIS BILL OF LADING ARE RELEASED TO A VALUE NOT EXCEEDING \$1.15 PER GALLON." NOTE2: THE AGREED STANDARD WEIGHT PER BOX OR CRATE WILL NOT EXCEED 40 POUNDS PER BOX OR CRATE.					

NOI - DENOTES NOT OTHERWISE INDEXED BY NAME IN THE GOVERNING CLASSIFICATION.

♦ - DENOTES INCREASE.

/ - DENOTES ADDITION.

♠ - DENOTES REDUCTION.

▲ - DENOTES CHANGES IN WORDING WHICH RESULT IN NEITHER INCREASE NOR REDUCTION IN CHARGES.

ROUTE 25 - LARSON TRANSPORTATION COMPANY - DIRECT.

43 - WESTWAY MOTOR FREIGHT INC. - DIRECT.

87 - RIO GRANDE MOTOR WAY, INC. - DIRECT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PITKIN COUNTY DEVELOPMENT CORPORATION,)
P. O. BOX 120, 122 EAST DURANT STREET,)
ASPEN, COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 23786-Transfer
PUC NO. AC-58 TO PONDEROSA AVIATION, INC.,)
DOING BUSINESS AS "PONDEROSA AIRLINES,)
INC." P. O. BOX 309, STEAMBOAT SPRINGS,)
COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
PONDEROSA AVIATION, INC., DOING BUSINESS)
AS "PONDEROSA AIRLINES, INC.," P. O. BOX) APPLICATION NO. 23787
309, STEAMBOAT SPRINGS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A SCHEDULED)
COMMON CARRIER BY AIRPLANE.)

IN THE MATTER OF THE APPLICATION OF)
PONDEROSA AVIATION, INC., P. O. BOX 309,)
STEAMBOAT SPRINGS, COLORADO, FOR A) APPLICATION NO. 23788
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

IN THE MATTER OF THE APPLICATION OF ROCKY)
MOUNTAIN AIRWAYS, INC., 1421 COURT PLACE,)
DENVER, COLORADO, FOR A CERTIFICATE OF) APPLICATION NO. 23827
PUBLIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A SCHEDULED COMMON CARRIER)
BY AIRPLANE.)

July 10, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

That on July 7, 1969, Monarch Aviation, Inc., filed a Motion requesting that the hearing hereinafter referred to be vacated and reset; that said Motion asserted no grounds in support thereof and that said Motion should be denied.

The Commission finds that on May 28, 1969, the Applicant, Ponderosa Aviation, Inc., filed with the Commission three applications,

in one of which applications, it seeks to render transportation service by airplane on schedule as therein described; that on June 30, 1969, Rocky Mountain Airways, Inc., filed an application wherein it seeks authority to render substantially the same type of transportation service as described in the application of Ponderosa Aviation, Inc.; that the applications of Ponderosa Aviation, Inc., were set for hearing on June 17, 1969, to be heard at 10:00 A.M., July 11, 1969; that prior to said date of hearing, Rocky Mountain Airways, Inc., filed a Motion to vacate said hearing and to reset hearing on the applications of Ponderosa Aviation, Inc., and of Rocky Mountain Airways, Inc., on a consolidated basis; that the issues raised are substantially the same and the rights of the parties by consolidating the proceedings thereunder will not be prejudiced; that by such consolidation of the proceedings there will be avoided the taking of duplicatory evidence, the necessity of the appearance of attorneys and witnesses at two separate proceedings and thereby the public interest be better served; and, that an order should be entered as follows:

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application Nos. 23786-Transfer, 23787, 23788, presently set for 10:00 A.M., July 11, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That the Motion filed by Monarch Aviation, Inc., be, and the same hereby is, denied.

That the proceedings on the above-entitled and captioned applications to-wit: Application Nos. 23786-Transfer, 23787, 23788, 23827, be, and the same hereby are, consolidated for hearing and

that a date for said hearing be set with due notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND DISSENTING.

Dated at Denver, Colorado,
this 10th day of July, 1969.

COMMISSIONER HOWARD S. BJELLAND DISSENTING.

I respectfully dissent. The mere fact that a second application seeks substantially the same authority as that sought by a prior Applicant constitutes no reason for vacating and continuing a hearing already properly set by the Commission on the prior application.



Dated at Denver, Colorado,
this 10th day of July, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD L. COOK DBA)
COOK'S PRODUCE)
110 Denargo Market)
Denver, Colorado 80216)
-----)

AUTHORITY NO. M 1299

CASE NO. 4396-M-Ins.

July 22, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 10, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

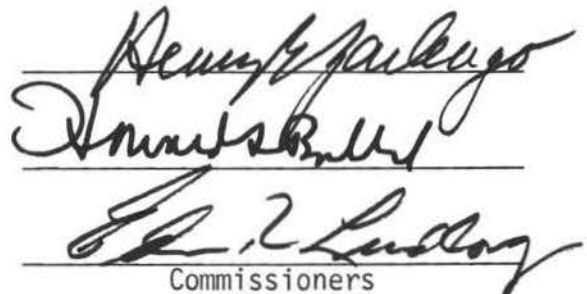
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
22nd day of July, 1969 .

(Decision No. 73272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS OF)
K & D TRUCK LINES, BOX 179, 805-)
3RD, TRIBUNE, KANSAS 67879)

CASE NO. T-12
CERTIFICATE NO. 5151
ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

July 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondent was issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said Respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to maintain a classification tariff as required, and that said Respondent is now conducting motor vehicle operations in violation of said law, rules and regulations.

O R D E R

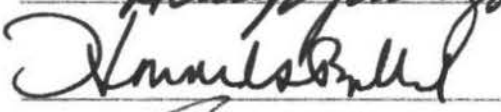
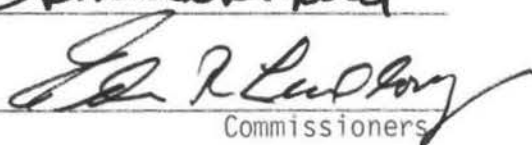
THE COMMISSION ORDERS:

That Respondent, K & D Truck Lines, is hereby directed to appear before the Commission on the day and time set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including but not limited to an Order cancelling the aforesaid Certificate of the Respondent.

That this Case be, and the same hereby is, set for hearing before the Commission, Room 505, Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at 9:30 A.M., on August 14, 1969, at

which time and place such evidence as is proper may be introduced
and such arguments as are material to the issue may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado this
23rd day of July, 1969. dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, NORTH DENVER STORAGE)
COMPANY, DOING BUSINESS AS "WEICKER)
TRANSPORT CO.," 1700 15TH STREET,)
DENVER, COLORADO, UNDER PRIVATE)
CARRIER PERMIT NO. B-802.)

CASE NO. 5398

July 23, 1969

Appearances: Joseph F. Nigro, Esq., Denver, Colorado,
for North Denver Storage Company, doing
business as "Weicker Transport Co.,"
Respondent;
Robert L. Pyle, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Respondent is the owner and operator of Permit No. B-802 which authorizes said Respondent to conduct certain operations as a private carrier by motor vehicle for hire. After an investigation by the Staff of the Commission, the Commission entered Decision No. 73087 dated June 4, 1969, ordering the Respondent to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate for alleged violations by Respondent of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire and, in particular, for leasing equipment and employing drivers with compensation on a percentage basis dependent on gross receipts per trip contrary to Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire.

The Respondent entered into a Stipulation and Agreement with the Staff of the Commission by and through counsel for both parties wherein Respondent admitted the facts constituting the aforementioned violations and, further, that said violations occurred over a period of from November, 1967, to and until February, 1969, and that said violations were contrary to the aforementioned Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire.

The Stipulation and Agreement was tendered to the presiding Commissioner and was accepted as a part of the record in this proceeding.

The Commission finds that the Respondent committed the acts constituting the alleged violations, that the acts constituting the violations were intentionally done by the Respondent, although Respondent may not have realized that such acts constituted violations, and that on the basis of these Findings, the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:


That the authority of North Denver Storage Company, doing business as "Weicker Transport Co.," being Permit No. B-802, be, and the same hereby is, revoked and cancelled as of September 1, 1969; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of One Thousand Two Hundred Fifty Dollars (\$1,250.00) to the Treasurer of the State of Colorado, on or before September 1, 1969, to be deposited to the Public Utilities Commission Motor Carrier Fund No 4-4318, under and pursuant to the provisions of the Public Utilities Act, in which event if said full payment


be made as hereinabove set forth and evidence of payment be furnished to the Commission, the said revocation and cancellation of said authority shall be null and void and of no effect and said authority shall be fully operative.

That the Respondent, North Denver Storage Company, doing business as "Weicker Transport Co.," be, and hereby is, ordered to Cease and Desist from leasing equipment on a percentage basis contrary to Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for hire under Permit No. B-802.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of July, 1969.

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN COLORADO POWER) APPLICATION NO. 23808-Securities
COMPANY TO AMEND ITS MORTGAGE AND)
DEED OF TRUST.)

July 23, 1969

Appearances: John R. Barry, Esq., Denver,
Colorado, and
S. G. Baucom, Esq., Salt Lake
City, Utah, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of the
Commission;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On June 23, 1969, The Western Colorado Power Company filed with this Commission its application No. 23808-Securities to amend its mortgage and deed of trust by removing the \$250,000,000 ceiling limitation on the aggregate principal amount of First Mortgage Bonds outstanding thereunder. Said application was set for hearing after due notice to all interested parties, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission at 10 o'clock a.m., July 18, 1969, in Room 507, Columbine Building, Denver, Colorado, and was then and there heard by the Commission and taken under advisement. No petitions were filed in opposition to the application, and no one appeared at the hearing opposing the authority sought by the application.

The Western Colorado Power Company, hereinafter sometimes called "Western", is an electric public utility subject to the jurisdiction of this Commission, owning and operating an interconnected electric system in southwestern Colorado.

All of Western's outstanding shares of capital stock, except directors' qualifying shares, and all of Western's long-term debt, are owned by Utah Power & Light Company, hereinafter sometimes called "Utah".

Western, being a wholly-owned subsidiary of Utah which is a registered holding company under the Public Utility Holding Company Act of 1935, and Utah, under the provisions of that Act, have filed or will file with Securities and Exchange Commission an Application-Declaration on Form U-1 seeking that Commission's authorization for the proposed transactions and requesting that such authorization be granted under that Commission's Rule 23, without hearing.

Western proposes, subject to the necessary consents, approvals, and permissions of all regulatory authorities having jurisdiction to amend its Indenture dated as of December 1, 1943, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Arthur E. Burke (H. H. Gould, successor), (herein called "Indenture"), as hereinafter described.

The present terms of Utah's Mortgage under which Utah's outstanding First Mortgage Bonds are issued limit the aggregate principal amount of such bonds which may at any one time be outstanding thereunder to \$250,000,000. This limitation is contained in Sections 20 and 136 of the Utah Mortgage and has been unchanged since the original execution of the Mortgage in 1943. Utah's bonds are entitled to the benefit of the Indenture of Western and the common stock and notes of Western are held by Utah and pledged as collateral security under the Utah Mortgage. The Western Indenture in Paragraph 9 contains the same limitation on the amount of obligations for which it can be collateral security as the Utah Mortgage which is \$250,000,000.

All of Western's financing is obtained from Utah, and, thus, Western is dependent upon Utah's ability to obtain adequate and economical bond financing.

At the present time Utah has outstanding under the Mortgage \$186,000,000 aggregate principal amount of bonds. Utah anticipates that its requirements for bond financing during the next three years will

substantially exhaust the maximum allowable bonding under the \$250,000,000 limitation.

In addition to the provision placing a ceiling on the amount of bonds which may be outstanding, the Utah Mortgage also limits the issuance of new bonds, except upon retirement of outstanding bonds, to an amount equal to 60% of net property additions and requires that at the time new bonds are issued adjusted net earnings for 12 out of the preceding 15 months must be at least twice the annual interest requirements on all bonds outstanding including the additional issue. These restrictions continue the protection of the bondholder, yet allow for continued growth, whereas the fixed ceiling limitation on the amount of bonds outstanding takes no account of necessary growth of the Companies. Once the ceiling is reached there are no provisions for financing the required expansion of the Company; therefore Western seeks to amend its Mortgage and Indenture to remove the ceiling limitation of \$250,000,000. Other restrictions on the issuance of bonds under the Mortgage and Indenture will not be affected by the proposed amendments.

F I N D I N G S

THE COMMISSION FINDS:

That The Western Colorado Power Company is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

That the Commission is fully advised in the premises.

That the foregoing Statement be, and it hereby is, adopted as part of the Findings herein.

That the proposed amendment to eliminate the ceiling of \$250,000,000 under the Mortgage and Deed of Trust is not inconsistent with the public interest, and that such amendment is permitted by law.

O R D E R


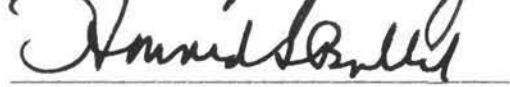

THE COMMISSION ORDERS:

That the application of The Western Colorado Power Company for authority to amend its Indenture dated as of December 1, 1943, Exhibit 1-A in these proceedings, by eliminating the \$250,000,000 limitation as described in the Statement herein, be, and the same hereby is, approved.

That within 60 days after the amendment of this said Indenture is voted upon by bondholders a verified report showing the results of such vote shall be made to this Commission.

That this Commission retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem proper and desirable.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of July, 1969.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. VANDER GIESEN, P. O. BOX 492,)
RIFLE, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) APPLICATION NO. 23708
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

July 23, 1969

Appearances: Gavin D. Litwiller, Esq.
Rifle, Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 17, 1969, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual, who owns and operates a motel in Rifle, Colorado, and presently holds no authority from this Commission.
2. By the instant application, Applicant seeks a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire "for the transportation -- in taxicab service -- of (1) Passengers and their baggage between all points within the City of Rifle, Colorado, and a five (5) mile radius thereof and from and to said points to and from points within Garfield, Mesa and Rio Blanco County, State of Colorado; Transportation -- on call and demand -- of (2) Packages between Rifle, Colorado, and the Garfield County airport. RESTRICTION: Transportation performed under Item No. 2 shall not exceed 100 pounds per shipment regardless of the number of packages involved."
3. At the time of the hearing, Applicant proposed a restrictive amendment that "no office for solicitation of business shall be maintained or pickups be made within the City of Glenwood Springs, Colorado, and a twelve-mile radius thereof." Said restriction was accepted and should be made a part of the authority granted in this proceeding.
4. Applicant has sufficient equipment, experience, and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission, and, if this application is granted, he will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. The operation of a taxicab service in and about Rifle has not been too successful in the past. However, the Rulison Project of the Atomic Energy Commission, the increased activity at the Rifle Airport, and oil shale operations in general have created needs that did not exist before and such an operation should, therefore, be more successful in the future. Further, there was evidence in the record that previous taxicab operation in Rifle did not have the benefit of good management.

7. Applicant appears to not only being capable of running a successful operation, but he also desires to make sure that a taxicab service is available to the public in the City of Rifle.
8. The granting of the authority applied for would meet the existing need and would be in the public interest.
9. The present or future public convenience and necessity requires or will require the authority as hereinafter set forth.
10. The application should be granted and authorized as set forth herein.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application for Certificate of Public Convenience and Necessity authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows, to-wit:

"Transportation -- in taxicab service -- of

- (1) Passengers and their baggage

Between all points within the City of Rifle, Colorado, and a five (5) mile radius thereof and from and to said points to and from points within Garfield, Mesa and Rio Blanco Counties, State of Colorado.

Transportation -- on call and demand -- of

- (2) Packages

Between points within Rifle, Colorado, and the Garfield County airport.

RESTRICTIONS:

- (a) Item No. 2 is restricted to the use of taxicab equipment.
- (b) Transportation performed under Item No. 2 shall not exceed 100 pounds per shipment regardless of the number of packages involved.
- (c) No office for solicitation of business shall be maintained or pickups made within the City of Glenwood Springs, Colorado, and a twelve (12) mile radius thereof."

The Commission has given careful consideration to the record

and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That C. Vander Giesen, Rifle, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

- (1) Transportation -- in taxicab service -- of
Passengers and their baggage

Between all points within Rifle, Colorado, and a five (5) mile radius thereof and from and to said points to and from points within the following Counties of the State of Colorado: Garfield, Mesa and Rio Blanco.

RESTRICTION:

Item 1 of this Certificate is restricted against originating any transportation service within Glenwood Springs, Colorado, and a twelve (12) mile radius thereof.

- (2) Transportation -- on call and demand -- of
Packages

Between points within Rifle, Colorado, on the one hand, and the Garfield County Airport on the other.

RESTRICTION:

Item 2 of this Certificate is restricted as follows:

- (a) Restricted to the use of taxicab equipment.
- (b) Restricted to shipments not exceeding one hundred (100) pounds.

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.


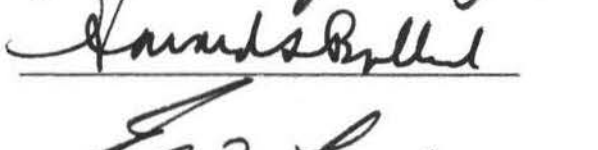

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one (21) from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 23rd day of July, 1969.
jk

(Decision No. 73276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NORMAN W. COYLE, DOING BUSINESS AS)
"CAPITAL CITY DISPOSAL," 2300) PUC NO. 3317
JOLIET, AURORA, COLORADO.)

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holder requesting that he be authorized to do business under the trade name and style: "Capitol City Disposal Company," in lieu of "Capital City Disposal," in the conduct of operations under PUC No. 3317

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

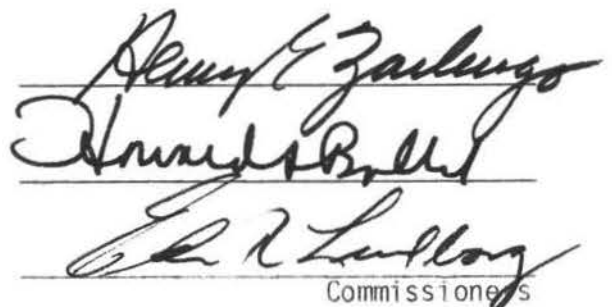
O R D E R

THE COMMISSION ORDERS:

That Norman W. Coyle, doing business as "Capital City Disposal," be, and hereby is, authorized to conduct operations under the trade name and style of Norman W. Coyle, doing business as "Capitol City Disposal Company," in the conduct of operations under PUC No. 3317, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1969.

(Decision No. 73277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BLODGETT UNCRATED FURNITURE)
SERVICE, INC., 845 CHESTNUT S.W.,)
GRAND RAPIDS, MICHIGAN.)

PUC NO. 6458-I

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holder requesting authority to change its corporate name from Blodgett Uncrated Furniture Service, Inc. to Blodgett Furniture Service, Inc., in the conduct of operations under PUC No. 6548-I.

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

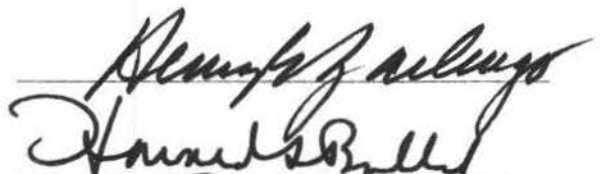
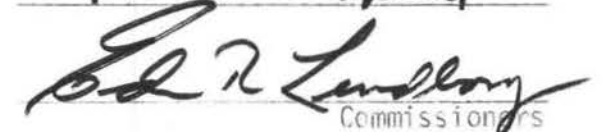
O R D E R

THE COMMISSION ORDERS:

That Blodgett Uncrated Furniture Service, Inc., be, and hereby is, authorized to change its corporate name to Blodgett Furniture Service, Inc., in the conduct of operations under PUC No. 6458-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1969.

(Decision No. 73278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. J. PATTERSON AND GERALD DEAN)
PATTERSON, DOING BUSINESS AS)
"PATTERSON FARMS," RF D,) PUC NO. 5564-I - Transfer
MAITLAND, MISSOURI, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO PATTERSON TRANSPORT,)
INC., RF D, MAITLAND, MISSOURI.)

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, O. J. Patterson and Gerald Dean Patterson, doing business as "Patterson Farms," Maitland, Missouri, were granted a certificate of public convenience and necessity, being PUC No. 5564-I, authorizing operation as a common carrier by motor vehicle for hire:

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in Interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holders now seek authority to transfer said PUC No. 5564-I to Patterson Transport, Inc., Maitland, Missouri.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

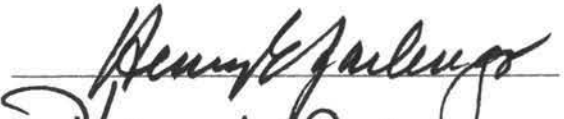


THE COMMISSION ORDERS:

That O. J. Patterson and Gerald Dean Patterson, doing business as "Patterson Farms," Maitland, Missouri, be, and hereby are, authorized

to transfer all right, title and interest in and to PUC No. 5564-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Patterson Transport, Inc., Maitland, Missouri, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NORTH GLENN SUBURBAN COMPANY, A)
COLORADO CORPORATION, 1446 HUDSON,)
DENVER, COLORADO.)

PUC NO. 6591

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holder requesting authority to change its corporate name to Northglenn Suburban Company in lieu of North Glenn Suburban Company in the conduct of operations under PUC No. 6591.

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

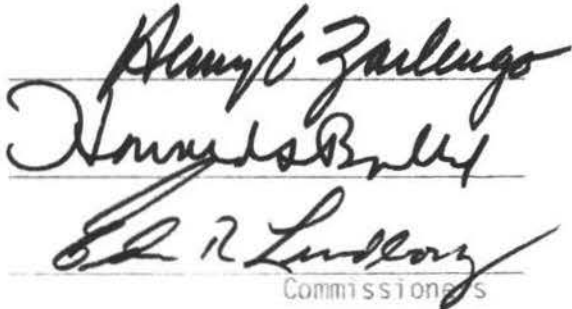
O R D E R

THE COMMISSION ORDERS:

That North Glenn Suburban Company be, and hereby is, authorized to change its corporate name to Northglenn Suburban Company in the conduct of operations under PUC No. 6591, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1969.
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LYLE K. BRANDT, BOX 393, GRANBY,)	
COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 23621-PP</u>
TO OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

July 24, 1969

Appearances: Lyle K. Brandt, Granby,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 5, 1969, the Commission entered Decision No. 73102 in the above-entitled matter.

On June 12, 1969, a Petition for Rehearing was filed with the Commission by the Applicant by John L. Baker, Attorney, together with an Affidavit of William Boyes of the Boyes Insurance Agent, which was granted, and rehearing was held on July 14, 1969, at Denver, Colorado.

At the time of the rehearing the Applicant appeared in person and there were no other appearances.

The Applicant testified in substance and to the effect that he had had some 18 years' experience as a trucker; that he has two trucks adapted for the hauling of sand and gravel and logs and poles; that he himself is in person in charge of, and participates in, the hauling; that he has sufficient financial backing to carry on the operations; that it was through a misplaced reliance on the statements of the insurance agent that the insurance was not properly issued and notice thereof filed with the Commission, all of which he thought had been done; that it had been difficult to obtain the type of insurance which he sought but, however, adequate insurance is now properly on file with the Commission and the premiums thereon have been paid.

The Commission finds that the authority sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Lyle K. Brandt, Granby, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

(6) Rough lumber

From sawmills in said 100 mile radius to markets in the State of Colorado.

RESTRICTION:

Items 5 and 6 of this Permit are restricted against the rendering of any town-to-town service;

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

That operating rights granted herein be, and the same hereby are, known and numbered "Permit No. B-4949," being the number of a permit formerly held by Applicant.

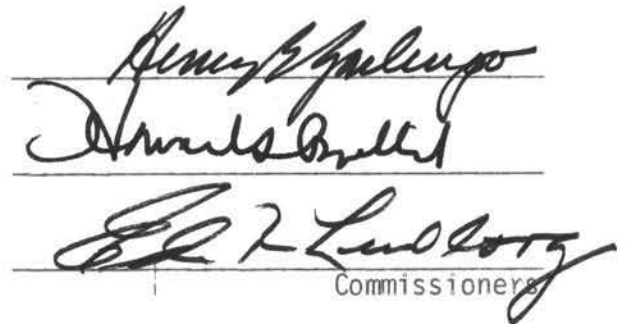
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of July, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE COMPLAINT)
OF SOUTHEAST COLORADO POWER)
ASSOCIATION, a Public Utility with its)
general offices at 901 West Third Street,)
La Junta, Colorado,)

Complainant,)

vs.)

UTILITIES BOARD OF THE CITY OF LAMAR,)

Respondent.)

CASE NO. 5382

IN THE MATTER OF THE COMPLAINT)
OF SOUTHEAST COLORADO POWER)
ASSOCIATION, a Public Utility with its)
general offices at 901 West Third Street,)
La Junta, Colorado,)

Complainant,)

vs.)

UTILITIES BOARD OF THE CITY OF LAMAR,)

Respondent.)

CASE NO. 5395

IN THE MATTER OF THE COMPLAINT)
OF SOUTHEAST COLORADO POWER)
ASSOCIATION, a Public Utility with its)
general offices located at 901 West)
Third Street, La Junta, Colorado,)

Complainant,)

vs.)

UTILITIES BOARD OF THE CITY OF LAMAR,)

Respondent.)

CASE NO. 5396

July 24, 1969

Appearances: Thomas T. Farley, Esq., Pueblo, Colorado, and
Carl M. Shinn, Esq., Lamar, Colorado,
for Southeast Colorado Power Association;
John R. Barry, Esq., Denver, Colorado, and
Harlan Johnson, Esq., Lamar, Colorado,
for Utilities Board of the City of Lamar;
Harry A. Galligan, Jr., Esq., Denver, Colorado,
for the Staff of the Commission.

P R E - T R I A L O R D E R

Pursuant to notice to all parties in interest, the above-entitled matters were heard before Commissioner Howard S. Bjelland at a Pre-Trial Conference at 10 o'clock a.m., June 30, 1969, in the hearing room of the Public Utilities Commission, Denver, Colorado. In the absence of a formal order as to the within Pre-Trial Conference, Counsel for all parties stipulated that such Conference should take place.

As a result of the matters brought to the attention of the Commission during the Pre-Trial Conference, the following Pre-Trial Orders are hereby made by this Commission:

1. All answers in reply to the Subpoena Duces Tecum issued by both parties herein not previously supplied to the opposing Counsel shall be completed and filed, with service on opposing Counsel, not later than August 5, 1969.

2. That the City of Lamar is directed to check the map tendered to it by Counsel for the Plaintiffs herein and to submit on or before August 5, 1969, to Counsel of Complainant, as well as to the Staff of the Commission, a list of any changes that need to be made on such map.

3. That an additional Pre-Trial Conference concerning the matters to be heard herein shall be held in the hearing room of this Commission on Friday, August 15, 1969, at the hour of 10 o'clock, a.m. It is the further Order of this Commission that the following will be supplied to this Commission and to opposing Counsel:

A. All exhibits that will be offered by either side, and all documents that are proposed to be offered by either side.

- B. A concise statement of facts to be given by each side.
- C. A statement by each side of the contested issues of fact.
- D. A statement by each side of the questions of law.
- E. A list of all witnesses and their addresses, and a brief resume of the testimony that those respective witnesses will give.
- F. All stipulations that have been agreed to up to that date by both sides.

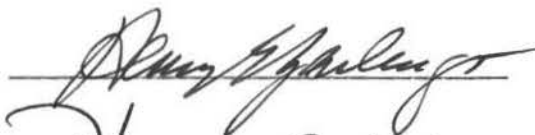
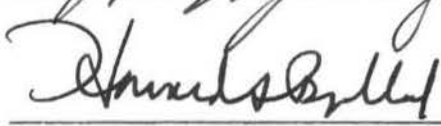

Any additional exhibits, or documents, or witnesses that are not known to the parties as of the date of the Pre-Trial Conference shall be exchanged no later than ten days prior to the actual date of hearing.

4. That the within complaint cases shall be set for hearing November 3rd, 4th, 5th, 6th, and 7th, 1969, and shall be heard in the City of Lamar. The Secretary of the Commission is hereby directed to arrange for the necessary hearing facilities in the said City of Lamar.

5. The Secretary of the Commission is hereby directed to hold the following week, November 10th through 14th, 1969, available for the possible hearing in Application No. 23806, with the understanding that a definite determination on such hearing dates will be made at the time of the next Pre-Trial Conference.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner's

Dated at Denver, Colorado,
this 24th day of July, 1969.

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO SUPPLY)
THE PUBLIC ELECTRIC SERVICE IN THE)
S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, SECTION 26; THE)
E $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 27; THE SE $\frac{1}{4}$ NE $\frac{1}{4}$,)
SECTION 27; E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 27,)
THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34; AND THE)
N $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 35, ALL LOCATED IN)
TOWNSHIP 6 NORTH, RANGE 67 WEST,)
6TH P.M., WELD COUNTY, COLORADO.)

APPLICATION NO. 23718

July 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled matter is presently set for hearing
before the Commission at 10:00 A.M., July 30, 1969, at Denver, Colorado.


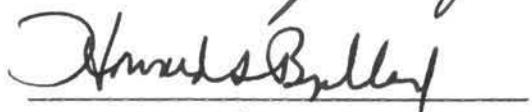

The Commission finds that said hearing should be vacated
and continued.

O R D E R

THE COMMISSION ORDERS:

That the hearing on the above-entitled matter presently set
for 10:00 A.M., July 30, 1969, at Denver, Colorado, be, and the same
hereby is, vacated, and that said matter be continued until further Order
of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of July, 1969.

jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
K. WILLIAM LYDDON, DOING BUSINESS AS)
"LYDDON FLYING SERVICE," RURAL ROUTE) APPLICATION NO. 23745
2, MUNICIPAL AIRPORT, LA JUNTA,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY AIRPLANE.)

July 24, 1969

Appearances: Lewis T. Babcock, Esq., Rocky
Ford, Colorado, for Applicant;
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 5, 1969, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by airplane for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual, doing business as "Lyddon Flying Service."
2. By the instant application, Applicant seeks a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by airplane "for the transportation of persons and property not on schedule but on call and demand from, to and between all points in the State of Colorado with a base of operations at La Junta, Otero County, and airports within a ten-mile radius thereof."
3. No one protested the application and it was heard as a non-contested matter.
4. The existing service is inadequate to meet the particular transportation requirements sought herein.
5. The present and future public convenience and necessity requires or will require the proposed authority.
6. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
7. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
8. Applicant has air taxi authority from the Federal Aviation Agency.
9. The granting of this application will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and issuing to the Applicant a Certificate of Public Convenience and Necessity authorizing operation as a common carrier with authority as follows:

"Transportation by airplane -- on call and demand -- of
Persons and Property
Between all points in the State of Colorado.

RESTRICTIONS:

- (1) Restricted to a base of operations at La Junta, Colorado or airports within a ten (10) mile radius thereof.

- (2) No office or branch shall be established for the purpose of soliciting or developing business at any point other than La Junta and airports within ten (10) miles thereof.
- (3) The holder thereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge passenger rates which shall be at least 120 percent of the per-passenger effective rates of said fixed route air carriers operating on schedule between said points."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That K. William Lyddon, doing business as "Lyddon Flying Service," La Junta, Colorado, be, and hereby is, authorized to operate as a common carrier by airplane on call and demand for the following:

Transportation -- by airplane -- on call and demand -- of
Persons and Property
Between all points in the State of Colorado.

RESTRICTION:

- (1) Restricted to a base of operations at La Junta, Colorado or airports within a ten (10) mile radius thereof.
- (2) No office or branch shall be established for the purpose of soliciting or developing business at any point other than La Junta and airports within ten (10) miles thereof.
- (3) The holder hereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge passenger rates which shall be at least 120 percent of the per-passenger effective rates of said fixed route air carriers operating on schedule between said points;

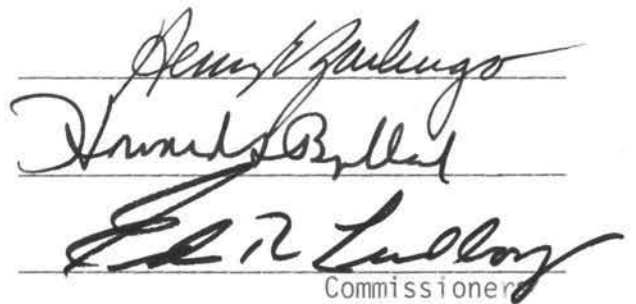
and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, within twenty (20) days from the date hereof.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado,
this 24th day of July, 1969.
ls

(Decision No. 73284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: PETITION OF NATIONAL BUS TRAFFIC)
ASSOCIATION, INC., AGENT, FOR AND ON)
BEHALF OF CERTAIN NAMED MOTOR CARRIERS)
OF PASSENGERS; PETITION OF COLORADO)
MOTORWAY, INC.; PETITION OF ROCKY)
MOUNTAIN MOTOR COMPANY, INC., D/B/A)
COLORADO TRANSPORTATION COMPANY;)
PETITION OF DENVER-BOULDER BUS COMPANY,)
INC., FOR AUTHORITY TO INCREASE CERTAIN)
CHARTER COACH RATES IN CHARTER COACH)
TARIFF A-405, COLORADO PUC NO. 145)

APPLICATION NO. 23597

July 25, 1969

APPEARANCES:

John R. Barry, Esq.,
Denver, Colorado, for National
Bus Traffic Association, Inc.,
American Buslines, Inc.,
Continental Bus System, Inc.
(Continental Rocky Mountain
Lines Division), Denver-
Colorado Springs-Pueblo
Motorway, Inc., Denver-Salt
Lake Pacific Stages, Inc.,
Greyhound Lines, Inc. (Western
Greyhound Lines Division),
Transcontinental Bus System,
Inc. (Continental Central Lines
Division - Continental Western
Lines Division), and Valley
Transit Lines, Inc.,
Respondents;

Walter M. Simon, Esq., Denver,
Colorado, for Rocky Mountain Motor
Company, Inc., d/b/a Colorado
Transportation Company,
Respondent;

David Butler, Esq., and William E.
Murane, Esq., Denver, Colorado,
for Denver-Boulder Bus Company and
Colorado Motor Way, Inc.,
Respondent;

Edward T. Lyons, Jr., Esq., Denver,
Colorado, for Colorado Springs Coach Co.

Christian O. Igenbergs, Esq.,
Denver, Colorado, for the Staff;

Ralph H. Knull and Irven T. Burke,
Denver, Colorado, of the Staff of the
Commission.

STATEMENT

BY THE COMMISSION:

On January 2, 1969, the National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, filed Application No. 51, for and on behalf of the following carriers of passengers:

American Buslines, Inc.
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.

Applications were also received from:

Denver-Boulder Bus Company
Colorado Motor Way, Inc.
Rocky Mountain Motor Company, Inc., d/b/a
Colorado Transportation Company,

seeking authority to increase rates and charges in Colorado intrastate charter coach fares and charges by publication of consecutively numbered Revised Pages to Petitioner's Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145.

The aforesaid applications were assigned Application No. 23597.

Changes in the rates and charges were proposed by National Bus Traffic Association, Inc., Agent, for and on behalf of the following carriers, as follows:

American Buslines, Inc.
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.

- (1) To make the Charter Coach Charges, published in Table C-4, applicable to Colorado Intrastate Charter Coach Movements from all places of origin, in lieu of the Charter Coach Charges presently authorized under Table C-7. A comparison of the Charges authorized in these two Tables of Charges follows:

PRESENTLY EFFECTIVE

TABLE NO. C-7

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
NUMBER OF PASSENGERS PER "CHARTER COACH"	PER "LIVE MILE"	PER "DEADHEAD MILE"	FIRST 5 HOURS OR LESS	TIME CHARGES EACH ADDITIONAL HOUR	MAXIMUM 24-HOUR PERIOD
<u>STANDARD EQUIPMENT</u>					
25 PASSENGERS OR LESS	\$.45	\$.40	\$40.00	\$ 4.00	\$ 96.00
26 PASSENGERS	.4625	.40	41.25	4.00	96.00
27 PASSENGERS	.475	.40	42.50	4.25	102.00
28 PASSENGERS	.4875	.40	43.75	4.25	102.00
29 PASSENGERS	.50	.40	45.00	4.50	108.00
30 PASSENGERS	.5125	.40	46.25	4.50	108.00
31 PASSENGERS	.525	.40	47.50	4.75	114.00
32 PASSENGERS	.5375	.40	48.75	4.75	114.00
33 PASSENGERS	.55	.40	51.25	5.00	120.00
34 PASSENGERS	.5625	.40	51.25	5.00	120.00
35 PASSENGERS	.575	.40	52.50	5.25	126.00
36 PASSENGERS	.5875	.40	53.75	5.25	126.00
37 PASSENGERS	.60	.40	55.00	5.50	132.00
38 PASSENGERS	.6125	.40	56.25	5.50	132.00
39 PASSENGERS	.625	.40	57.50	5.75	138.00
40 PASSENGERS	.6375	.40	58.75	5.75	138.00
41 PASSENGERS	.65	.40	60.00	6.00	144.00
42 PASSENGERS	.6625	.40	61.25	6.00	144.00
43 PASSENGERS	.675	.40	62.50	6.25	150.00
44 PASSENGERS	.6875	.40	63.75	6.25	150.00
45 PASSENGERS	.70	.40	65.00	6.50	156.00
46 PASSENGERS	.7125	.40	66.25	6.50	156.00
<u>SPECIAL EQUIPMENT</u> (WITH LAVATORY)					
37 PASSENGERS OR LESS	.63	.40	55.00	5.50	132.00
38 PASSENGERS	.645	.40	57.50	5.75	138.00
39 PASSENGERS	.66	.40	60.00	6.00	144.00

PROPOSED

TABLE NO. C-4

29 PASSENGERS OR LESS	\$.60	\$.40	\$60.00	\$ 6.25	\$ 150.00
30 PASSENGERS	.60	.40	60.00	6.25	150.00
31 PASSENGERS	.60	.40	60.00	6.25	150.00
32 PASSENGERS	.60	.40	60.00	6.25	150.00
33 PASSENGERS	.60	.40	60.00	6.25	150.00
34 PASSENGERS	.615	.40	61.50	6.45	153.75
35 PASSENGERS	.63	.40	63.00	6.60	157.50
36 PASSENGERS	.645	.40	64.50	6.75	161.25
37 PASSENGERS	.66	.40	66.00	6.90	165.00
38 PASSENGERS	.675	.40	67.50	7.05	168.75
39 PASSENGERS	.69	.40	69.00	7.20	172.50
40 PASSENGERS	.705	.40	70.50	7.35	176.25
41 PASSENGERS	.72	.40	72.00	7.50	180.00
42 PASSENGERS	.735	.40	73.50	7.70	183.75
43 PASSENGERS	.75	.40	75.00	7.85	187.50
44 PASSENGERS	.765	.40	76.50	8.00	191.25
45 PASSENGERS	.78	.40	78.00	8.15	195.00
46 PASSENGERS	.795	.40	79.50	8.30	198.75
47 PASSENGERS	.81	.40	81.00	8.45	202.50
<u>SPECIAL EQUIPMENT</u>					
41 PASSENGERS OR LESS	.80	.40	79.50	8.30	198.75
(APPLICABLE FOR CONTINENTAL TRAILWAYS COMPANIES ONLY.)					

(2) TO PUBLISH THE FOLLOWING ADDITIONAL CHARGES, TO BE ASSESSED ON ALL CHARTER COACH MOVEMENTS OPERATED WITHIN A RADIUS OF ONE HUNDRED AND TWENTY-FIVE (125) MILES OF DENVER, COLORADO SPRINGS, PUEBLO, DURANGO OR GRAND JUNCTION, COLORADO:

- (A) A PICK-UP CHARGE OF TEN (\$10.00) DOLLARS PER BUS TO BE ASSESSED TO THE "PLACE OF ORIGIN" WHEN THE DISTANCE IS MORE THAN (1) MILE FROM COLFAX AND BROADWAY, DENVER, COLORADO, OR WHEN THE DISTANCE IS MORE THAN ONE (1) MILE FROM THE CARRIERS' BUS STATIONS IN COLORADO SPRINGS, PUEBLO, DURANGO OR GRAND JUNCTION, COLORADO.
- (B) A WAITING TIME CHARGE OF FOUR (\$4.00) DOLLARS PER BUS TO BE ASSESSED FOR EACH HOUR OR FRACTION THEREOF IN EXCESS OF ONE (1) HOUR. THIS WAITING TIME CHARGE TO BE IN ADDITION TO ALL OTHER CHARGES, COMPUTED ON EITHER A MILEAGE BASIS OR A TIME BASIS.

CHANGES IN THE RATES AND CHARGES AS PROPOSED BY DENVER-BOULDER BUS COMPANY, COLORADO MOTORWAY, INC., AND ROCKY MOUNTAIN MOTOR COMPANY, INC., D/B/A COLORADO TRANSPORTATION COMPANY, ARE AS FOLLOWS:

TABLE NO. C-7

PRESENT					
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
NUMBER OF PASSENGERS PER "CHARTER COACH"	PER "LIVE MILE"	PER "DEADHEAD MILE"	FIRST 5 HOURS OR LESS	TIME CHARGES EACH ADDITIONAL HOUR	MAXIMUM 24-HOUR PERIOD
<u>STANDARD EQUIPMENT</u>					
25 PASSENGERS OR LESS	\$.45	\$.40	\$ 40.00	\$ 4.00	\$ 96.00
26 PASSENGERS	.4625	.40	41.25	4.00	96.00
27 PASSENGERS	.475	.40	42.50	4.25	102.00
28 PASSENGERS	.4875	.40	43.75	4.25	102.00
29 PASSENGERS	.50	.40	45.00	4.50	108.00
30 PASSENGERS	.5125	.40	46.25	4.50	108.00
31 PASSENGERS	.525	.40	47.50	4.75	114.00
32 PASSENGERS	.5375	.40	48.75	4.75	114.00
33 PASSENGERS	.55	.40	50.00	5.00	120.00
34 PASSENGERS	.5625	.40	51.25	5.00	120.00
35 PASSENGERS	.575	.40	52.50	5.25	126.00
36 PASSENGERS	.5875	.40	53.75	5.25	126.00
37 PASSENGERS	.60	.40	55.00	5.50	132.00
38 PASSENGERS	.6125	.40	56.25	5.50	132.00
39 PASSENGERS	.625	.40	57.50	5.75	138.00
40 PASSENGERS	.6375	.40	58.75	5.75	138.00
41 PASSENGERS	.65	.40	60.00	6.00	144.00
42 PASSENGERS	.6625	.40	61.25	6.00	144.00
43 PASSENGERS	.675	.40	62.50	6.25	150.00
44 PASSENGERS	.6875	.40	63.75	6.25	150.00
45 PASSENGERS	.70	.40	65.00	6.50	156.00
46 PASSENGERS	.7125	.40	66.25	6.50	156.00
<u>SPECIAL EQUIPMENT (WITH LAVATORY)</u>					
37 PASSENGERS OR LESS	.63	.40	55.00	5.50	132.00
38 PASSENGERS	.645	.40	57.50	5.75	138.00
39 PASSENGERS	.66	.40	60.00	6.00	144.00

PROPOSED

TABLE NO. C-3

29 PASSENGERS OR LESS	.57	.40	57.00	5.95	142.50
30 PASSENGERS	.57	.40	57.00	5.95	142.50
31 PASSENGERS	.57	.40	57.00	5.95	142.50
32 PASSENGERS	.585	.40	58.50	6.10	146.25
33 PASSENGERS	.60	.40	60.00	6.25	150.00
34 PASSENGERS	.615	.40	61.50	6.45	153.75
35 PASSENGERS	.63	.40	63.00	6.60	157.50
36 PASSENGERS	.645	.40	64.50	6.75	161.25
37 PASSENGERS	.66	.40	66.00	6.90	165.00
38 PASSENGERS	.675	.40	67.50	7.05	168.75
39 PASSENGERS	.69	.40	69.00	7.20	172.50
40 PASSENGERS	.705	.40	70.50	7.35	176.25
41 PASSENGERS	.72	.40	72.00	7.50	180.00
42 PASSENGERS	.735	.40	73.50	7.70	183.75
43 PASSENGERS	.75	.40	75.00	7.85	187.50
44 PASSENGERS	.765	.40	76.50	8.00	191.25
45 PASSENGERS	.78	.40	78.00	8.15	195.00
46 PASSENGERS	.795	.40	79.50	8.30	198.75
47 PASSENGERS	.81	.40	81.00	8.45	202.50

The Commission, by Decision No. 72558, dated February 18, 1969, found that the application should be assigned for hearing whereby all concerned would be given the opportunity to inquire into the justness, reasonableness, and sufficiency of the proposed increases and charges; that Applicants should be notified and be required to submit information and supporting data to include, among other things, the following:

- A. Balance sheets for each individual Company.
- B. Income statements showing a separation as to Intrastate expenses and revenue, with supporting data such as detailed depreciation schedules.
- C. Colorado and system operating ratios based on the income statement for years 1967 and 1968.
- D. Traffic studies and cost formulas which shall be based upon revenues derived in the years 1967 and 1968, and separated as to Intrastate and Interstate revenue and expenses, including anticipated revenue to show the effect of the proposed increase.
- E. Detailed data to disclose carrier-affiliate purchases relating to price comparisons of purchases from affiliates and other manufacturers;

and that all documentary evidence to be presented by Applicants, should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date.

The Commission by Decision No. 72558 assigned the above said applications for hearing commencing on April 30, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Hearing was held on the above and foregoing date before the Commission, and, at the conclusion thereof, the subject matter taken under advisement by the Commission.

At the hearing, David Butler, Esq., Counsel for Colorado Motorway, Inc., referring to a petition filed with the Commission, requested leave to withdraw for Colorado Motorway, Inc. Leave to withdraw was granted by the Commission to said Respondent.

Edward T. Lyons, Jr., Esq., appeared for Colorado Springs Coach Co., and was excused from participation at the hearing after

receiving permission to receive a copy of the Order to be issued by the Commission.

C. Walters, Assistant Revenue Auditor for Continental Trailways, Inc., (later referred to as "Continental"), testified on behalf of the Respondent Continental Companies (American Buslines, Inc., Continental Bus System, Inc., Denver-Colorado Springs-Pueblo Motorway, Inc., Denver-Salt Lake-Pacific Stages, Inc., Transcontinental Bus System, Inc., Valley Transit Lines, Inc.) and sponsored Respondent's Exhibits A, B and C.

Respondent's Exhibit A consists of nineteen (19) pages and is a traffic study, purporting to show charter bus movements of Continental, handled intrastate in Colorado for four periods of one week each, in February, April, July and November, 1968, present and proposed charges, and the amount of the increases proposed.

The witness testified that from Exhibit A, with reference to selected actual charter moves, increases in charges per passenger would range from a low of twenty-one (21) cents to a high of one dollar eighty-six cents (\$1.86).

The witness further testified that, using actual 1968 figures, and applying the results of the study contained in Exhibit A to these figures, the proposed increases in charter revenues would amount to 35.1% of charter revenues actually earned by Continental in 1968, or \$174,452.15.

Respondent's Exhibit B consists of eight (8) pages, and the first page thereof purports to be a Profit and Loss Statement of Continental, covering Colorado intrastate charter bus operations for the week of February 1 to 7, 1968, both in actual figures at the present rates and in figures reflecting the proposed rate increases. The remaining pages are back-up material for the above Statement.

Witness Walters testified that Exhibit B was prepared in order to determine what actually happens income-wise as far as charters are concerned; that these charters under the present rates produced revenues of \$13,423.74; that this was the same figure that

was shown on the second page of the recapitulation on Exhibit A; that for the study-week charter expenses were calculated to be \$16,321.55, showing a loss for these charters of \$2,897.81, and that the operating ratio for the study-week was 121.6 percent before, and 88.5 percent after adjustment for the proposed rate increases. Both operating ratios were prior to payment of income taxes.

The witness further testified that average depreciation per bus, assigned to charter operations, was \$183.77 per month, or \$44.35 per week, that when said weekly depreciation figure was applied to the number of buses and bus miles operated in the study-week, the depreciation per bus mile was \$.1633.

The witness further testified that for the study-week operators pay and expenses for intrastate charters were \$.1908 cents per mile.

Respondent's Exhibit C consists of one page and purports to be a historical comparison of charter revenues earned in Colorado for the years 1963 to 1968, inclusive.

Witness Walters testified that Exhibit C was prepared to illustrate the continued increase in charter business, and the importance of the charter business and revenues to Continental; that in 1963 charter revenues represented 9.64 percent of Continental's total operating revenues, in 1968 - 14.99 percent, or had increased over 100 percent, but that, conversely, charter per mile expenses increased from 10.59 percent of the total of all expenses in 1963 to 17.28 percent in 1968.

Witness Walters further testified that a loading charge was desirable, especially in the larger cities where charter parties want to be picked up in a given neighborhood; that the additional expenses incurred were not the same as expenses for normal deadhead mileage while returning the bus to the garage; that the neighborhoods were scattered and many miles were involved in the pickup and return, adding to the costs of the Company, because the drivers had to be paid for such additional mileage; that the ten dollar (\$10.00) charge

should not be associated with the deadhead mileage charge as it was considered an added and very valuable service, and that Continental felt entitled to charge for the service; that a waiting time charge of four dollars (\$4.00) per hour should be assessed for each hour in excess of one hour in addition to all other time charges, since additional expenses were incurred while the bus waited, for the return trip in particular, because due to the altitude and low temperatures the motor would be kept running, and the charter parties would use these buses and the facilities therein all day with resultant cleaning problems; that extra mechanics, paid at the rate of time and one-half, were employed on Saturdays for charter buses; that, in addition, on weekends Continental moved an extra bus with operator and a mechanic and a work truck into position to handle emergencies; that extra employees were necessary to handle the charter business, and that the additional charge of four dollars (\$4.00) would compensate the bus company for the added cost of providing charter service. Witness Walters also made some comparisons between round trip charter rates and round trip fares paid by regular scheduled passengers; for example:

Denver to Arapahoe Basin	- cost per person on charter basis \$3.26 (29 passenger bus)
	- cost per person on regular fare \$5.70
Denver to Loveland Basin	- cost per person on charter basis \$3.40 (41 passenger bus)
	- cost per person on regular fare \$5.25
Denver to Vail	- cost per person on charter basis \$4.69 (38 passenger bus)
	- cost per person on regular fare \$9.90
Denver to Winter Park	- cost per person on charter basis \$3.80 (41 passenger bus)
	- cost per person on regular fare \$5.00

On cross examination, Witness Walters admitted that in some cases deadhead miles would be charged, although the bus did not

actually travel the total mileage; that Continental is required to charge deadhead miles under the tariff; that a high percentage, or in excess of 90 percent of deadhead miles charged are actual miles; that no increase in the deadhead charge is sought at this time.

On further cross examination, Witness Walters testified that charter buses were paid for on the basis of a minimum of 33 passengers even though the number of passengers might be less; that charter parties have exclusive use of the bus; that if a charter party orders a 41 passenger bus and only 35 passengers show up, the charges might be adjusted and assessed on a 35 passenger bus basis; that depreciation calculated for the 78 buses assigned to charter operations during the study-week at \$.1633 per bus mile was not a complete in-depth cost study for charters, and that said depreciation expense was several times higher than depreciation for scheduled passenger service buses.

Witness Walters further admitted that the tariff provides for a twenty-five dollar (\$25.00) charge for no-shows or cancellations; that no change is contemplated in the present charge for cancellations; that equipment points are sometimes paper points, and competition is a factor when establishing equipment points; that with reference to the comparisons of the cost per person (charter vs. regular fare) made on direct examination, there is no guarantee that scheduled buses will be filled to capacity, and in fact the load factor on the Denver - Grand Junction run (which serves the points of Arapahoe Basin, Loveland Basin and Vail) for the year 1968 was as follows: Load factor for the month of January, 46 percent; for the month of February, 38 percent; for the month of March, 42.9 percent; for the month of April, 41.8 percent; for the month of May, 41.2 percent; for the month of June, 49.4 percent; for the month of July, 61.5 percent; for the month of August, 60.9 percent; for the month of September, 51.1 percent; for the month of October, 46 percent; for the month of November, 47.6 percent; and for the month of December, 52.8 percent.

Respondent's Exhibits A, B and C were offered and admitted into evidence.

M. G. Gragg, Director of Traffic, Western Greyhound Lines Division, testified for Respondent Greyhound Lines, Inc. (later referred to as "Greyhound") and sponsored Exhibits D, E and F.

Respondent's Exhibit D consists of two pages and purports to be a comparison of the present and proposed charter coach charges applicable in Colorado and the applicable interstate rates.

The witness testified that the Exhibit was designed to show, by number of passengers, the per mile live charges presently assessed, the proposed live mile charges, and the presently effective interstate live mile charges; that presently there is a 29 passenger minimum applicable to Greyhound, but the new rates would be subject to a 33 passenger minimum.

Respondent's Exhibit E consists of one page and purports to be the presently effective Colorado-Utah Area Charter Coach Tariff Number A-405, Colorado PUC No. 145.

Respondent's Exhibit F consists of one page and purports to present detail material of intrastate charters operated from the Denver, Colorado equipment point during the month of March, 1969.

The witness testified that, using the actual figures of charter moves and buses operated for charters originating more than one (1) mile from Colfax and Broadway, with destinations one hundred and twenty-five (125) miles or less from Denver, and applying Greyhound system costs per mile, average deadhead mileage per bus did cost Greyhound seven dollars and twelve cents (\$7.12) per chartered bus. The witness further testified that the ten dollar (\$10.00) pickup charge would compensate Greyhound for the above costs and should be made applicable to the Denver, Colorado equipment point.

Witness Gragg further testified that Greyhound was also seeking a four dollar (\$4.00) per hour waiting time charge, that such charge would be assessed for all time in addition to the first hour at the point of destination; that as the result of increased

competition from private automobiles and airplanes, the bus industry has had to turn to supplemental revenues, such as package express and charters; that it was necessary that the charter portion of the business be operated at a profit; that Greyhound had three equipment points that relate to operations in Colorado: at Raton, New Mexico, which is a paper equipment point; at Denver, wherein they actually keep buses; at Greeley, which they consider to be a paper equipment point.

Respondent's Exhibits D, E and F were offered and admitted into evidence.

Arthur J. Cumming, Assistant to the Controller, Greyhound Lines, Inc., testified for Respondent Greyhound and sponsored Exhibit G.

Respondent's Exhibit G consists of one page and purports to be a Statement of Income and Expenses for Greyhound Central Division in Colorado intrastate charter movements for the year 1968.

The witness testified that the Exhibit was an extract of the charter data contained in Exhibit 32, filed in the passenger and express cases in the previous hearing.

The witness further testified that Greyhound in 1968 had lost \$19,219 in Colorado intrastate charter operations, and that, even had the presently proposed increases been in force, Greyhound still would have lost \$6,151 in said operations.

Respondent's Exhibit G was offered and admitted into evidence.

Charles Dawson, Superintendent, testified for Respondent Denver-Boulder Bus Company and sponsored Exhibit H.

Respondent's Exhibit H consists of one page and purports to be a historical comparison of increases in expenses of Denver-Boulder for intrastate charter operations.

The witness testified that when compared to expenses incurred in the year 1964, expenses in 1968 had increased as follows:

Labor cost for drivers - 24 to 27 percent;
Federal S.S. Tax - 115 percent;

State Sales Tax - 50 percent;
Prices of buses and parts - 10 to 32 percent;
Fuel - 10 percent;
Insurance - 100 percent; and
Supervisory cost - 29 percent.

The witness further testified, that shop labor cost has been further increased on April 1, 1969, by percentages ranging from 8 to 26 percent.

Respondent's Exhibit H was offered and admitted into evidence.

Jerry C. Wilson, Vice President, testified for Respondent Rocky Mountain Motor Company, and sponsored Exhibit I.

Respondent's Exhibit I consists of seventeen pages and purports to be a series of Financial Statements, and a traffic study of charter operations of Respondent.

The witness testified that pages one and two showed the Balance Sheet of Rocky Mountain Motor Company as of December 31, 1968; page three was the Income Statement for the period of time from May 14, 1968, through December 31, 1968, and that for this particular period of time the operating ratio was 95.6 percent; page four was a list of equipment, showing the number of units, their makes, cost, the life as his Company used them, the depreciation for the months up to December 31, 1968, and a projection for the year 1969; page five was an Income Statement for the period May 14, 1968 through December, 1968, showing the operating ratio at 95.6 percent and an operating ratio of 97.7 percent based upon the projected increased revenues and the projected costs for the same period; page six was a summary of the detail of methods used in arriving at the revenues and costs projected on page five; page seven showed the results of a sampling of the actual charter revenues for three periods: July 25, 1968 through July 31, 1968, October 25, 1968 through October 31, 1968, and December 25, 1968 through December 31, 1968. Revenues for the three weeks under the present tariff totaled \$13,638.81, with a projection, if the proposed tariff were in effect, of \$16,480.48, resulting in an overall

increase of 20.8 percent; page eight was an Operating Statement for Rocky Mountain Motor Company for the period of January 1, 1969, through February 28, 1969, showing a loss for the two months of \$31,038, and an operating ratio of 125.4 percent.

Witness Wilson further testified that there was justification for the waiting-time charge and the pickup charge; that it would be a mistake to have different rates or tariffs in effect for different carriers operating out of this particular area; that the rates proposed by Rocky Mountain Motor Company for 29, 30, 31 and 32-passenger buses were somewhat lower than those proposed by the other Respondents, due to the fact that Rocky Mountain have such equipment on hand, and are trying to utilize the equipment to its best advantage.

On cross examination, Witness Wilson admitted that part of the \$6000.00 expense shown in Account 4100, Equipment Maintenance and Garage Expense, Page Five, Exhibit I, should have been reclassified and have been shown as a capital item, and that part of that amount should have been charged to expense, thereby reducing the total projected expenses as shown.

Respondent's Exhibit I was offered and admitted into evidence.

Irven T. Burke, Associate Rate Expert of the Staff of the Commission, testified for the Staff and sponsored Exhibits 1 and 2.

Staff Exhibit 1 consists of six pages and purports to be a summary of the present and proposed rates and charges as shown in Charter Coach Tariff No. A-405, Colorado PUC No. 145.

The witness testified that Exhibit 1 showed the average percentage increases as applied for by the Respondents. The average percentage increase, as proposed by the Respondents, was from an average 10.28 percent for live miles to 28.4 percent for time-charges.

Staff Exhibit 2 consists of thirty-two pages and purports to be a recapitulation of revenues and expenses of ten (10) motor vehicle common carriers for the years 1966, 1967 and 1968.

The witness testified that the Exhibit was prepared by him on the basis of the Annual Reports of the respective carriers, on file with this Commission, and that, on a system-wide basis, the Exhibit showed the revenues and expenses of the carriers, together with an allocation per bus mile operated.

The witness further testified that, on a system-wide basis, including both intrastate and interstate operations, the carriers, generally, showed a profit in charter operations, in 1968, but that some carriers showed a loss.

On cross examination, the witness admitted, that the figures in Exhibit 2 were system figures, and that no attempt had been made to separate intrastate and interstate operations and cost figures.

Staff Exhibits 1 and 2 were offered and admitted into evidence.

FINDINGS

THE COMMISSION FINDS:

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

The Respondents in Application No. 23597:

American Buslines, Inc.
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.
Denver-Boulder Bus Company
Colorado Motor Way, Inc.
Rocky Mountain Motor Company, Inc., d/b/a
Colorado Transportation Company,

are public utilities, as defined in Chapter 115, Colorado Revised Statutes, 1963;

that the Commission has jurisdiction over said Respondents and the subject matter of these proceedings;

that no public witnesses or other carriers appeared at the hearing to protest the proposed increases;

that the Respondent, Colorado Motor Way, Inc., has withdrawn at the hearing on said Application, and that the said Respondent shall therefore have no authority to become a party to any tariff increasing Colorado intrastate charter coach rates, as may be published as a result of this hearing, unless specifically so authorized by this Commission.

The last statewide increases in Colorado intrastate charter coach rates were contained in tariffs filed with this Commission in August, 1964, and became effective on October 1, 1964.

Said filed tariffs increased Colorado intrastate charter coach fares eight (8) to eleven (11) percent above the level of same fares in force prior to October 1, 1964.

On January 2, 1969, National Bus Traffic Association, Inc., Agent, Chicago, Illinois, filed the instant application No. 51 (PUC No. 23597), seeking authority to increase Colorado intrastate charter coach fares and rates for Respondent Continental and Greyhound companies operating in Colorado, by publication of consecutively numbered Revised Pages to the Respondent's Colorado-Utah Area Charter Coach Tariff No. A-405, P.U.C. No. 145, replacing Table C-7 now in force with Table C-4, as enumerated in Procedures and Record, supra, and adding additional time-charges, to be assessed on all charter coach movements operated within a radius of one hundred and twenty-five (125) miles of Colorado Springs, Pueblo, Durango, or Grand Junction, Colorado, to-wit: a pickup charge of ten dollars (\$10.00) per bus to the place of origin when the distance is more than one (1) mile from Colfax and Broadway, Denver, or from the carrier's bus stations in Colorado Springs, Pueblo, Durango or Grand Junction, and a waiting-time charge of four dollars (\$4.00) per bus for each hour or fraction thereof in excess of one (1) hour, computed in addition to all other charges, either on a mileage or time basis.

The said one hundred twenty-five (125) miles are to be computed as road-miles, and not radial or air miles.

Respondents Denver-Boulder Bus Company, Colorado Motorway,

Inc., and Rocky Mountain Motor Company, Inc., d/b/a Colorado Transportation Company, are seeking authority to increase Colorado intrastate charter coach fares essentially to the same extent and in the same manner as Respondents Continental and Greyhound, but with the following differences:

the above three Respondents seek minimum passenger rates of a twenty-nine (29) passenger minimum, instead of thirty-three (33) passengers, and, therefore, establish lower rates for 29, 30, 31 and 32 passenger buses; the same Respondents do not offer special equipment (with lavatory) buses and delete charges for such buses; the same Respondents do not seek authority to charge for pickup and waiting-time; the same three Respondents seek authority to replace presently effective Table C-7 of the Respondent's Colorado-Utah Area Charter Coach Tariff No. A-405, P.U.C. No. 145, with Table C-3, as enumerated in Procedure and Record, supra.

None of the Respondents are applying for any changes in the presently effective late-cancellation, no-show, or damage-to-equipment rules or charges as in force at the present time and as contained in Respondent's Colorado-Utah Area Charter Coach Tariff No. A-405, P.U.C. No. 145.

The evidence established, that Respondent Continental's operating ratio for the study week of charter operations was 121.6% before, and 88.5% after adjustment for the proposed rate increases.

Presently effective charter coach fares and rates which produce the above operating ratio are on their face not compensatory and therefore not just and reasonable.

Charter coach traffic is of significant importance to the Colorado economy and to the public.

The evidence further established, that Colorado intrastate charter coach fares and rates, both present and proposed, are considerably lower than existing interstate rates.

Costs, in particular labor costs, of the Respondents have been rising since the last rate increase in 1964 at a level not commensurate with revenues received.

The evidence further established, that the Respondents have not proven the waiting-time charges of four dollars (\$4.00) to be just and reasonable.

The evidence presented by Respondent Greyhound contained the only more or less thorough study with respect to the cost of pickup charges.

Said study established the costs of such pickup expense for charters originating within a ten mile radius, but more than one mile from the equipment point of the Respondent in Denver to be seven dollars and twelve cents (\$7.12).

The evidence further established, that Respondents Continental and Greyhound own and can offer to the public only buses which can accommodate thirty-three and more passengers, whereas the other Respondents own and operate smaller buses with a lesser seating capacity. The publication of two separate Tables for charter coach rates for the sake of clarity and convenience to the carriers and the public is therefore found to be reasonable.

DISCUSSION:

The Respondents in this proceeding seek to raise Colorado intrastate charter coach bus fares and rates to a level comparable to or somewhat lower than corresponding fares and rates in interstate traffic. It is the claim of the Respondents that present intrastate fares and rates are low in Colorado when compared to interstate traffic or traffic in our neighboring sister states.

In addition, Respondents Continental and Greyhound seek authority to charge a pickup charge of ten dollars (\$10.00) for the picking up of charter coach passengers, when the point of embarkation is more than one (1) mile from the intersection of Colfax and Broadway in Denver, or the bus stations of the carriers in Colorado Springs, Pueblo, Durango, or Grand Junction, and a waiting-time charge of four dollars (\$4.00) for each additional hour, or fraction thereof, in excess of one hour regular waiting-time.

Evidence was presented at the hearing that charter traffic,

though considered "incidental" to the primary service of the Respondent carriers, the transportation of passengers in regular scheduled service, nevertheless is assuming a more important role and developing into an increasingly significant factor as a source of revenue for these carriers.

It has to be borne in mind, that recreation and tourism are significant aspects of the economy of this State, and charter coach traffic is one of the important elements supporting these activities.

Evidence presented at the hearing indicated that, among others, there are two distinct major activities in charter traffic: ski charters and summer recreational charters. The evidence also appeared to show that ski charters are that part of the traffic which is the most costly to the carriers: ski charters are nearly exclusively a weekend activity, entailing idle buses during working-days, and additional costs due to high altitude and low temperature destinations. Respondent Rocky Mountain Motor Company showed a charter coach traffic operating ratio of 125.4% for the months of January and February, 1969, a period of nearly all ski-charter operations.

Summer charters, mostly recreational, are more evenly spaced over the whole week and entail a lesser amount of costs.

Respondent carriers, in spite of the obviously non-compensatory present rates for ski charters, stressed in the testimony presented that they wish to retain ski-charter operations, mainly because of mutual competition. This intention meets with the approval of this Commission, because, as stated above, recreational activities are a significant contributor to the economy of this State.

In order to prevent discrimination between different categories of customers of bus carriers which would inevitably result if the present charter coach rates were retained, charter coach fares and rates should be set at a level where they would be reasonably

compensatory.

On the other hand, it has to be borne in mind, that such fares and rates should not be raised to a level that would cause this type of traffic to be out of the economic reach of the general public.

The evidence presented established that costs incurred by the Respondents in charter coach traffic have outpaced increases in revenues (Respondent's Exhibits A, G and I and testimony of witness Dawson). There appears to be sufficient evidence in the record that increases in charter coach fares and rates are needed in order to keep said fares and rates on a compensatory level, but the question arises whether all proposed increases are just and reasonable. We shall examine them separately.

Respondents Continental and Greyhound propose a ten dollar (\$10.00) pickup charge as stated above. Continental presented some testimony as to a justification in principle of a pickup charge, but did not present exact cost figures. Greyhound, on the other hand, presented undisputed evidence that in Denver, within a distance of approximately ten (10) miles, pickup costs are seven dollars and twelve cents (\$7.12). To allow a ten dollar (\$10.00) pickup charge to become effective, would mean that Respondents would recover 54.5% over and above costs, an allowance far too generous and therefore not just and reasonable. In order to allow Respondents to recover pickup costs and make a reasonable profit, a pickup charge of seven dollars and fifty cents (\$7.50) appears to be justified by the evidence presented and we shall so order.

There seems to be no reason why the Respondents Continental and Greyhound should be singled out as the sole carriers who may charge a pickup charge. To do so may create unfairness in competition between the carriers. Moreover, the evidence presented shows that other carriers have pickup costs similar to Continental and Greyhound. Our Order shall therefore make the above pickup charge applicable to all Respondent carriers.

There remains one more matter to be clarified with regard to pickup charges. The wording of the proposed tariff, if read literally, appears to permit pickup charges anywhere within a one hundred and twenty-five (125) mile road-mile radius, but beyond the one (1) mile distance from the equipment points of the Respondents. Moreover, the proposed tariff does not clearly state when a pickup charge or a charge for deadhead miles would be applicable. On the face of the proposed tariff, it could be a matter of dispute, whether only one or both charges would be applicable. Based on the evidence presented, and in particular, the statements made by witness Walters on direct examination, that only one or the other charge would be applicable, our Order shall provide that the pickup charge of seven dollars and fifty cents (\$7.50) shall be applicable only, when charter coach passengers are picked up at a point more than one (1) mile and not more than ten (10) miles from Colfax and Broadway, Denver, Colorado, or the carrier's bus stations in other towns or cities within the State of Colorado. At points beyond the ten (10) mile limit deadhead charges shall be applicable.

The waiting-time charge of four dollars (\$4.00), as proposed by Respondents Continental and Greyhound, to be assessed on a per bus basis for each hour in excess of one hour of waiting-time and in addition to other time charges, represents a double increase in time charges. The evidence presented by Respondents in support of such charge was not sufficiently clear or strong to establish a definite need of this charge. Staff Exhibit No. 1 clearly showed the average proposed increase for five hours or less waiting-time to be 21.5%, for each additional hour 28.4%, and for a maximum of twenty-four (24) hours 28.0%. These increases appear to be just and reasonable and our Order shall provide for the increases proposed. The additional four dollar (\$4.00) proposed increase in time-charges, however, cannot be found to be established as just and reasonable by the evidence presented, and it shall be denied.

The Respondents presented evidence that an increase in live

mile charges is needed in order to make these fares compensatory. Continental presented a Profit and Loss Statement (Exhibit B) showing an operating ratio in the week of February 1 to 7, 1968, of 121.6% in charter traffic. Although this is a composite operating ratio, including revenues derived from all charter fares and rates presently in effect, the week chosen may or may not be well representative of charter traffic, and we are of the opinion that depreciation expense may be somewhat overstated, nevertheless, on the basis of the evidence presented, we must conclude that present live mile charges are not compensatory for Continental.

Respondent Greyhound presented a Profit and Loss Statement (Exhibit G), calculated by using system revenues and costs and projecting Colorado charter costs and revenues. For the year 1968 Greyhound showed a net revenue loss of \$19,219 in charter traffic. Projecting the proposed rates, the net revenue loss would be reduced to \$6,151. The insufficiency of present rates appears to be clear.

The evidence submitted by Denver-Boulder Bus Company consisted of a one-page document depicting certain operating cost increases for the period of October 15, 1964, to April 1, 1969, (Exhibit H). Although Respondent furnished no supporting data of a clearly probative nature, the increase in costs for charter operations was shown to be substantial.

The evidence submitted by Rocky Mountain Bus Company (Exhibit I) showed an operating ratio for the period of time May 14 through December 31, 1968, as 95.6%.

A projection based on the proposed charter coach fare increases and known increases in expenses, mainly in labor costs, would produce, for the same period of time, an operating ratio of 97.7% with the proposed increases included, and 101.6% with the increases omitted. Although the comments made above with regard to the evidence submitted by Continental to a great extent apply to the evidence submitted by Rocky Mountain Motor Company and, in addition, some of the expense as shown by the Respondent was established

as overstated, the evidence still clearly shows a present need for additional revenues to the Respondent in order to make charter coach fares compensatory.

Considering all of the evidence presented at the hearing, the fact that Respondent Carriers have not been granted an increase in charter coach fares and rates since 1964, or for a five year period, and that it would be unrealistic not to recognize as an economic fact that inflation has meanwhile raised labor costs, prices for buses, parts, fuels, etc. at a considerably faster pace than Respondent Carriers were able to increase revenues, this Commission is of the considered opinion that the proposed increases in live mile fares are just and reasonable, in the public interest and therefore lawful.

Our Order shall so provide.

O R D E R

THE COMMISSION ORDERS:

1. That the Respondents herein shall be authorized to publish increased rates as shown in Tables C-3 and C-4 of the applicable Colorado-Utah Area Charter Coach Tariff No. A-405, P.U.C. No. 145, on or after August 25, 1969, on ten (10) days notice to this Commission and the general public, as provided by the Public Utilities Law of the State of Colorado, and the Rules and Regulations of this Commission.

2. That the Respondents herein be authorized to collect a pickup charge of seven dollars and fifty cents (\$7.50) per bus, said charge to be assessed to the "Place of Origin" when the distance is more than one (1) mile but not more than ten (10) miles from Colfax and Broadway, Denver, Colorado, or the carriers bus stations in other towns or cities within the State of Colorado. At "Places of Origin" beyond the ten (10) mile limit, deadhead charges shall be applicable, and the said pickup charge of seven dollars and fifty cents (\$7.50) shall not be applied.

3. That, in all other respects, the Application of


Respondents herein is denied.

4. That jurisdiction is retained by this Commission to make such further Order, or Orders, in the premises as it may deem to be proper and desirable.

5. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
25th day of July, 1969. dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: TEN PERCENT INCREASE)	
COLORADO BUS INTRASTATE)	
PACKAGE EXPRESS RATES.	)	<u>APPLICATION NO. 23596</u>
-----)	

RE: PETITION OF THE NATIONAL)	
BUS TRAFFIC ASSOCIATION, INC.,)	
FOR AND ON BEHALF OF THE NAMED)	
MOTOR CARRIERS OF PASSENGERS FOR)	
AUTHORITY TO INCREASE PASSENGER	)	<u>APPLICATION NO. 23598</u>
BUS FARES BETWEEN POINTS IN THE)	
STATE OF COLORADO.)	
-----)	

July 25, 1969

Appearances: John R. Barry, Esq., Denver,
Colorado, for National Bus Traffic
Association, Inc., Continental Bus
System, Inc., and Greyhound Lines,
Inc., Respondents;
David Butler, Esq., Denver, Colorado, and
William E. Murane, Esq., Denver, Colorado,
for Denver-Boulder Bus Company and
Colorado Motorway, Inc., Respondents;
Christian O. Igenbergs, Esq., Denver,
Colorado, for the Staff;
Ralph H. Knull and
Irven T. Burke, Denver, Colorado, of the
Staff of the Commission.

STATEMENT

BY THE COMMISSION:

On January 2, 1969, National Bus Traffic Association, Inc.,
Agent, Chicago, Illinois, acting for and on behalf of the following
Colorado Motor Vehicle Common Carriers of passengers and packages:

American Buslines, Inc.
Colorado Motorway, Inc.
Colorado Springs-Limon Transportation Company (Art Walker, d/b/a)
Colorado Transportation Company (Rocky Mountain Motor Company,
Inc. (d/b/a)
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Boulder Bus Company
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.

Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc., d/b/a)
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Leadville Transit Company, Inc., The
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.

filed its application No. 50, dated December 31, 1968, petitioning the Commission for authority to effect a general increase of ten percent (10%) in Colorado Intrastate Package Express Rates, adjusted where necessary, to make the resulting rate end in "0" or "5", with a minimum charge of one dollar and twenty-five cents (\$1.25). In addition, to make the "collection fee" of ten cents (10¢) per shipment, applicable to all Colorado Intrastate Local and Interline Bus Express Shipments forwarded with express charges "collect."

The application was assigned Application No. 23596.

On same date, January 2, 1969, National Bus Traffic Association, Inc., Agent, Chicago, Illinois, acting for and on behalf of the following Colorado Motor Vehicle Common Carriers of passengers:

American Buslines, Inc.
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.

filed its application No. 49, dated December 31, 1968, petitioning the Commission for authority to effect an adjustment in Colorado Intrastate Intercity Passenger Fares, between all points between which the distance is more than twenty-five (25) miles, by the recomputation of such fares on the basis of four (4) cents per mile, adjusted to the next higher "0" or "5", to become effective at the earliest possible date, to be published either in new or amended tariffs on a specific "point to point" basis, or by use of a Master Conversion Table tariff and connecting link supplements.

The application was assigned PUC No. 23598.

The Commission, by Decision Nos. 72556 and 72559 respectively, both said Decisions being dated February 18, 1969, found that the respective applications should be assigned for a public hearing whereby all concerned would be given the opportunity to inquire into the justness, reasonableness, and sufficiency of the proposed increases; that Applicants should be notified and be required to submit information and supporting data to include among other things, the following:

- A. Balance sheets for each individual Company.
- B. Income statements showing a separation as to Intrastate expenses and revenue, with supporting data, such as detailed depreciation schedules.
- C. Colorado and system operating ratios based on the income statements for the years 1967 and 1968.
- D. Traffic studies and cost formulas which shall be based upon revenues derived in the years 1967 and 1968, and separated as to Intrastate and Interstate revenue and expenses, including anticipated revenue to show the effect of the proposed increase.
- E. Detailed data to disclose carrier-affiliate purchases relating to price comparisons of purchases from affiliates and other manufacturers;

and that all documentary evidence to be presented by Applicants should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date.

The Commission, by said Decision Nos. 72556 and 72559 assigned the above-said applications for hearing commencing on April 28, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On February 20, 1969, the Commission by Decision No. 72568, amended, nunc pro tunc, an error in the listing of Respondent Carriers, by substituting in the first paragraph of Decision 72556, the third and fourth Carriers, to read:

Colorado Springs-Limon Transportation Company (Art Walker d/b/a)
Colorado Transportation Company (Rocky Mountain Motor Company,
Inc. d/b/a).

Copies of Decision Nos. 72556, 72559 and 72568 were duly served and notice of the hearing was given to The National Bus Traffic Association, Inc., and the Carriers involved in this matter, parties to the respective applications, as Respondents.

Hearing was held on the above and foregoing date before the Commission.

At the hearing, Application Nos. 23596 and 23598 were consolidated for hearing on a joint record and, at the conclusion of said hearing, the subject matter was taken under advisement.

At the hearing, a Petition for Withdrawal, received by the Commission on April 23, 1969, requesting, by and through its attorney, David Butler, leave to withdraw from the case in Application No. 23596 for Colorado Motorway, Inc., Respondent, was presented and leave to withdraw was granted by the Commission to said Respondent.

Denver-Boulder Bus Company, Respondent, through its attorney, David Butler, stated to the Commission that said Respondent had not complied with the Order of this Commission in the subject matter and had not furnished exhibits as ordered, except for one late exhibit, because of lack of personnel to prepare such exhibits, and requested leave to withdraw from the proceedings, which said leave was granted by the Commission to said Respondent.

C. Walters, System Revenue Auditor for Continental Trailways, Inc. (later referred to as "Continental"), testified on behalf of the respondent Continental companies (American Buslines, Inc.; Continental Bus System, Inc.; Denver-Colorado Springs-Pueblo Motor Way, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; Transcontinental Bus System, Inc.; Valley Transit Lines, Inc.) and sponsored Respondent's Exhibit Nos. 1 to 22.

Respondent's Exhibit 1 consists of a map of the State of Colorado, purporting to show the bus routes of Continental and connecting carriers.

Respondent's Exhibit 2 consists of one page and purports to be a system income statement for Continental companies which operate in the

State of Colorado, for the year 1965.

Respondent's Exhibit 3 consists of one page and purports to be an income statement for income earned within the State of Colorado by the same above companies for the year 1965.

Respondent's Exhibit 4 consists of one page and is essentially the same as Exhibit 2, but computed for the year 1966.

The witness testified that the operating revenues and the operating ratio showed a marked improvement in the year 1966 over 1965 and stated that this improvement was caused by added passenger traffic due to an airline strike.

Respondent's Exhibit 5 consists of one page and is essentially the same as Exhibit 3, but computed for the year 1966.

The testimony of the witness was essentially the same as testified to on Exhibit 4.

Respondent's Exhibit 6 consists of one page and is essentially the same as Exhibits 2 and 4, but computed for the year 1967.

The witness testified that in comparing Exhibits 2, 4 and 6, the Exhibits showed that revenues in the year 1967 were lower than in the year 1966; that while revenues had increased by approximately two cents per passenger mile from 1965 to 1967, expenses had increased by approximately six cents per mile in the same period of time.

Respondent's Exhibit 7 consists of one page and is essentially the same as Exhibits 3 and 5, but computed for the year 1967.

Respondent's Exhibit 8 consists of one page and is essentially the same as Exhibits 2, 4 and 6, but computed for the year 1968.

The witness testified that the Exhibit shows a marked increase in revenues over the year 1967 and an improved operating ratio. The witness further testified that this increase in revenues was caused by and reflects the increase in fares granted by the I.C.C. Since the great bulk of scheduled passenger traffic in Colorado is interstate traffic, an increase in interstate fares is reflected in an improved overall operating ratio.

Respondent's Exhibit 9 consists of one page and is essentially the same as Exhibits 3, 5 and 7, but computed for the year 1968.

The witness testified that the revenues originating in Colorado show an improvement over the year 1967 for the same reasons as testified to on Exhibit 8.

Respondent's Exhibit 10 consists of twenty pages and is a traffic study for the week of June 9 to 15, 1968, purporting to show actual scheduled passenger traffic handled by Continental in the State of Colorado during the study week.

The witness testified that he considers the study week to be well representative of average scheduled passenger traffic because in the experience of Continental it has an average mixture of interstate and intrastate passenger movements.

The witness further stated that the Exhibit was prepared by examining all drivers' reports and all tickets issued during the test week in the State of Colorado; that the Exhibit shows the breakdown of the number of passengers carried, revenue received and passenger miles, between interstate and intrastate traffic, and the increase in revenue which would have accrued, had the proposed changes in fares been in force during the test week.

The increase in intrastate revenue would have amounted to \$3,075 or 3.9% of total Continental scheduled passenger revenues in Colorado, both inter and intrastate.

Respondent's Exhibit 11 consists of two sheets and purports to explain the allocation procedure for revenues and expenses in order to separate Colorado intrastate and interstate traffic.

The witness testified that three factors were readily available for use in making intrastate allocation: passenger miles, passengers and passenger revenue.

The witness further explained the allocation procedure employed by Continental as follows:

The use of passenger revenue is limited because the percentage of revenue applicable to each class of traffic is influenced by the rate charged. For this reason, the use of revenue is confined as an allocating factor to station expenses and traffic solicitation and advertising expenses.

To allocate expenses applicable to intrastate traffic, it is necessary to take into consideration that the service operated in the various areas bears an equal total cost per mile, but when allocated as between interstate and intrastate traffic, this cost will be reflected in relation to the volume of each class of traffic handled. The cost for service operated over a route serving mainly intrastate traffic will be allocated mostly to such intrastate traffic. The cost for a service operated over a route serving mainly interstate traffic will be allocated mostly to such interstate traffic.

No expense is allocated by the use of only one allocating factor. The weight given to each factor, passenger miles, passenger revenue and number of passengers, is shown for each expense account as applied and computed as a "weighted composite percent" applied to the state cost figures. The result is expenses applicable to Colorado intrastate traffic.

The factors used in computing the "weighted composite percent" are taken from the June 9 to 15, 1968, traffic study.

The schedule expenses applicable to intrastate traffic shown on the allocation statement for each account are the total of such expenses as shown on the individual area allocation statements. The "weighted composite percent" shown on the allocation statement is a statistical designation only, based on information as shown, carried out to only three digits.

Respondent's Exhibit 12 consists of twenty-four pages and purports to be an income statement of Continental for the State of Colorado for the year 1968, applicable to intrastate traffic only.

The witness testified that the Exhibit is based on Exhibit 9 and the traffic study as shown in Exhibit 10, applying the procedures contained in Exhibit 11.

The witness further testified that Colorado intrastate traffic for the year 1968, on a basis of passenger miles, shows an operating ratio of 88.3% before income taxes, which is higher when compared to the overall Colorado operating ratio of 86.7% as shown in Exhibit 9. The

witness stated that this comparison in his opinion shows that intrastate traffic does not quite carry its fair share of the expense load.

Respondent's Exhibit 13 consists of four pages and is a traffic study for express movements for the week of June 9 to 15, 1968, and a statement purporting to show allocation of intrastate and interstate revenue for the year 1968 and the anticipated increase in express revenue as applied for.

The witness testified that Respondent is proposing both a rate increase for express shipments and a collection fee of ten cents per shipment. The witness based his opinion that the proposed express charges are fair on the following factors: interstate rates are higher than intrastate rates; express shipment service is a dependable and popular specialized service, both a good revenue provider, but also expensive to the bus companies, because the newer buses have to be built so they could accommodate the express shipments. The ten cents collect charge for collections is meant to offset collection expenses and is industry-wide.

Respondent's Exhibit 14 consists of one page and purports to be a historical comparison of express revenues earned in Colorado by Continental for the years 1963 to 1968, inclusive, and expenses incurred per bus mile.

The witness testified that while the percentage of express revenues was only 9.22% of total operating revenues per mile in 1963, it was 14.75% in 1968. Expenses for express shipments, which were 10.13% per mile in 1963, increased to 17.01% per mile of total operating expenses in 1968.

Respondent's Exhibit 15 consists of one page and purports to be a historical statement showing bus miles operated and expenses for the years 1963 to 1968, inclusive, for Continental.

The witness testified that costs of operating a bus will increase, on an average, approximately 7% per year.

Respondent's Exhibit 16 consists of one page and purports to be

a comparison of wage rates paid by Continental companies operating in Colorado for the years 1965 to 1968, inclusive.

The witness testified that wage increases for bus operators, mechanics and ticket agents are in excess of any increases in passengers and revenues. The witness further testified that the union contract for Continental Rocky Mountain Lines, one of the Continental companies operating in Colorado, has expired on January 16, 1969, and that said contract is being negotiated. The witness did not know what the increase in labor costs would be when an agreement is reached between management of the company and the union, but he felt that there definitely will be an increase in labor costs.

Respondent's Exhibit 17 consists of one page and purports to be a pro forma income statement of Continental for the year 1968 for the State of Colorado, applicable to intrastate traffic only and giving effect to the rate increases applied for in passenger, express and charter traffic.

Respondent's Exhibit 18 consists of one page and purports to be a pro forma income statement of Continental for the year 1968 for the State of Colorado, including both interstate and intrastate revenues and giving effect to the rate increases applied for in passenger, express and charter traffic.

The witness testified that the Exhibit, when compared with Exhibit 17, shows that when revenues are projected in accordance with the increases applied for in intrastate traffic, said intrastate traffic would not place a burden on interstate traffic.

Respondent's Exhibit 19 consists of one page and purports to be a comparison for one-way fares for bus passengers in mileage blocks with same fares in the states neighboring Colorado and interstate fares.

The witness testified that with a few exceptions passenger fares in Colorado are lower than those in the neighboring states.

Respondent's Exhibit 20 consists of two pages and purports to be a schedule of selected Colorado intrastate fares, proposed fares and the amounts of increases or decreases between points.

The witness testified that the proposed passenger fares are based on a flat four cents rate per bus-log-mile, rounding off the cents to the nearest higher five cents. The witness further testified that this method would decrease existing fares between several points in Colorado, because highway miles would be used instead of the formerly used distances which in many cases have been changed by highway construction. The witness was of the opinion that the method of establishing fares as proposed would be more equitable than the method that had been used previously by adding flat percentage increases to existing fares.

The witness further stated that with regard to the proposed express charges Continental now has decided that the sixty-five cents surcharge for flower shipments would not be justified and should be deleted from the proposed tariff.

Respondent's Exhibit 21 consists of four pages and purports to be a series of comparative balance sheets for Continental companies operating in Colorado, as of December 31, 1968.

The witness testified that a comparative balance sheet for one of the Continental companies operating in Colorado, the American Buslines, Inc., has not been submitted yet, but is being prepared and shall be submitted as a late exhibit before the conclusion of the hearing.

The witness further testified that no exhibit has been prepared which would disclose carrier-affiliate purchases as relating to price comparisons of purchases from affiliated and other manufacturers, due to the inability of Respondent to obtain figures for comparable buses built in Europe and in the U.S.A. Only very recently have U.S. manufacturers begun to build buses which would correspond in passenger comfort and price to European-built buses.

Continental does not own a bus-manufacturing subsidiary, but Western Sales Company in Belgium was at one time owned by Continental. The stock of Western Sales Company was spun off to Continental stockholders, who now own said company. Western Sales Company uses only approximately

40% of foreign material when building a bus; 60% of the material and parts come from the U. S. and are built into the bus. Western Sales Company sells buses at the same price to both Continental and other purchasers in the U.S. The prices of Western Sales Company are competitive with U.S.-built bus prices, even lower.

Parts are purchased by Continental from the Bus and Truck Parts Company, a wholly owned subsidiary of Continental. The subsidiary operates on the basis of no profit and discounts any profit made to the purchasing Continental companies. The witness testified that in his opinion Continental does purchase parts from the subsidiary cheaper than they could be purchased in the open bus-parts market.

Another Continental Company that is involved in Colorado operations is the Four-States Realty Company, a wholly owned subsidiary. The subsidiary owns the Denver garage and collects \$2,500 per month in rent from the Continental companies which use said garage. The subsidiary also owns the Pueblo depot and garage and collects \$950 per month in rents, and the Craig depot, for which it collects \$750 per month.

The witness further testified that fuel is purchased locally on the basis of annual competitive bids, oil is purchased from the Bus and Truck Parts Company on a cost basis, some parts are purchased locally, and tires are rented from major tire companies on a mileage basis.

Respondent's Exhibit 22 consists of one page and purports to be a statement showing the annual gross revenues for the year 1968 of the two Continental operating units who have the most of Colorado intrastate passenger traffic--The Continental Rocky Mountain Lines Division and the Denver-Colorado Springs-Pueblo Motorway Southern Division.

Respondent's Exhibit Nos. 1 to 22, inclusive, were offered and admitted into evidence.

Bart Cook, Vice President of Traffic, Western Greyhound Lines, testified for Respondent Greyhound Lines, Inc. (later referred to as "Greyhound").

The witness testified to the need of bus carriers to have an operating ratio lower than motor truck carriers because of higher labor costs and relatively greater investment in deluxe bus and terminal facilities. The witness read into the record a quotation from the 1952 annual report of NARUC, which, referring to ICC Docket No. MCC 550, in his opinion supported the above contention.

Respondent's witness, M. G. Gragg, Director of Traffic for Western Greyhound Lines, testified on behalf of Respondent Greyhound Lines, Inc., and sponsored Respondent's Exhibit Nos. 23 to 29.

Respondent's Exhibit 23 consists of a map of the State of Colorado, purporting to show the bus routes of Greyhound in said State.

Respondent's Exhibit 24 consists of one page and purports to show the makes and number of buses owned and operated by Western Greyhound Lines Division and the number of buses of Greyhound licensed to operate in Colorado.

Respondent's Exhibit 25 consists of one page and purports to be a list of effective bus and charter tariffs in the State of Colorado.

Respondent's Exhibit 26 consists of one page and purports to be a comparison of passenger, express and charter rate increases since the year 1961, in Colorado, neighboring states and interstate.

The witness testified that it is the policy of Greyhound to attempt to raise the level of fares and rates throughout Greyhound's system together, in order to achieve the same rate level in all states.

Respondent's Exhibit 27 consists of one page and purports to be a comparison of present intrastate passenger fares, by selected mileage brackets, in the State of Colorado and neighboring states.

The witness testified that Colorado intrastate rates at present are generally lower than in the neighboring states. In the State of New Mexico a filing has been made for a ten percent increase, which would bring the rates to .0385 cents per passenger mile in that state.

Respondent's Exhibit 28 consists of two pages and purports to be

a comparison of present and proposed package express rates in Colorado interstate traffic and presently effective intrastate rates in Kansas, New Mexico, Utah, Wyoming and interstate traffic.

The witness testified that the proposed increased rates in Colorado intrastate rates are still lower than those in effect in the above states or in interstate traffic.

Respondent's Exhibit 29 consists of three pages and purports to be a photostatic copy of the tariffs referred to in Exhibit 28.

The witness testified to the rising labor costs and prices which in his opinion make it necessary to increase present bus passenger and express rates. The witness further testified that Greyhound supports the elimination of the sixty-five-cent surcharge on flower shipments.

Exhibits 23 to 29 were offered and admitted into evidence.

Arthur J. Cumming, Assistant Controller of Western Greyhound Lines Division, testified for Respondent Greyhound Lines, Inc., and sponsored Exhibits 32, 33 and 34.

Respondent's Exhibit 32 consists of fifteen sheets. The first unnumbered sheet purports to be a statement and explanation of the Exhibit.

The second unnumbered sheet purports to be a condensed balance sheet for Western Greyhound Lines Division as of December 31, 1968.

The third unnumbered sheet purports to be a comparative income and expense statement for Central Greyhound Lines Division for the years 1967 and 1968.

The witness testified that until January 1, 1969, Central Greyhound Lines Division was a separate operating division which included Colorado, and that on the above date said Division had been merged with the Western Division to form one division, the Western Greyhound Lines Division.

The fourth unnumbered sheet purports to be an income and expense statement of Greyhound for the State of Colorado in the years 1967 and 1968.

The next sheet of the Exhibit is numbered "Sheet 1" and purports to be a summary of the income and expenses of Greyhound in Colorado interstate and intrastate operations separately, for the year 1968.

Sheet numbered 2 of the Exhibit purports to be a listing of system operating expenses for the year 1968 of Central Greyhound Lines Division in accordance with the ICC classification of accounts and an allocation by said accounts in cents per mile.

The witness testified that the total cost per mile was 65.33 cents in 1968.

The sheet numbered 3 purports to be a breakdown of the total Colorado expenses of Greyhound in 1968 into interstate and intrastate expenses, with a further breakdown into charter and regular route expenses.

The sheet numbered 4 purports to be a summary of Colorado data used for allocating operating expenses to Colorado intrastate traffic and an explanation of the allocating technique.

The witness testified that the technique used was the same in principle as the technique used by Continental, but that the mechanics were different. The witness further testified that the technique, or formula, used by Greyhound was developed by engineers on the staff of the California Public Utilities Commission some time prior to 1959 and that it is known as "Percents, Variable."

Due to the extensive use of computers, Greyhound does not have to make traffic studies, because continuous data is developed from Greyhound's data processing center. The "Percents, Variable" formula is applied to the data in order to arrive at an allocation of Colorado intrastate expenses.

The sheet numbered 5 of Exhibit 32 purports to be a pro forma income statement adjusted for increases in wage rates and other expenses in the State of Colorado.

The witness testified that expenses anticipated, without increases in fare rates, would raise the operating ratio in Colorado

intrastate traffic in 1968 to 116.55% before taxes and 109.18% after taxes.

Sheet numbered 6 purports to be a projection of increased labor costs, social security taxes and employee pensions, health and welfare cost, due to a new agreement with the Amalgamated Union.

The sheet numbered 7 purports to be a pro forma income statement for Colorado intrastate traffic, giving effect to the proposed rates for the Central Greyhound Lines Division.

The witness testified that with these increases added, the operating ratio in Colorado intrastate traffic would be 102.61% before taxes and 101.45% after taxes.

The sheet numbered 8 purports to be an estimate of additional revenues based on the proposed rate increases, serving as detail and background material for sheet numbered 7.

The sheets numbered 9 of Exhibit 32 consist of three pages and purport to be an explanation of the techniques used in arriving at the figures contained in Exhibit 32.

The witness testified that expenses have been allocated from System to Colorado on the basis of a percentage of Colorado bus miles to System bus miles.

The allocation of expenses from system to state involved no extraordinary problems. This is not the case, however, in allocating expenses between different classes of traffic that are carried on the same vehicle.

There are many variables that require consideration if proper allocations of operating costs are to be made between interstate and intrastate traffic. A major variable that must be considered is that the unit of service is much larger than the sales unit. The unit of service is the bus. The entire cost of operating the bus cannot be charged to one passenger. The bus therefore must carry a substantial number of the sales units in order to break even or show a net income. As there is

no uniformity between operations as to average load, it is most essential that adequate consideration be given this variable in allocating costs between classes of traffic.

Another variable that must be considered is the fact that equal utilization of drivers' time and equipment is not possible on each and every operation. This results in variations in the cost per bus mile of conducting operations.

Another variable is the great variation in the percentage of interstate and intrastate traffic.

In the making of any allocation of expenses between two classes of traffic, these variables plus a number of other important factors require consideration.

There are only three factors readily available for use in making a statewide intrastate allocation: passenger miles, passengers and passenger revenue. The use of revenue as an allocation factor should be somewhat limited in that the percentage of revenue applicable to each class of traffic is influenced by the rates charged. Greyhound has confined the use of revenue as an allocating factor to station expenses and traffic and advertising expenses, or the two functions of the business that deal with sales and sales promotion.

The witness further testified that the weight to be given to each of the factors will vary according to the nature of the operations. In states where there is a substantial volume of relatively short distance operations, studies have shown the passenger weight should be between 55% and 60%. In states where long distance operations and long distance traffic predominate, 40% of the weight is given for passengers.

The witness further testified that Greyhound does wholly own a subsidiary company, the Motor Coach Industries, which manufactures buses. The buses purchased from said affiliate are approximately two thousand dollars (\$2000) lower in price than comparable buses sold by General Motors. Another controlled subsidiary makes bus frames.

Parts and supplies are purchased by the Greyhound System, in order to obtain lower prices because of volume purchasing.

Respondent's Exhibit 33 consists of one page and purports to be a historical recapitulation of increase in operating expenses per bus mile for the Central Greyhound Lines Division for the years 1964 to 1968, inclusive.

The witness testified that in the year 1968 such costs had increased 27.3% over the year 1964.

Respondent's Exhibit 34 consists of one page and purports to be a historical illustration of effective wage rates paid to Greyhound employees from November 1, 1964, to November 1, 1968, and the rates which will become effective on November 1, 1969.

The witness testified that percentage increases in the various labor classifications were from 19.39% to 32.33% over 1964.

Respondent's Exhibits 32, 33 and 34 were offered and admitted into evidence.

On cross-examination the witness testified that profits made by the subsidiaries manufacturing buses are not allocated back to the operating divisions of Greyhound, but are included in the profits of the parent company, Greyhound, Inc.

Irven T. Burke testified for the Staff of the Commission and sponsored Staff Exhibits A, C and D.

Staff Exhibit A consists of two pages and purports to be a summary of the present and proposed passenger fares in Colorado intrastate traffic between selected points and the increases or decreases in percentages of present fares.

The witness testified that according to the Exhibit the higher increases in proposed bus passenger fares are mainly in more densely populated areas.

Staff Exhibit D consists of two pages and purports to be a summary of the present and proposed package express rates in Colorado

intrastate traffic between selected points and the increases or decreases in percentages of present rates.

The witness testified that the average proposed increase is 10.78% over present rates.

Staff Exhibit C consists of thirty-two pages and purports to be a comparative summary of revenues and expenses of ten common motor carriers affected by this proceeding, for the years 1966 to 1968, inclusive, as shown by their respective annual reports to the P.U.C.

The witness testified that operating ratios for some of the Respondent Companies were higher in 1968 as opposed to 1966, but there were also improvements in the operating ratios of the others. Generally, fully allocated costs were lower than revenues of Colorado Intrastate traffic per bus mile in 1968.

On cross-examination the witness testified that he does agree with a uniform rate increase for passenger fares, if the Commission finds that an increase is in the public interest, but that he would advocate a ten percent ceiling or bottom on such increases or decreases between points now served in Colorado, in order not to have sudden large changes in such fares between given points.

Exhibits A, C and D were offered and admitted into evidence.

FINDINGS

THE COMMISSION FINDS:

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

The Respondents in Application No. 23596:

American Buslines, Inc.
Colorado Motorway, Inc.
Colorado Springs-Limon Transportation Company (Art Walker, d/b/a)
Colorado Transportation Company (Rocky Mountain Motor Company, Inc. d/b/a)
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Boulder Bus Company
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.

Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc., d/b/a)
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Leadville Transit Company, Inc., The
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.;

And the Respondents in Application No. 23598:

American Buslines, Inc.
Continental Bus System, Inc.
Continental Rocky Mountain Lines Division
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Greyhound Lines, Inc. (Western Greyhound Lines Division)
Transcontinental Bus System, Inc.
Continental Central Lines Division
Continental Western Lines Division
Valley Transit Lines, Inc.

are public utilities, as defined in Chapter 115, Colorado Revised Statutes, 1963;

that the Commission has jurisdiction over said Respondents and the subject matters of these proceedings;

that the following Respondents in Application No. 23596:

Colorado Springs-Limon Transportation Company (Art Walker d/b/a),
Colorado Transportation Company (Rocky Mountain Motor Company,
Inc. d/b/a),
Denver-Boulder Bus Company,
Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc. d/b/a), and
The Leadville Transit Company, Inc.,

have not submitted any information and supporting data as ordered by this Commission in Order No. 72556, have not appeared, or have withdrawn at the hearing on said Application, and that the said Respondents therefore shall have no authority to become parties to any tariff increasing intrastate package express rates as may be published as a result of this hearing, unless specifically so authorized by this Commission.

The last increase in Colorado intrastate passenger bus fares was authorized by this Commission in Decision No. 64329 on December 30, 1964, said fares to become effective February 10, 1965.

Said increase in fares was a general increase of ten (10) percent.

The last increase in Colorado Bus intrastate Package Express

Rates was filed with this Commission on June 26, 1964, and became effective on August 1, 1964.

Said increase in express rates was a general increase of ten (10) percent.

On February 14, 1967, National Bus Traffic Association, Inc., Agent, acting for and on behalf essentially the same motor vehicle common carriers as are Respondents in the present proceeding, filed with this Commission an application for a general increase of five (5) percent in bus passenger fares in Colorado intrastate traffic.

On May 2, 1967, said National Bus Traffic Association, Inc., filed a Request for Withdrawal of above application and was granted by this Commission leave to withdraw by Decision No. 69474 on May 3, 1967.

On January 2, 1969, National Bus Traffic Association, Inc., Agent, Chicago, Illinois, filed the instant application Nos. 23598 and 23596 with this Commission, seeking to increase Colorado intrastate inter-city passenger fares between all points between which the distance is more than twenty-five (25) miles, by a recomputation of such fares on the basis of four (4) cents per mile, adjusted to the next higher "0" or "5" cents, and to increase Colorado intrastate package express rates by a general increase of ten (10) percent, adjusted, where necessary, to make the resulting rate end in "0" or "5" cents, with a minimum charge one dollar and twenty-five cents (\$1.25), and in addition, to make a collection fee of ten (10) cents per shipment applicable to all Colorado intrastate local and interline bus express shipments forwarded with express charges "collect."

Application 23598 is a departure from methods heretofore employed in this State in rate making for bus passenger fares. Instead of a general percentage increase the proposed basis of fares is stated in fixed cents per passenger mile. The proposed fixed fare basis per passenger mile is four (4) cents when the distance between points of travel is more than twenty-five (25) miles.

This Commission finds that this method of fixed basis per passenger mile is, in principle, reasonable and preferable to a general percentage increase, because it eliminates perpetuating fare inequalities between travel points where distances have shortened due to new highway construction.

The formula employed by Respondent Greyhound to separate Colorado intrastate and interstate expenses (termed "Percents, Variable" by witness Cumming) has been employed in other states, and while the results obtained by means of the use of said formula are only as good as the basic data to which it is applied, it does appear to provide one reasonable method of separation.

The same formula, with minor variations in weighting factors, was employed by Respondent Continental.

The express revenues and expenses were allocated on an actual basis, employing in the case of Respondent Continental a representative study week as the source and in the case of Greyhound computerized annual actual data.

The evidence established that the operating ratio of Respondent Continental in intrastate operations in the State of Colorado for the year 1968 was 88.3% before and 94.5% after taxes.

The evidence further established that the operating ratio of Continental would have been 83.2% before and 92.0% after taxes had the proposed increases in scheduled passenger, express and charter rates been in force throughout the year of 1968.

The same corresponding figures for Respondent Greyhound in the year 1968 were 109.4% and 105.2% actual operating ratio; 102.61% and 101.45% adjusted for the proposed rate increases.

The evidence further established that costs, in particular labor costs, of the Respondents have been rising since the last rate increases in 1964 and 1965 at a level not commensurate with revenues received.

The evidence further established that Colorado intrastate rates now in effect, both passenger and express, with a few exceptions, are among the lowest when compared with corresponding interstate and neighboring states rates

The level of express rates as proposed are still lower than corresponding rates of competing modes of transportation, and the proposed rates would not result in diversion of traffic.

The near-extinction of Colorado intrastate rail passenger service makes good and dependable intercity bus service a necessity for the traveling public in the State of Colorado.

The evidence established that the rate of four cents (4¢) per passenger mile proposed herein for intercity transportation of passengers results in an effective rate of 3.6¢ per passenger mile due to the diluting effect of children's fares, round-trip fares, half and reduced fares for serviceman, clergy, etc.

The evidence further established that the proposed increases in passenger and express rates are sufficient for the purpose of offsetting increasing costs and preserving a sound financial condition of the Respondent Common Carriers in Colorado intrastate operations.

The evidence further established that the proposed sixty-five-cent (65¢) surcharge presently applicable on flower shipments should be deleted from the proposed rates.

DISCUSSION

The Respondents in this proceeding seek to raise scheduled bus passenger fares and package express rates to a level comparable to or somewhat lower than interstate traffic. It is the claim of the Respondents that present intrastate traffic fares and rates are low in Colorado when compared to interstate traffic or traffic in our neighboring sister states.

Evidence was presented and not contradicted (Respondent's Exhibit 16) that labor costs, which constitute the major portion of the carriers'

expenses, were 10.7 to 38.0% higher in 1968 than they were in 1965, depending on the class of labor and operating company.

Furthermore, some labor contracts are being or are due to be renegotiated, and by no turn of logic can we anticipate that labor rates of pay may be negotiated to remain at the present level or move downward.

True, increased costs, and in particular labor costs, can be offset by increased efficiency and an expanded volume of traffic. It has to be borne in mind, however, that barring some future revolutionary innovations in the bus passenger and express traffic, which at the present do not appear to be in the offing, not all increases in expenses can be offset by increased efficiency and an expanded volume of traffic.

The Respondent Carriers have not been granted an increase in fares and rates since 1964, or for a five-year period. It would be unrealistic not to recognize as a fact that inflation has meanwhile raised prices for buses, parts, fuels, etc., and that the carriers' expenses have thus risen faster than have revenues.

There is one more factor to be considered in this connection: the State of Colorado is sparsely settled and the increase in population is only average, when compared to the other states and the nation as a whole. Traffic volume can and is being increased, but it can be only commensurate with the moderate increase of the population of this State.

To a degree, volume is increasing in bus traffic because of the lamentable near-demise of our intrastate passenger trains, but there is another side to the coin: as intrastate passenger trains are abandoned, the travel needs of the public do not diminish and not all former passengers on trains can or are willing to use private cars or airplanes. There is a growing need for substitution of former intrastate trains with buses which would meet the requirements of the traveling public by offering an efficient and attractive service, complete with modern conveniences.

In order to insure such service to the Colorado intrastate traveling public two factors have to be considered: the fares and rates

charged should be fair and reasonable and the carriers should be able to recover enough on their investment in order to be able to replace and maintain attractive equipment. It goes without saying that the carriers have to remain in a sound financial position if they shall be able to secure adequate capital in the money market for this purpose. The question then arises: how do we measure this soundness or reasonably healthy financial condition, which would attract the investor's capital?

There are two methods available to employ: The operating ratio and the rate of return on investment.

While it is not exceedingly difficult to establish a reasonable rate of return for a given fixed utility, the matter becomes somewhat ambiguous when we pursue this avenue of research with regard to motor bus carriers.

There was some evidence presented at the hearing that passenger bus carriers have a higher capital investment ratio than freight carriers, because of the insistence of the traveling public on new buses, equipped with modern conveniences, even luxurious, whereas, as witness Walters put it, "the freight package does not care what kind of truck it is being transported in." While this is not necessarily and absolutely true, because shippers of freight are concerned with quality of service, it nevertheless has to be recognized that passenger bus carriers have to invest in more updated, more sophisticated equipment than freight carriers. In consequence, it has to be recognized that passenger bus carriers have need for a higher capital investment than freight carriers.

The question then is: can we establish a fair and reasonable rate of return for the Respondents?

The Respondents did not present evidence with regard to a rate base and a rate of return thereon. Therefore, there is no evidence before the Commission that could be employed in order to establish a rate of return for the Respondent Companies.

This does not mean that this Commission in future investigations and hearings of a similar nature may not request the carriers proposing fare

and rate changes to present evidence with regard to the effective return on capital investment and a fair and reasonable rate of return, but in the case now before us we cannot apply this method because of lack of evidence.

There remains the other method with regard to which the Respondents presented adequate evidence: the operating ratio. The operating ratio intrastate for Continental in 1968 was 88.3% before and 94.5% after taxes. The proposed increase in fares and rates would lower the ratio to 83.3% before and 92.2% after taxes (Exhibit No. 17). The operating ratios both before and after taxes of Greyhound are above 100%, even with the increase in fares and rates (Exhibit No. 32). Since Greyhound derives only a rather small portion of revenues from Colorado intrastate traffic and even a slight shift in separation procedures of interstate and intrastate traffic may produce variable results, this portion of Respondents' evidence is not considered controlling but only indicative of a need for additional intrastate revenue for Greyhound.

The Respondents presented evidence that in their opinion bus passenger carriers need an operating ratio of close to 80%.

While this Commission recognizes the argument that bus passenger carriers have to invest proportionately more capital in revenue equipment than motor freight carriers, it does not adopt the Respondent's contention that an operating ratio of approximately 80% before taxes is necessary.

Taking into consideration the need for higher capital investment by bus passenger carriers, this Commission is of the opinion that an operating ratio of 93% before income taxes would not be adequate and should not be applied to the Respondent Carriers in this Case.

To set forth a precise operating ratio to be applied, without deviation, to any segment of the transportation industry, is, in our opinion, an extremely difficult, if not impossible task, under existing conditions and circumstances. Until uniform standards regarding certain operating expenses, such as Administrative Expenses, Transportation Expenses, etc.,

are established, this Commission must consider each case on its own merits, giving careful consideration also to arrangements and business dealings with affiliates such as Terminal Companies, Leasing Companies, etc.

This Commission recognizes that the present rate structure of bus passenger fares is outdated and that a general percentage increase would perpetuate existing inequalities between travel points. For this reason, the Commission declares that a method of establishing fares based on a uniform number of cents per passenger miles is fair and reasonable.

The evidence presented by the Staff established, that when this method is applied to fares between travel points in Colorado, the fares in many of the more densely populated areas of the State will be increased to a greater degree than those in the sparsely settled areas, where fares may be even decreased. Staff witness Burke testified that in his opinion, equalization of fares throughout the State should be undertaken in several steps.

While this contention may have some merit, this Commission recognizes that such a method would involve several rate hearings and therefore be unduly burdensome and time-consuming. The disparity between increases and decreases in passenger fares between travel points in the State is not so great as to warrant additional hearings, and the proposed method is considered to be fair and reasonable.

This Commission has carefully considered the proposed passenger rate base of four cents per passenger mile, the resulting fares between travel points in Colorado, and the effect it would have on the revenues and expenses of Respondents. From the evidence presented, the rate base appears to be adequate to produce sufficient additional revenues for the Respondents to place them in a sound financial position in Colorado intra-state traffic.

The proposed package express rate increase, in accordance with the evidence presented, will result in rates substantially below interstate rates, and yet contribute toward the need for additional revenues of the

Respondent motor carrier. It has to be concluded, that the proposed increase is fair and reasonable and therefore lawful.

An appropriate Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the National Bus Traffic Association, Inc., Agent, Chicago, Illinois, acting for and on behalf of the Respondent Colorado Motor Vehicle Common Carriers, effect an adjustment in Colorado Intrastate Inter-city Passenger Fares, between all points between which the distance is more than twenty-five (25) miles, by recomputation of such fares on the basis of four (4) cents per mile, adjusted to the next higher "0" or "5", and the publication of a tariff in accordance with the Rules and Regulations of this Commission.

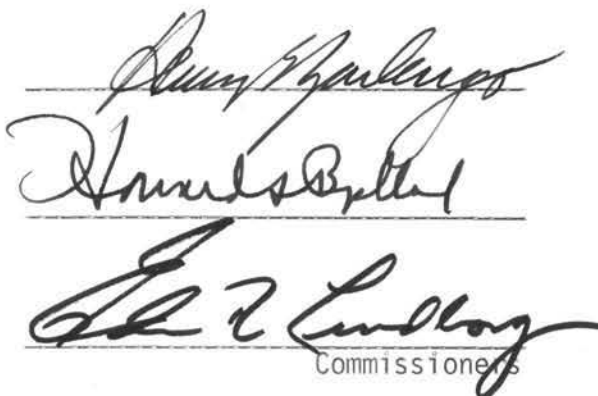
2. That authority to effect a general increase of ten (10) percent in Colorado Intrastate Package Express Rates, with a minimum charge of one dollar and twenty-five cents (\$1.25), and rates adjusted where necessary to make the resulting rate end in "0" or "5" is herewith granted.

3. That in effectuating the said increases in Colorado Intrastate Traffic, specific reference to this Order shall be shown by decision number and date.

4. That jurisdiction is retained by this Commission to make such further Order or Orders, in the premises as it may deem to be proper and desirable.

5. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
25th day of July, 1969. jk

Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DOUGLAS L. FARRIS)
Post Office Box 848)
Aspen, Colorado 81611)
-----)

AUTHORITY NO. M 50
CASE NO. 4434-M-Ins.

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of July, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KENNETH M. WILSON COMPANY INC.)
126 Murphree Avenue)
Centerville, Tennessee 37033)
-----)

AUTHORITY NO. M 77
CASE NO. 4489-M-Ins.

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 15, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

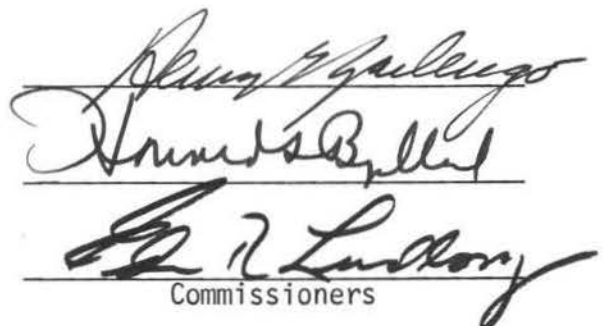
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of July, 1969 .

(Decision No. 73288)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF INCREASED RATES,)
CHARGES AND PROVISIONS WITHIN THE)
STATE OF COLORADO APPLICABLE TO)
USED HOUSEHOLD EFFECTS, ETC.)

INVESTIGATION & SUSPENSION
DOCKET NO. 634

SUPPLEMENTAL ORDER

July 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 27, 1969, by Decision No. 72768, the Commission suspended rates, charges and provisions as proposed in the following Tariffs of the Colorado Transfer and Warehousemen's Association, Agent:

Colorado Movers Tariff No. 2, Colo. PUC No. 1
5th Revised Page No. A-13-B,

Colorado Movers Tariff No. 4, Colo. PUC No. 2
13th Revised Page No. 12
15th Revised Page No. 14
4th Revised Page No. 15
4th Revised Page No. 16
Original Page No. 16-A
24th Revised Page No. 17
7th Revised Page No. 19;

and the following tariff of the Colorado Motor Carriers' Association, Agent:

Local Household Goods Tariff No. 2, Colo. PUC No. 17
1st Revised Page No. 12
6th Revised Page No. 13
2nd Revised Page No. 16
2nd Revised Page No. 17
2nd Revised Page No. 19
2nd Revised Page No. 20
5th Revised Page No. 21
4th Revised Page No. 22

The suspended matter was placed under investigation and suspended to and including July 29, 1969, unless otherwise ordered by the Commission, and the matter set for hearing on June 5, 1969.

On April 16, 1969, by Decision No. 72863, the Commission denied a Petition for Reconsideration and Motion to Vacate, filed by the Respondents

on April 11, 1969.

Hearing was had as scheduled and, at the conclusion thereof, the matter was taken under advisement.

It now appears that the period of suspension will expire prior to the final entry of the Commission's Order in this docket. Therefore, the Commission, on its own motion, finds that the suspended matter set forth herein, shall be further suspended for an additional period of 90 days, or until October 27, 1969.

In view of the above and foregoing, an appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

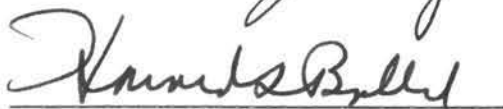
1. That the operation of said proposed rates, charges and provisions, as set forth in Decision No. 72768, dated March 27, 1969, be, and they are hereby, further suspended and the use thereof deferred to and including October 27, 1969, unless otherwise ordered by the Commission.

2. That a copy of this Order shall be filed with the schedules in the Office of the Commission, and that copies hereof be served upon Barbara Beach, Secretary, The Colorado Transfer and Warehousemen's Association, Agent, and J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, and that the necessary extending suspension supplements shall be issued, filed and posted to the schedules referred to in the statement and findings herein.

3. That, except as herein amended, said Decision No. 72768 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioners

Dated at Denver, Colorado, this
24th day of July, 1969. jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARLEY I. KEETER, JR., 6379)
VALMONT DRIVE, BOULDER, COLORADO,) APPLICATION NO. 23714-PP-Extension
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-6154.)

July 25, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 22, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-6154 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-6154, which reads as follows:

"Decision No. 56877: Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways;

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred miles of said pits and supply points;

Sand and gravel

From pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of one hundred miles of said pits and supply points;

Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred miles of said jobs;

Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points;

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials.

Coal

From mines in Northern Colorado, to points in Weld, Boulder, and Denver Counties, Colorado.

Decision No. 61626: EXTENDED to include the right to transport

Baled hay and straw and bulk and sacked feed and grain

Between points within the territory bounded on the west by the Continental Divide, on the south by U.S. Highway 36, and on the north and east by the Colorado State Boundary Lines, and from and to points in said area, to and from points in the State of Colorado.

Decision No. 62604: EXTENDED to include the right to transport farm and ranch supplies

Between points within the territory bounded on the west by the Continental Divide; on the south by U.S. Highway No. 36 extended west to the Continental Divide; and on the north and east by the Colorado State Line; and from and to points in said area, to and from points in the State of Colorado.

Restricted:

No town-to-town service shall be authorized hereby, and that no transportation is authorized to or from points in Park County.

Decision No. 64555: EXTENDED to include the right to transport ores and concentrates, mine and mill supplies and equipment:

(a) Between points in Boulder and Gilpin Counties, Colorado, and

(b) Between points in Boulder County, on the one hand, and, on the other hand, points in the State of Colorado, for Lenway Mining and Development Corporation, only."

3. The authority to which extension is hereby sought, Permit No. B-6154, has been continually operated in the past and is presently in good standing with the Commission.
4. Applicant also holds from this Commission under Certificate of Authority PUC No. 4660-I and an "M" Permit, neither of which are applicable to this hearing.
5. By this application, Applicant seeks to extend Permit No. B-6154 so as to authorize the following:

"Transportation of pipe and pipe accessories between all points in Colorado; restricted, however, to service for Highland Contractors, Inc. and McStain Corporation."
6. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.

11. The granting of the authority will be in the public service and should be granted as hereinafter set forth.
12. The existing authority should be rewritten as hereinafter set forth and, with respect to the transportation of coal, the present authority states:

"from mines in northern Colorado"

Applicant admitted that he interpreted this as being east of the Continental Divide and north of U.S. Highway No. 40. Further, Applicant is agreeable to substituting that more definite description in the authority.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6154 to include:

"Transportation of pipe and pipe accessories between all points in Colorado; restricted, however, to service for Highland Contractors, Inc. and McStain Corporation."

That henceforth the full and complete authority under Permit No. B-6154 shall be as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

Items No. 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Coal

From mines located within that portion of the State of Colorado lying north of U.S. Highway No. 40 and east of the Continental Divide to all points within the Counties of Weld, Boulder, and Denver, State of Colorado.

(6) Baled hay, straw, feed and grain

Between all points located within that portion of the State of Colorado located east of the Continental Divide and north of U.S. Highway No. 36, and from and to said points to and from points in the State of Colorado.

(7) Farm and ranch supplies

Between all points located within that portion of the State of Colorado located east of the Continental Divide and north of U.S. Highway No. 36 and from and to said points to and from points in the State of Colorado.

RESTRICTIONS:

Item No. 7 subject to the following restrictions:

- (a) Restricted against rendering a town-to-town service.
- (b) Restricted against rendering service to or from points in Park County.

(8) Ore, concentrates, mine and mill supplies and equipment

Between all points within the Counties of Boulder and Gilpin, State of Colorado, and from and to said points to and from points within the State of Colorado.

RESTRICTION:

Item No. 8 is restricted to rendering service for one customer only, viz: Lenway Mining and Development Corporation.

(9) Pipe and pipe accessories

Between all points within the State of Colorado.

RESTRICTION:

Item No. 9 is restricted to rendering service for two (2) customers, only, viz: Highland Contractors, Inc. and McStain Corporation."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner,

as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Harley I. Keeter, Jr., Boulder, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-6154 to include the following:

"Transportation of pipe and pipe accessories between all points in Colorado; restricted, however, to service for Highland Contractors, Inc. and McStain Corporation.

That henceforth the full and complete authority under Private Carrier Permit No. B-6154, as extended, shall read and be as follows, to-wit:

Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 100 miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Coal

From mines located within that portion of the State of Colorado lying north of U.S. Highway No. 40 and east of the Continental Divide to all points within the following Counties of the State of Colorado: Weld, Boulder and Denver.

(6) Baled hay, straw, feed and grain

Between all points located within that portion of the State of Colorado located east of the Continental Divide and north of U.S. Highway No. 36, and from and to said points to and from points in the State of Colorado.

(7) Farm and ranch supplies

Between all points located within that portion of the State of Colorado located east of the Continental Divide and north of U.S. Highway No. 36 and from and to said points to and from points in the State of Colorado.

RESTRICTION:

Item 7 of this Permit is restricted as follows:

- (a) Restricted against the rendering of any town-to-town service.
- (b) Restricted against the rendering of any transportation service to or from points in Park County, Colorado.

(8) Ore, concentrates, mine and mill supplies and equipment

Between all points within the following Counties of the State of Colorado: Boulder and Gilpin, and from and to said points to and from points within the State of Colorado.

RESTRICTION:

Item 8 of this Permit is restricted to the rendering of transportation service for only the Lenway Mining and Development Corporation.

(9) Pipe and pipe accessories

Between all points within the State of Colorado.

RESTRICTION:

Item 9 of this Permit is restricted to the rendering of transportation service for only the following-named customers:

Highland Contractors, Inc.
McStain Corporation.




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

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of July, 1969.
ls

(Decision No. 73290)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF ROCKY)
MOUNTAIN NATURAL GAS COMPANY, INC., FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A LATERAL TRANS-)
MISSION LINE FROM ITS EXISTING LINE IN)
HOTCHKISS, DELTA COUNTY, COLORADO, AND)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO EXERCISE FRANCHISE)
RIGHTS IN THE TOWN OF PAONIA, DELTA)
COUNTY, COLORADO, FOR THE PURCHASE, DIS-)
TRIBUTION AND SALE OF GAS, EITHER)
NATURAL, ARTIFICIAL OR MIXED, IN SAID)
TOWN AND ADJACENT AREAS AND FOR THE PUR-)
CHASE, DISTRIBUTION AND SALE OF GAS,)
EITHER NATURAL, ARTIFICIAL OR MIXED,)
IN THE AREAS ADJACENT TO THE LATERAL)
TRANSMISSION LINE BETWEEN HOTCHKISS AND)
PAONIA, COLORADO.)

APPLICATION NO. 23758

SUPPLEMENTAL ORDER

July 28, 1969

Appearances: Grant E. McGee, Esq., Denver, Colorado, and
Wynn M. Bennett, Jr., Esq., Denver, Colorado,
for Applicant, Rocky Mountain Natural Gas
Company;
Harry A. Galligan, Jr., Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By Decision No. 73218 of June 30, 1969, the Commission, in the above-entitled application, stated that it would issue a certificate of public convenience and necessity to Rocky Mountain Natural Gas Company (Applicant) upon certification by the Town Clerk of a vote favorable to Rocky Mountain in the franchise election that was to be held in the Town of Paonia on July 15, 1969. In compliance with said Decision, Rocky Mountain filed with the Commission on July 23, 1969, the results of said franchise election. Statement and Certificate of Determination of the Results of the Election, executed by the Mayor of the Town of

Paonia and certified to by the Clerk under the seal of the Town of Paonia, showing the results of the election to be 316 votes for said franchise and 176 votes against said franchise for a total of votes cast of 492.

F I N D I N G S

THE COMMISSION FINDS:

That Rocky Mountain Natural Gas Company having complied with Decision No. 73218 and the voters having voted in favor of said franchise, a Supplemental Order should be issued herein granting the certificate of public convenience and necessity to Applicant.


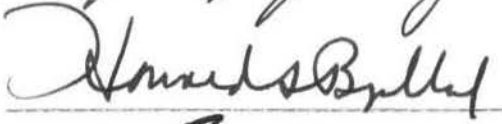

O R D E R

THE COMMISSION ORDERS:

That Rocky Mountain Natural Gas Company be, and hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to construct a lateral transmission line from its existing line in Hotchkiss, Delta County, Colorado, and for a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to exercise franchise rights in the Town of Paonia, Delta County, Colorado, for the purchase, distribution and sale of gas, either natural, artificial or mixed, in said Town of Paonia and adjacent areas and for the purchase, distribution and sale of gas, either natural, artificial or mixed, in the areas adjacent to the lateral transmission line between Hotchkiss and Paonia, Colorado.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado, this
28th day of July, 1969. jk
Secretary

(Decision No. 73291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE WESTERN COLORADO POWER)
COMPANY TO AMEND ITS MORTGAGE AND)
DEED OF TRUST.)

APPLICATION NO. 23808-Securities

July 28, 1969

Appearances: John R. Barry, Esq., Denver,
Colorado, and
S. G. Baucom, Esq., Salt Lake
City, Utah, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of the
Commission;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On July 23, 1969, the Commission entered its Decision and
Order No. 73274 in the above-styled application.

It has been noted that an effective date was not fixed by
the Commission in the body of the Order.

F I N D I N G S

THE COMMISSION FINDS:

That the Decision No. 73274 of July 23, 1969 should be amended
nunc pro tunc as set forth in the Order to follow.

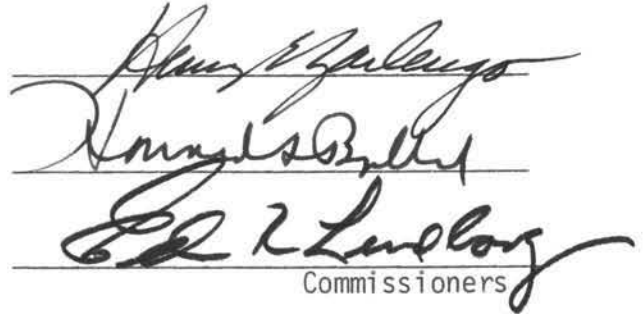
O R D E R

THE COMMISSION ORDERS:

That Decision No. 73274 of July 23, 1969, is amended nunc pro
tunc to include the following paragraph.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1969.
ls

(Decision No. 73292)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE)
CITY OF CANON CITY FOR AUTHORITY TO)
INSTALL AUTOMATIC CROSSING GATES AT THE)
RAILROAD GRADE CROSSING AT FIRST STREET)
AND MILE POST 160.78 OF THE TRACKS OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY IN THE CITY OF CANON)
CITY, COUNTY OF FREMONT, COLORADO.)

APPLICATION NO. 23404

July 28, 1969

Appearances: Roger Breyfogle, City Attorney,
Canon City, Colorado, for Applicant
by R. D. Sickler, Esq., Denver, Colorado;
R. D. Sickler, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above-entitled application was filed with the Commission on September 18, 1968. Subsequently said application was set for hearing before the Commission on July 21, 1969, at the Commission Hearing Room, 500 Columbine Building, Denver, Colorado, and was later reset to date of July 24, 1969, at the same place. After proper notice to all interested persons, firms or corporations, the matter was heard as scheduled by Commissioner Henry E. Zarlengo, to whom it was duly assigned, and was thereafter taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for the proposed addition of crossing gates to the existing flasher signals now installed and functioning at First Street in Canon City, Colorado. Request is made that installation and payment for the added signal devices be made under the provisions of 1963 CRS 115-4-6 (2)(b) relating to the Highway Crossing Protection Fund of this Commission and the

State of Colorado.

At the hearing, testimony in support of the proposed request was given by:

Dillman D. Dimmitt, City Manager, City of Canon City, Colorado;

Karl G. Rathgeber, Crossing and Construction Engineer,
The Denver and Rio Grande Western Railroad Company.

Further, there were no protests submitted at the hearing and the files of the Commission do not indicate any objection to the instant matter. Since all interested parties are desirous that Commission approval be granted and there is an administrative urgency of time with respect to securing and holding state funds being allocated to the Highway Crossing Protection Fund, this Order will therefore become the decision of the Commission.

City Manager Dimmitt identified Exhibit No. 1 as being an Agreement of March 4, 1968, between The Denver and Rio Grande Western Railroad Company and City of Canon City. Included in Exhibit 1 are:

- (a) Copy of Resolution No. 8, Series of 1968 by Council of City of Canon City to authorize execution of the agreement by the City Mayor.
- (b) Copy of Railroad Map (Exhibit A) to show crossing location and addition of gates to existing signal protection.

Mr. Dimmitt described First Street as an access route of the City over the Arkansas River between a residential area on the south and the City business section on the north. The street crosses two Rio Grande tracks which have been protected for many years by standard railroad flasher signals. The street is used by many older residents of the area and for access by State Prison employees. He explained railroad use of the double trackage involves motion of trains in both directions over the crossing. He cited reports of the City Police Department regarding numerous "near accidents," wherein motorists after waiting for the passing of a train, have driven onto the crossing in front of another approaching train that was not immediately visible.

Mr. Dimmitt stated that no State or Federal Aid funds are available to Canon City for the signal improvement work. Further, that limited funds of the City would only allow a City participation of 10% in the costs of the added gate-arm protection. Meanwhile, in the interest of further public safety, other grade crossings in the City are also being examined; with an approval granted by City Council for closing of the Fourth Street crossing, which is not heavily used, and alternate routing is available. In the instant crossing situation, it is the opinion of Mr. Dimmitt that the gate arms are a very satisfactory means for motorist guidance and control.

With further reference to the Agreement (Exhibit No. 1), Mr. Rathgeber identified signature of E. H. Waring, Chief Engineer, and confirmed full execution of the agreement by Rio Grande.

According to testimony by Mr. Rathgeber, use of the two crossing tracks is variable according to seasonal traffic needs; with an average movement of 9 to 10 trains in each direction, or a total of 18 to 20 movements daily over the crossing. With one track as the main line, the second track is used as a passing track, where a train may wait or slowly pass another train on the main track. With the approach and movement of a train on either track, or in either direction, the new gates are power driven to operate in conjunction with the present flasher signals. With a signal warning time of some 30 to 35 seconds before the approach of a train, the gates also swing down into position as a barricade across the roadway on each approach to the crossing, and will continue to remain in the down position until all trains are gone and the crossing tracks are clear.

Estimated cost of the added gate arms is \$5,160, with all work and additional materials being provided by Rio Grande. Final billing will be made on basis of actual costs.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience, and necessity require the addition of gate arms to the automatic railroad flasher light signals at the grade crossing of First Street across the main line and a passing track of The Denver and Rio Grande Western Railroad Company at its Mile Post 160.78 in Canon City, Colorado.

That the circumstances surrounding the use of such crossing, present and future, are such as to require the installation of the additional highway-railroad crossing protection as provided by CRS 1963, 115-4-6 (2)(b), and that the cost of installation and maintenance and the expense of such protection devices shall be allocated as hereinafter set forth.

That no part of the cost of the installation of railroad gate arm protection devices at the crossing will be paid from funds available under any State or Federal Aid Highway act.

That under the administrative urgency of securing and holding state funds being allocated to the Highway Crossing Protection Fund during the current month, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the following Order should become the decision of the Commission pursuant to 115-6-9 (6) CRS 1963, as amended.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, City of Canon City, Fremont County, Colorado, be, and it hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to authorize and approve the installation and operation of added gate arms to the standard railroad flasher signals at the grade crossing of

The Denver and Rio Grande Western Railroad Company at its Mile Post 160.78 (Royal Gorge Route) over and across First Street, Canon City, Fremont County, Colorado.

That the work to be done, installation, and maintenance of the protection devices shall be done by the Railroad Company as set forth in the agreement between the Railroad Company and the City of Canon City as indicated in the preceding Statement, which Statement and Exhibit 1 are by reference made a part hereof.

That it is fair, just, and equitable that City of Canon City shall pay ten percent (10%) of the cost of the installation of proposed additional gate arms to cover its share of benefits received from such installation, and upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said ten percent (10%) therefor shall be forwarded by the Railroad Company to Canon City, which bill shall be paid by the City to the Railroad Company within thirty (30) days of receipt thereof.

That the Railroad Company shall contribute out of its own funds ten percent (10%) of the cost of said signal installation and shall thereafter maintain said installation as its share of the benefits.


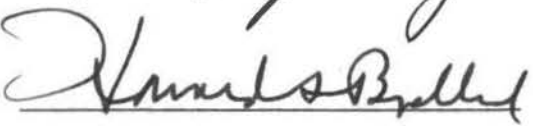

That the remainder, or eighty percent (80%), of the cost of said signal installation shall be contributed out of the Highway Crossing Protection Fund, and upon completion of the proposed work, an itemized statement of the actual costs and a bill covering said eighty percent (80%) thereof shall be forwarded by the Railroad Company to the Public Utilities Commission, which bill shall be paid within thirty (30) days after receipt thereof.

That the proposed gate arm protection devices and installation shall all be in conformance with the current Bulletin for Grade Crossing Protection of the Association of American Railroads.

That the Commission hereby retains jurisdiction to make such further Order, or Orders, as may be required in the instant matter.

This Order shall become effective forthwith as the initial
decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
28th day of July, 1969. jk
Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES RUFUS RATLIFF AND PATRICIA)
JEAN RATLIFF, DOING BUSINESS AS)
"PACK RAT TOURS," 2710 NORTH INSTITUTE,) APPLICATION NO. 23742-Amended
COLORADO SPRINGS, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

July 28, 1969

Appearances: Robert Dunlap, Esq., Colorado Springs,
Colorado, for Applicants;
John R. Barry, Esq., Denver, Colorado,
for San Juan Scenic Jeep Tours,
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 15, 1969, the above-entitled application was filed with the Commission; and May 7, 1969, an amended application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by San Juan Scenic Jeep Tours, Colorado Springs, Colorado.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC."

San Juan Tours, Inc. withdrew its Protest prior to the hearing."

The record further discloses, in view of the above and foregoing, that the protestant of record, as above indicated, withdrew its protest to the granting of the authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are husband and wife, who propose to operate as partners, doing business as "Pack Rat Tours." Applicants presently reside in Colorado Springs but also maintain a residence at the Grand Imperial Hotel in Silverton, Colorado. They presently hold no authority from this Commission.
2. By this application, Applicants seek authority to operate a sightseeing service transporting passengers within a radius of fifty (50) miles of Silverton, Colorado, using 4-wheel drive (jeep-type) vehicles.
3. The application was protested by San Juan Scenic Jeep Tours, which owns and operates Certificates of Authority PUC No. 1846 and PUC No. 5198. Certificate of Authority PUC No. 5198 is a taxicab authority and has no bearing on this proceeding. Certificate of Authority PUC No. 1846 authorizes said Protestant to conduct the same type of service in the area encompassed by this application.
4. The existing service and particularly that of Protestant, San Juan Scenic Jeep Tours, is completely adequate and sufficient to meet the particular transportation requirements sought herein and to grant additional authority, as applied for herein, would endanger the efficient operation of Protestant.
5. The present or future public convenience and necessity does not and will not require the service applied for.
6. There is no present and special need for the service applied for herein and to grant said authority would not be in the public interest.

7. The application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying this application.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

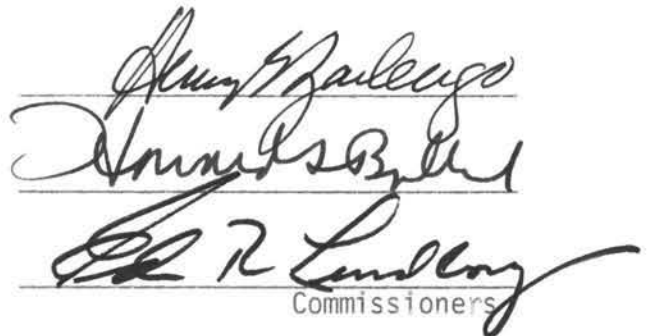
O R D E R

THE COMMISSION ORDERS:

That Application No. 23742-Amended, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of July, 1969.
ls

(Decision No. 73294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF--)	
COLORADO PUC NO. 5, MOUNTAIN STATES	)	<u>INVESTIGATION AND SUSPENSION</u>
TELEPHONE AND TELEGRAPH COMPANY,)	
930 - 15TH STREET, DENVER, COLORADO,	)	<u>DOCKET NO. 636</u>
FILED PURSUANT TO THIS COMMISSION'S)	
DECISION NO. 72921, DATED APRIL 28,	)	<u>SUPPLEMENTAL ORDER</u>
1969.)	

July 29, 1969

Appearances: Luis D. Rovira, Esq., Denver, Colorado,
and
Dennis G. Stack, Esq., Denver, Colorado,
for Mountain States Telephone and
Telegraph Company;
Leonard M. Campbell, Esq., Denver, Colorado,
for the Colorado Municipal League;
and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 11, 1969, a Motion was filed by the Colorado Municipal League relating to telephone charges being made by Mountain States Telephone and Telegraph Company (Company) arising out of the federal income tax surcharge, all of which is more fully set out in said Motion to which reference is hereby made. On July 14, 1969, in its Decision No. 73259, the Commission ordered that a hearing be held on such Motion; and after due and proper notice to all interested parties, such hearing was held on July 24, 1969, at 9 o'clock, a.m., in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado. No basic facts being at issue, the hearing was limited to legal argument, and after conclusion thereof, the matter was taken under advisement.

In its deliberations herein, the Commission has taken official notice of its own Decision Nos. 72385 and 73263, and the certain tariff sheets filed by the Company pursuant to such decisions identified as:

Original Rider Sheet No. 1 and Substitute First Revised Rider Sheet No. 1 of its Local Exchange Tariff

Original Rider Sheet No. 1 and Substitute First Revised Rider Sheet No. 1 of its General Exchange Tariff

Original Rider Sheet No. 1 and Substitute First Revised Rider Sheet No. 1 of its Mobile Telephone Service Tariff

Original Rider Sheet No. 1 and Substitute First Revised Rider Sheet No. 1 of its Long Distance Message Telecommunication Service Tariff

(Tariff Riders).

Such Tariff Riders are identical except for effective dates and tariff references.

FINDINGS OF FACT

The parties hereto base their arguments on the same set of facts, and the Commission hereby specifically adopts same as its own findings, as follows:

1. That the Commission by its Decision No. 72385 authorized Mountain States Telephone and Telegraph Company to impose a surcharge upon telephone rates to compensate the Company for the 10% federal income tax surcharge, stating in the ordering provisions of such Decision as follows:

"2. Applicant [the Company] may file with this Commission a tariff rider providing for an adjustment clause on intrastate Colorado telephone rates on its existing tariffs, such adjustment to provide for a charge of 3.07% of gross revenue in addition to all regularly filed rates. In the alternative, Applicant may file such new and separate tariffs providing for an adjustment clause, the application of which, under the conditions of the 1967 test year, would produce additional gross revenues to Applicant of \$3,745,004. Under either method, such adjustment clause shall be filed to become effective upon not less than

5 days' notice to the Commission, and shall remain effective only as long as the present 10% federal income tax surcharge remains in effect with respect to Applicant." (Emphasis supplied.)

2. Pursuant to said Decision No. 72385, Mountain States Telephone and Telegraph Company has been billing and collecting the amount authorized in connection with the federal income tax surcharge pursuant to the Tariff Riders described in the Statement hereof.

3. The 10% federal income tax surcharge referred to in Finding No. 1 expired on June 30, 1969, although the Congress of the United States is still considering an extension.

4. The Company has continued to apply the said Tariff Riders to customers' bills on and after July 1, 1969, but has accounting records indicating the amounts so billed.

DISCUSSION AND CONCLUSIONS

Little discussion should be necessary to explain the Conclusions of the Commission herein. The ordering provisions of Decision No. 72385 as quoted herein are unequivocal and subject to only one interpretation; namely, that the adjustment clauses or tariff riders intended to compensate the Company for the federal income tax surcharge remain effective only as long as the present 10% federal income tax surcharge is effective with respect to Applicant. The federal income tax surcharge expired on June 30, 1969, and at the present time is not--and has not been since July 1, 1969--in effect with respect to Applicant; and whether or not it may at a later date be extended or renewed retroactively is only conjecture and not fact.

Any rate or tariff filings made under the authority of, and pursuant to a Commission Decision, could not and do not grant the Company any authority in excess of that provided for by such Decision. Consequently, the said Tariff Riders filed in accordance with Decision No. 72385 are effective only during the period or periods while the 10% federal income tax surcharge is actually in effect, and the application of such riders can be made only to current bills and not retroactively.

It should be added that Mountain States Telephone and Telegraph Company has not been without a remedy to protect itself had it needed relief and desired to avail itself of such remedy. Had it desired to collect the surcharge for a limited time after the expiration of the tax surcharge pending outcome of the deliberations of Congress, such collection being subject to refund or other suitable protection against abuse, the Company could have filed an appropriate petition and the Commission could have acted on such petition and made its decision on the facts and the law. There has, however, been no such petition filed, nor has any other request been made by Mountain States Telephone and Telegraph Company for a modification of Decision No. 72385 in this respect. In its argument, the Company has attempted to place the burden on the Commission to initiate action. The burden is clearly on the utility desiring to retain, change or modify rates which have expired and are no longer effective. If a particular rate filing expires, no Commission action is needed to declare that it has so expired.

The Commission concludes that the said Tariff Riders became ineffective as of July 1, 1969, and will continue to remain ineffective until and unless the 10% federal income tax surcharge is reenacted or extended, and that the following order should be entered herein.

O R D E R

THE COMMISSION ORDERS THAT:


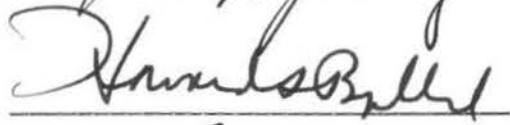

1. Mountain States Telephone and Telegraph Company forthwith cease and desist from applying the surcharge pursuant to the Tariff Riders described herein until such time as the 10% federal income tax surcharge is reenacted and in effect with respect to the Company in the same manner and at the same level as on June 30, 1969; provided, however, that no retroactive application of rates shall be made.

2. Mountain States Telephone and Telegraph Company shall credit to the succeeding month's bill any amounts billed to customers from July 1, 1969, to date resulting from the application of the Tariff Riders mentioned above.

3. The Motion of the Colorado Municipal League, be, and hereby is, granted to the extent and in the manner specified herein.

This Order shall become effective five (5) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
29th day of July, 1969. jk

(Decision No. 73295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER CHAPTER 115-9-4)
(2), CRS 1963, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF LATE ONIONS.)

APPLICATION NO. 23879
EMERGENCY DISTRICT 5-69

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervising Transportation Representative, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of late onions in the Counties of Adams, Baca, Bent, Delta, Montrose, Mesa, Morgan, and Weld, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting late onions in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of late onions in the Counties of Adams, Baca, Bent, Delta, Montrose, Mesa, Morgan, and Weld, Colorado, and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting late onions in only the Counties of Adams, Baca, Bent, Delta, Montrose, Mesa, Morgan, and Weld, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing August 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
29th day of July, 1969. jk

(Decision No. 73296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD O. LAABS)
325 SOUTH 11TH STREET)
COLORADO SPRINGS, COLORADO 80905)
-----)

PERMIT NO. M-10109

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

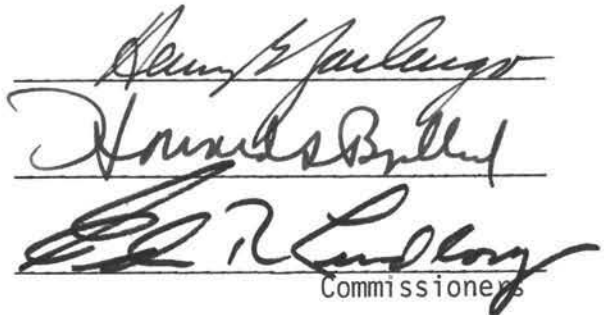
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
H. CLYDE REDINGER, DOING BUSINESS AS)
"REDINGER'S EAST SIDE PHARMACY")
847 EAST PLATTE AVENUE)
COLORADO SPRINGS, COLORADO 80903)

PERMIT NO. M-14202

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

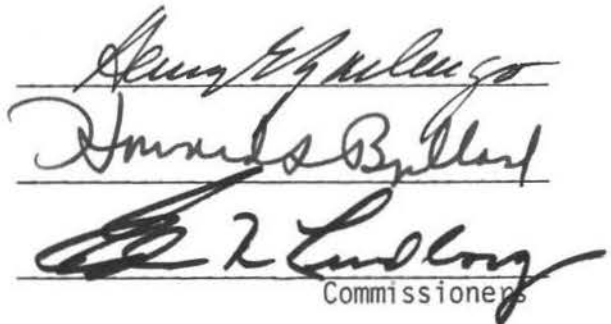
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ART A AND CHARLES A. MATZEN)
DOING BUSINESS AS "MATZEN AND SON")
815 WEST D)
NORTH PLATTE, NEBRASKA 69101)

PERMIT NO. M-3718

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

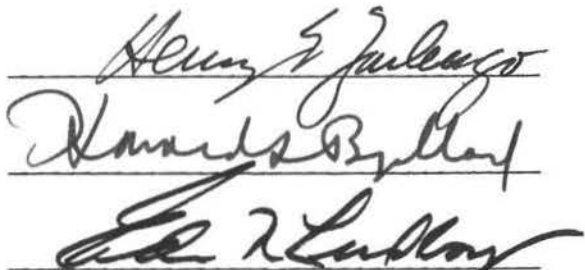
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

(Decision No. 73299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JOHN B. PRIGMORE
617 HOSPITAL ROAD
BRUSH, COLORADO 80723

PERMIT NO. M-598

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

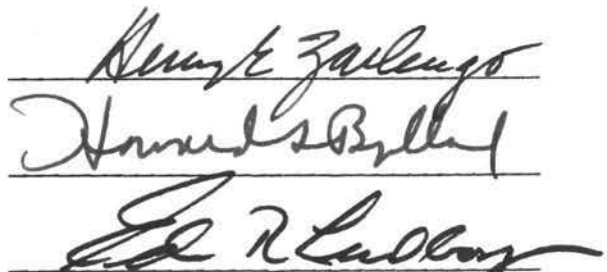
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WERTZ TRUCK LINE, INC.
207 EAST - D - STREET
LAWTON, OKLAHOMA 73501

PERMIT NO. M-402

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 6, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
SILVER ENGINEERING WORKS, INC.
3309 BLAKE STREET
DENVER, COLORADO 80205

PERMIT NO. M-5977

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

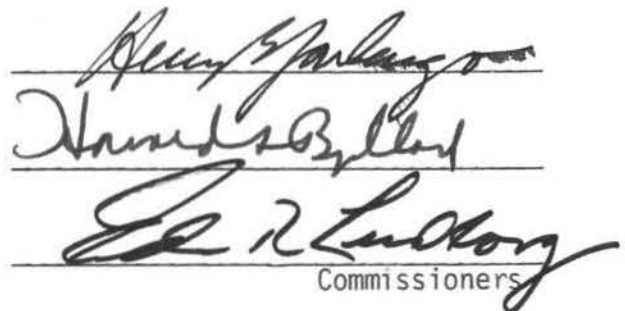
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 25, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

(Decision No. 73302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM L. HOLCOMB
2012 EMPORIA STREET
AURORA, COLORADO 80010

PERMIT NO. M-2531

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

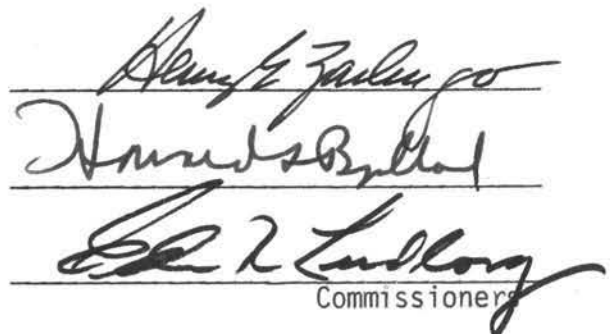
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 14, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
OLIVER P. NACHTMAN, DOING BUSINESS AS
"NACHTMAN SALES COMPANY"
3233 E. 1/2 ROAD
CLIFTON, COLORADO 81520

PERMIT NO. M-9528

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

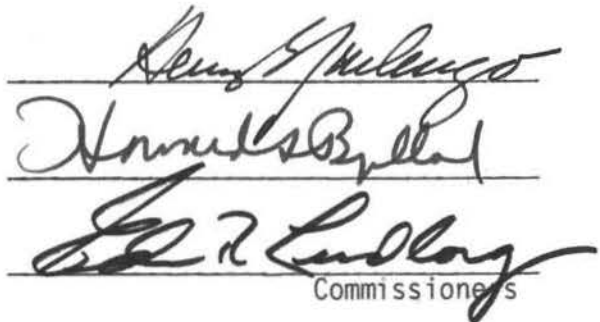
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 17, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JOHN FARWELL, DOING BUSINESS AS
"FARWELL'S COUNTRY STORE
ROUTE 1, BOX 279
BUENA VISTA, COLORADO 81211

PERMIT NO. M-2642

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

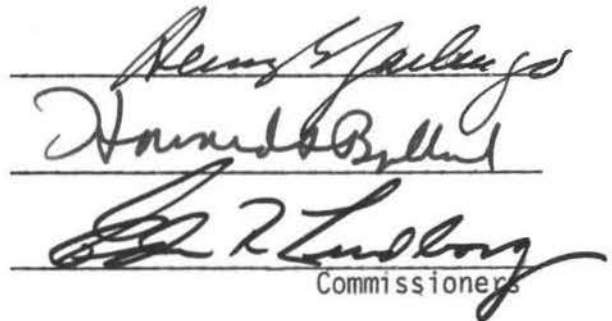
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
OBED VIGIL
1205 E. 13TH
PUEBLO, COLORADO 81001

PERMIT NO. M-2752

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

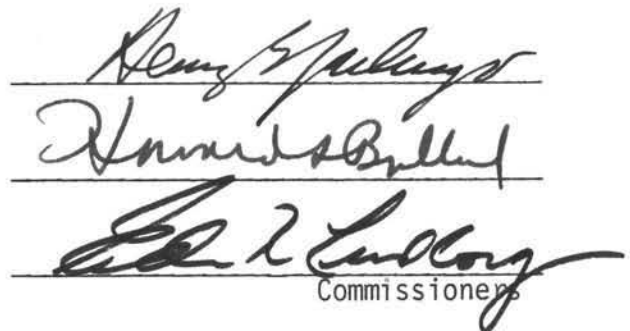
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 25, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73306)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CEILING AND PARTITION CO. INC.
P. O. BOX 1783
DENVER, COLORADO 80201

PERMIT NO. M-3352

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

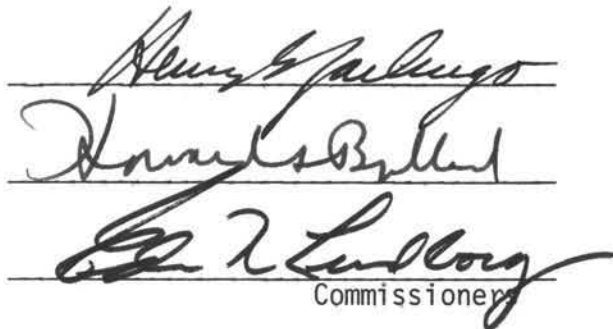
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73307)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
OTTO STREEB, DOING BUSINESS AS)
"OTTO STREEB TRANSFER COMPANY")
630 BIRCH STREET)
WINDSOR, COLORADO 80550)

PERMIT NO. M-3773

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

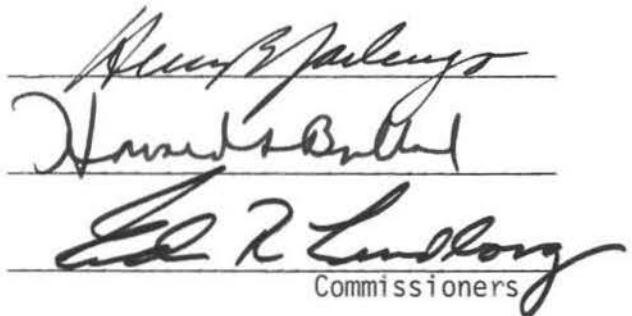
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.

(Decision No. 73308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COOK BROTHERS OIL COMPANY)
501 WEST 45TH AVENUE)
DENVER, COLORADO 80216)

PERMIT NO. M-4001

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

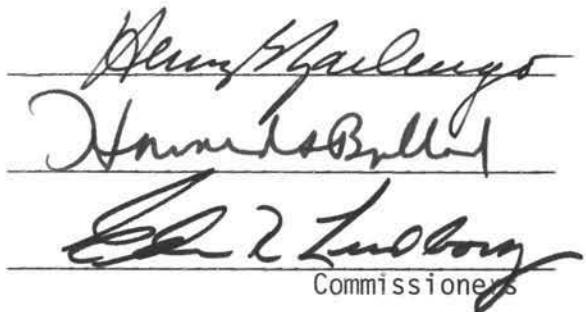
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 25, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES B. PUTMAN, DOING BUSINESS AS)
"PUTMAN IRRIGATION CO.")
318 WEST E STREET)
OGALLALA, NEBRASKA 69153)

PERMIT NO. M-4096

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

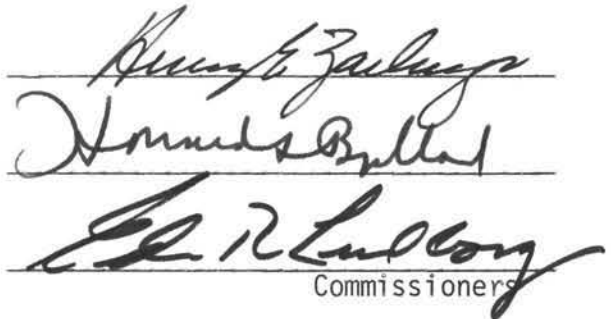
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 17, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JOHN W. GOSSAGE)

P. O. BOX 154)

PINE, COLORADO 80470)

PERMIT NO. M-5444

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

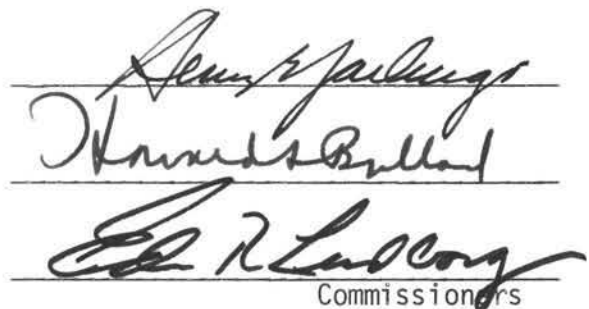
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 12, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

(Decision No. 73311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THOMAS P. LORD, DOING BUSINESS AS)
"FOREST EQUIPMENT CO.")
150 SO. GARLAND STREET)
DENVER, COLORADO 80226)

PERMIT NO. M-8827

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

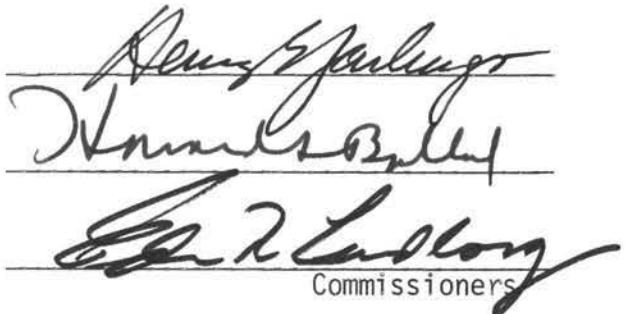
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective June 30, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LLOYD ARMSTRONG)
115 EAST ALCOVE DRIVE)
GRAND JUNCTION, COLORADO 81501)
-----)

PERMIT NO. M-8187

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

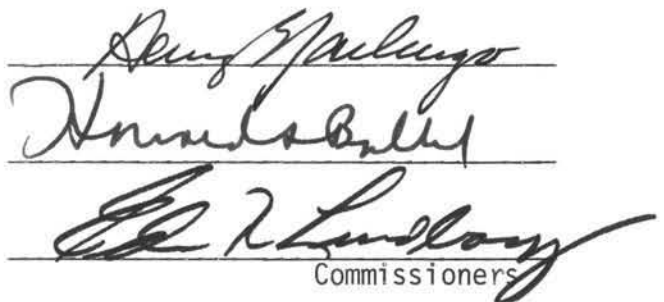
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DWAYNE CRAWFORD)
ROUTE 1, BOX 38)
COMMERCE CITY, COLORADO 80022)
-----)

PERMIT NO. M-10932

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

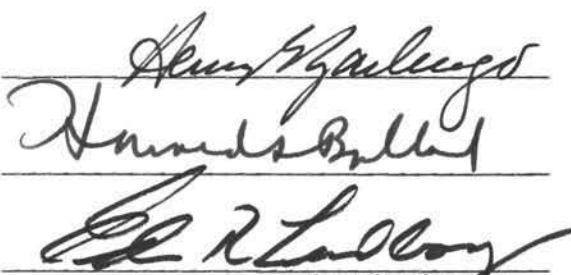
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969
ls

(Decision No. 73314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM TALBERT)
2364 WEST COSTILLA)
LITTLETON, COLORADO 80120)
-----)

PERMIT NO. M-11902

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

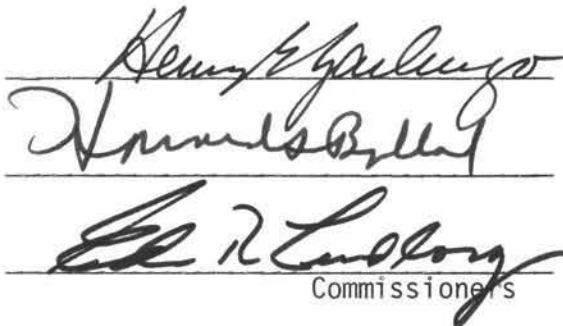
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

(Decision No. 73315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BENJAMIN MONTOYA
508 EAST OHIO, BOX 479
FOUNTAIN, COLORADO 80817

PERMIT NO. M-15317

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

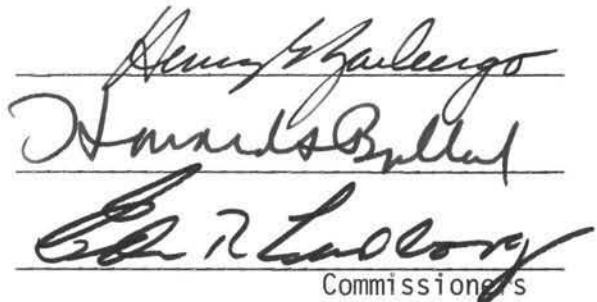
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 24, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
PETE MIKE TRUJILLO
34 NEW ADDITION
LA JUNTA, COLORADO 80150

PERMIT NO. M-5317

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

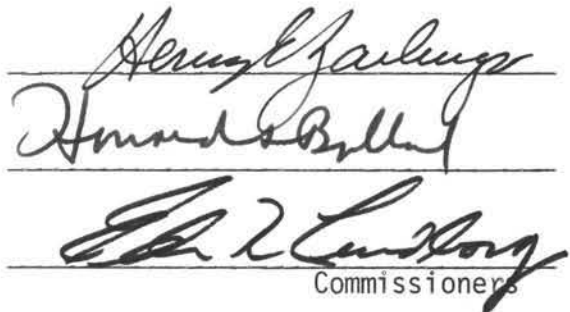
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
1s

(Decision No. 73317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
MIDWEST CORDAGE COMPANY
P. O. BOX 89
MIDWEST BUILDING
FAYETTE, MISSOURI 65248

PERMIT NO. M-2146

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

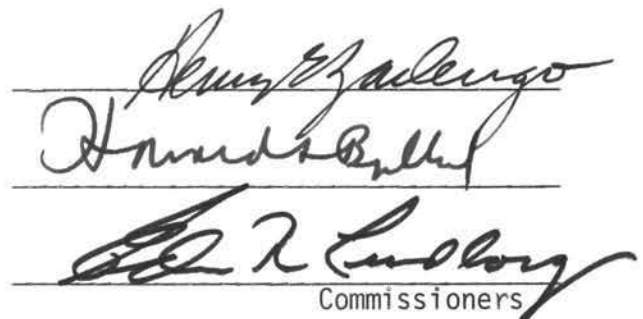
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES T. McGRAW, DOING BUSINESS AS)
"McGRAW SALES CO.")
1612 GLENWOOD AVENUE)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. M-10603

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

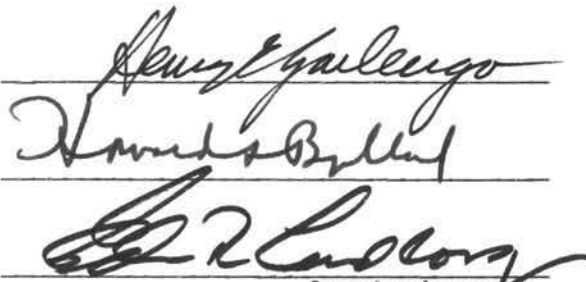
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 24, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
15

(Decision No. 73319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GLEN C. WATERS)
992 - 25 - ROAD)
GRAND JUNCTION, COLORADO 81501)
-----)

PERMIT NO. M-13522

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

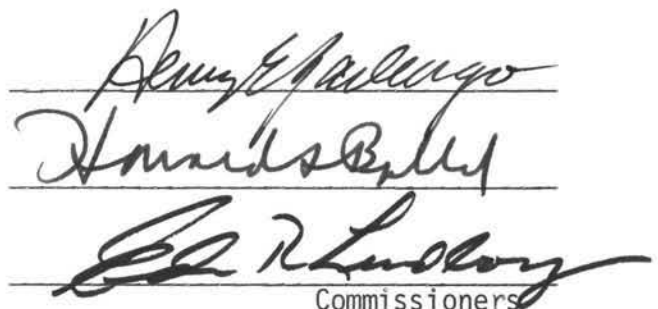
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 9, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.
ls

(Decision No. 73320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JACINTO MORENO)
2702 9TH AVENUE)
GREELEY, COLORADO 80631)
-----)

PERMIT NO. M-14266

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

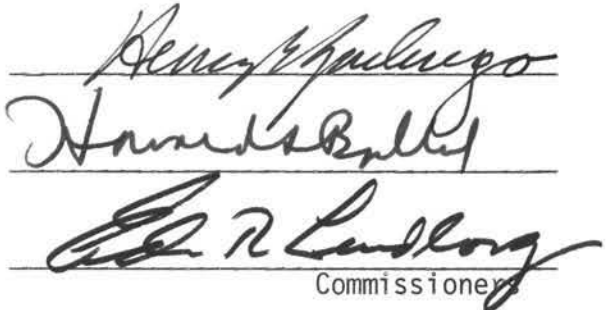
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.

(Decision No. 73321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JACINTO MORENO
2702 9TH AVENUE
GREELEY, COLORADO 80631

PERMIT NO. B-6750

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

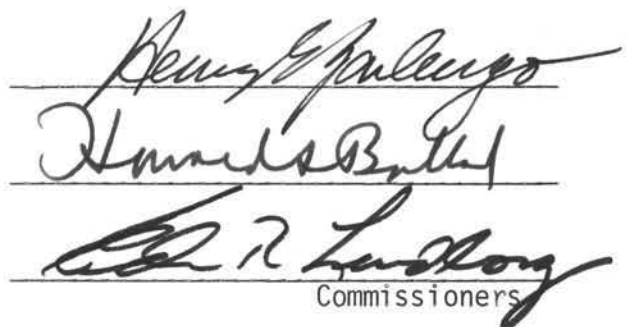
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969.

(Decision No. 73322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, GUNNISON TRUCKING,)
INC., 10TH & TOMICHI, GUNNISON,)
COLORADO 81230)

CASE NO. T-10
CERTIFICATE NO. PUC 797

July 29, 1969

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Decision No. 73044, dated May 12, 1969, the Commission set the above captioned matter for hearing on June 13, 1969 at 10:00 o'clock A.M., in the Commissions' Hearing Room at 1845 Sherman Street, Denver, Colorado. The Respondent, by telegram to the Commission, requested a thirty day stay of the Commissions' Order setting the matter for hearing, until July 12, 1969.

The Commission is now in receipt of telegraphic information that Respondent has complied by filing the necessary classification tariff.

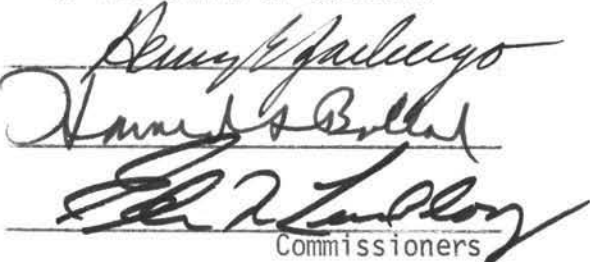
The Commission, therefore, states and finds that the above captioned Case should be dismissed and the proceeding discontinued.

O R D E R

THE COMMISSION ORDERS:

1. That Case No. T-10 be, and the same hereby is, dismissed and the proceeding discontinued.
2. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of July, 1969. dh

(Decision No. 73323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. TALBERT)
2364 WEST COSTILLA AVENUE)
LITTLETON, COLORADO 80120)
-----)

PERMIT NO. B-7198

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

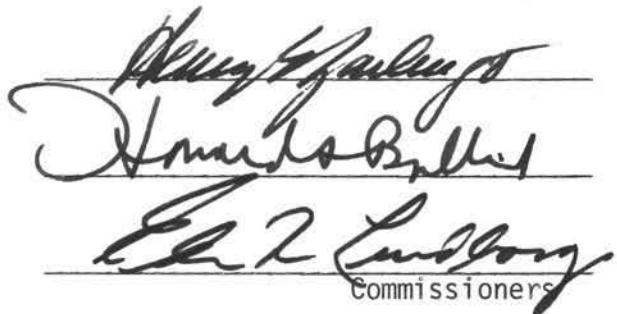
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969
gf

* * *

Investigation and Suspension
DOCKET No. 639

August 8, 1969

BY THE COMMISSION:

The Commission is now in receipt of a petition to withdraw and reinstate the \$2.50 rate; the petition also from William Hogarth, Traffic Manager, Ruan Transport Corporation.

Since the request appears to be in the public interest, the Commission finds that an Order should be entered vacating the suspended matter and discontinuing the proceedings.

ORDER

THE COMMISSION ORDERS:

1. That the Statement and Findings, be, and they are hereby, made a part hereof.
2. That Investigation and Suspension Docket No. 639, set for hearing before the Commission on the 14th day of August, 1969, at 10:00 a.m., in the Hearing Room of the Commission, 500 Columbine Building,

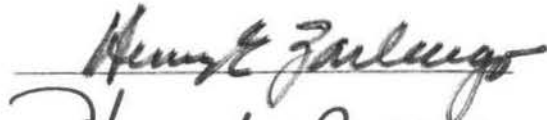
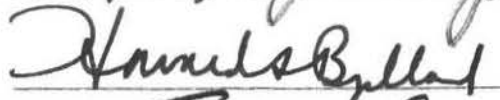
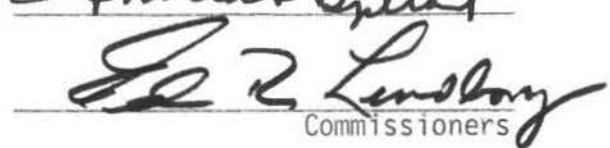
1845 Sherman Street, Denver, Colorado 80203, be vacated and cancelled.

3. That the rates and charges, rules and regulations set forth on 2nd Revised Page No. 14-A, to Local and Distance Commodity Tariff, Colorado PUC No. 5, issued by William Hogarth, Traffic Manager, Ruan Transport Corporation, as it pertains to Item 140, Collect-on-Deoivery shipments, be reinstated.

4. That this publication be filed with the Commission and notice to the general public be accomplished upon five (5) days' notice and not later than August 25, 1969.

5. That this Order shall become effective forthwith and Investigation and Suspension Docket No. 639 be closed upon the Commission's records.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of August, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HARRY MAUL)
4628 LEAF COURT)
DENVER, COLORADO 80216)
-----)

PUC NO. 3710

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

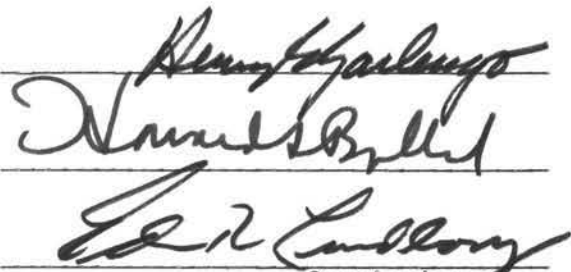
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 28, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
gf

(Decision No. 73326)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
ADAM TREBER AND HARVEY I. TREBER,
DOING BUSINESS AS "ADAM TREBER AND
SON, 2601 SOUTH RACE STREET,
DENVER, COLORADO 80210

PUC NO. 3308

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

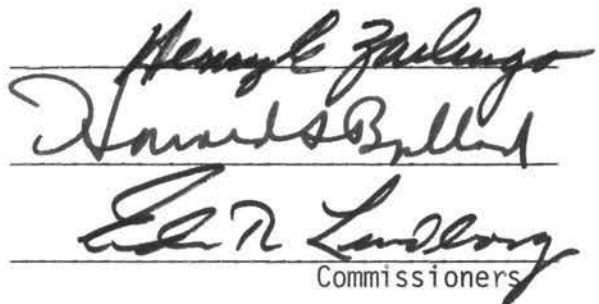
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 22, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
gf

(Decision No. 73327)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ART A. MATZEN AND CHARLES A. MATZEN,)
DOING BUSINESS AS "MATZEN & SON",)
815 WEST D)
NORTH PLATTE, NEBRASKA 69101)
-----)

PUC NO. 3011-I

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

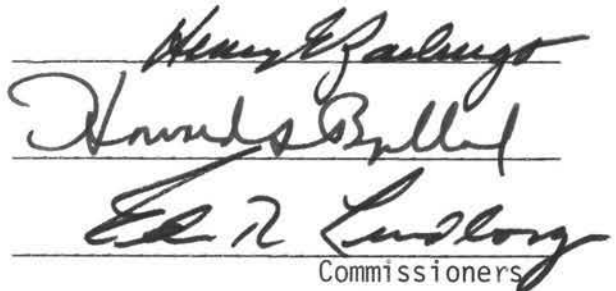
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD A. VANCE DBA)
CONEJOS COUNTY GAS AND OIL)
Main Street)
Manassa, Colorado 81141)
-----)

AUTHORITY NO. M 3411

CASE NO. 4449-M-Ins.

July 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

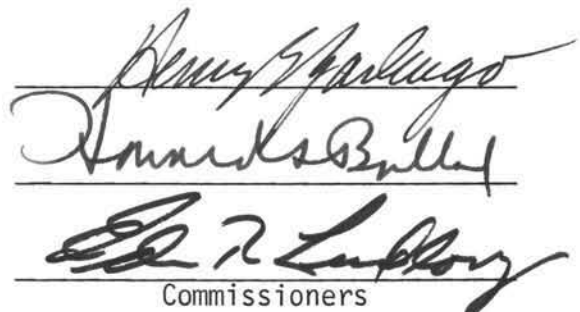
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
29th day of July, 1969 .

(Decision No. 73329)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COL-ORO CORPORATION)
P. O. BOX 1689)
ASPEN, COLORADO 81611)

PUC NO. ACS-60

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.


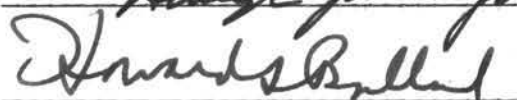

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of June 30, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
gf

(Decision No. 73330)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. FRESQUEZ)
1014 - 24TH STREET)
DENVER, COLORADO 80205)

PERMIT NO. B-4846

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

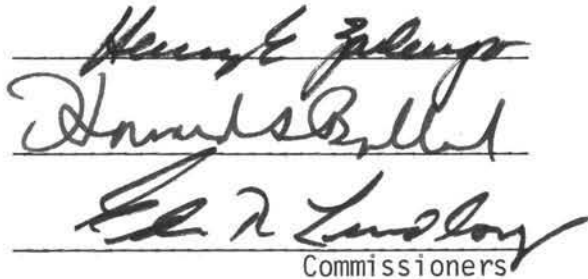
The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of July 11, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
gf

(Decision No. 73331)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD J. WILSON)
6242 PIERSON COURT)
ARVADA, COLORADO 80002)

PERMIT NO. B-6303

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

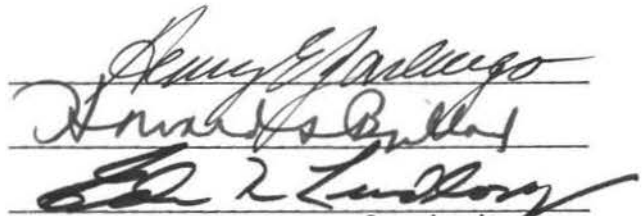
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 11, 1969 to and including January 11, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
bk

(Decision No. 73332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAROLD E. WATSON)
5201 YORK STREET)
DENVER, COLORADO 80216)

PERMIT NO. B-5774

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

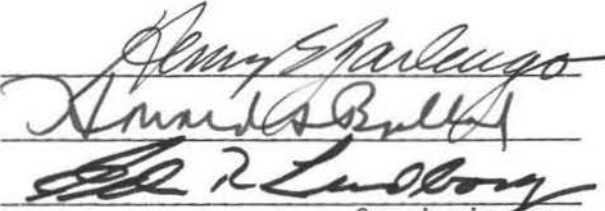
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 7, 1969 to and including January 7, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
bk

(Decision No. 73333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GLENN L. WARNER)
310 CAPITOLA ROAD EXT.)
SANTA CRUZ, CALIFORNIA 95060)

PERMIT NO. B-7129

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

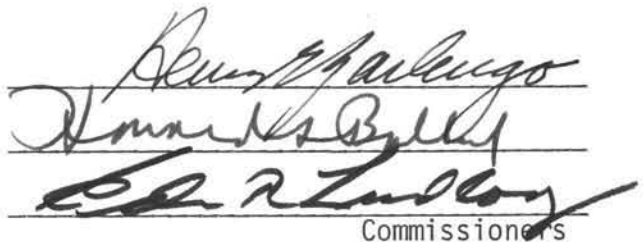
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 8, 1969 to and including January 8, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

bk

(Decision No. 73334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAROLD E. WATSON)
5201 YORK STREET)
DENVER, COLORADO 80216)

PUC NO. 894 & I

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

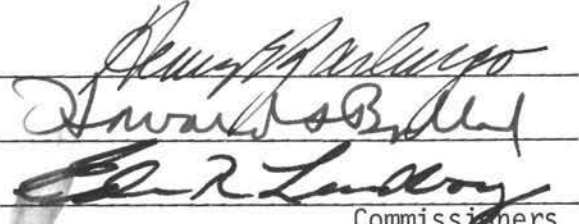
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 7, 1969 to and including January 7, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

bk

(Decision No. 73335)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MELVIN E. MOORE)
BOX 191)
WOODLAND PARK, COLORADO 80863)

PERMIT NO. B-6991

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

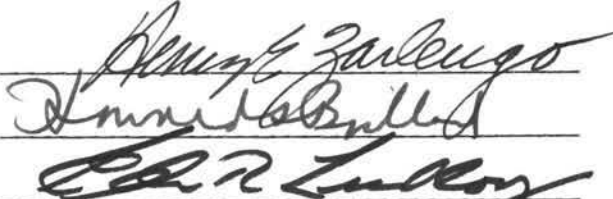
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 25, 1969 to and including January 25, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

bk

(Decision No. 73336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. McROY)
ROUTE 1, BOX 464)
MONTROSE, COLORADO 81401)

PERMIT NO. B-5239

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

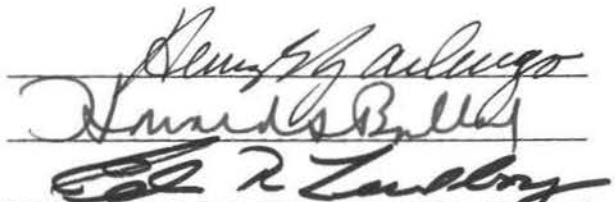
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 17, 1969 to and including January 17, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

bk

(Decision No. 73337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
BEST SERVICE COMPANY, A COLORADO)
CORPORATION, 2323 WEST 2ND AVENUE,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 23689-PP-Amended
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

July 30, 1969

Appearances: Albert A. Carmosino, Esq., Denver,
Colorado, and
R. Jerold Gerome, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Murph's Express,
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 27, 1969, the above-entitled application was filed with the Commission; and on April 9, 1969, an amended application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Murph's Express, Denver, Colorado.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. By this application, as amended, Applicant seeks a Class "B" Private Carrier authority for the
"transportation of major appliances limited to washers, dryers, refrigerators, ranges, water heaters and televisions from point to point in Denver, Adams, Arapahoe, Boulder, Weld and Jefferson Counties; restricted, however, in that transportation of the above appliances be limited to shipments for the American Furniture Company and further restricted to shipments in which Applicant will install or assemble at destination and further restricted against competition with scheduled line-haul common carriers."
3. The application was protested by Murph's Express, under its Certificate of Authority PUC No. 3473, which generally provides for transportation of general commodities from point to point within the City and County of Denver and a radius of ten (10) miles from the boundary lines as they existed on January 1, 1959.
4. By this application, Applicant seeks to transport various items that can be transported by Protestant. However, along with being restricted against competition with scheduled line-haul common carriers, Applicant proposes further to restrict itself to one customer, namely, the American Furniture Company, and to shipments in which Applicant will install or assemble the commodity at destination. Further, Applicant proposes to render such transportation in areas considerably outside the bounds which can be served by Protestant.
5. Protestant does not install or assemble the commodities it transports and, further, Protestant does not now perform services for the American Furniture Company.
6. With commodities such as Applicant proposes to transport, especially for the one customer it proposes to serve, it would be of considerable convenience to the public if installation or assembly could be accomplished in conjunction with the transportation at destination.
7. One of the contentions of Protestant was that
"services such as plugging in of electrical appliances

and installation of other appliances involving plumbing or gas connections are not elements of transportation that may be considered by the Public Utilities Commission in an application for authority to serve as a carrier for hire and more precisely as a private carrier."

Ancillary services are obviously not transportation. However, it is the conclusion of your Examiner that when considering the interests of the public along with a present and special need for a particular transportation service, such ancillary services as were here demonstrated can and should be considered by the Commission. In this particular instance which involves "installation or assembly at destination," the ancillary service is so closely related to the transportation service as to be determinative of the needs of the public. The customer for whom the service is sought in this application requires the combined services in order to meet the needs and desires of its customers and unless it can have the combined services, it would not be able to compete with businesses who do have such service available to them.

8. The Applicant, in this case, is a major household appliance installer and, if granted authority to transport the commodities as requested herein, would be able to furnish the American Furniture Company with the service it needs.
9. With respect to this particular application, the "total service proposal" would meet a present and special need of the customer as well as those members of the public served by said customer.
10. Because Protestant does not now serve the American Furniture Company nor does said Protestant furnish the ancillary services required by that company, the proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, including Protestant.
11. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
12. The chief corporate officers as well as the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
13. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor

vehicle for hire with authority as follows:

"Transportation of

Major appliances (limited to washers, dryers, refrigerators, ranges, water heaters and televisions)

From point to point within the Counties of Denver, Adams, Arapahoe, Boulder, Weld and Jefferson, State of Colorado.

RESTRICTIONS:

This Permit is restricted as follows:

- (a) All transportation shall be limited to serving one customer only, viz: American Furniture Company.
- (b) Restricted to shipments wherein the commodity is installed or assembled at destination.
- (c) Restricted against competition with scheduled line-haul carriers."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Best Service Company, a Colorado corporation, Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Washers, dryers, refrigerators, ranges, water heaters and television sets

From point to point within the following Counties of the State of Colorado: Denver, Adams, Arapahoe, Boulder, Weld and Jefferson.

RESTRICTION:

This Permit is restricted as follows:

- (a) Restricted to the rendering of transportation service for only the American Furniture Company.
- (b) Restricted to shipments wherein the appliances are installed or assembled at destination.
- (c) Restricted against the rendering of any transportation service when in competition with scheduled line-haul motor vehicle common carriers.

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


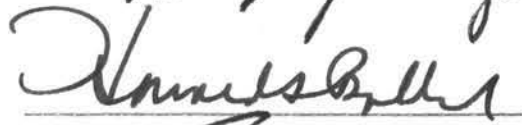

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado, this
30th day of July, 1969. jk

(Decision No. 73338)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
HAROLD E. WATSON
5201 YORK STREET
DENVER, COLORADO 80216

PERMIT NO. B-2753

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

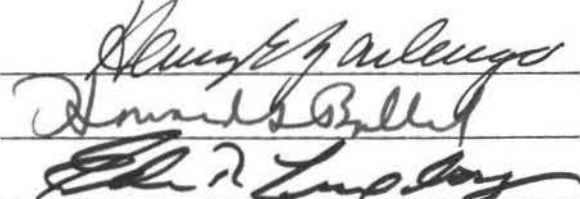
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from July 7, 1969 to and including January 7, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COUNTY OF LARIMER FOR AUTHORITY TO)
INSTALL GRADE CROSSING PROTECTION)
DEVICES AT COUNTY ROAD NO. 80,) APPLICATION NO. 23848
LARIMER COUNTY, SOUTH OF LOVELAND,)
COLORADO, AND MILEPOST 59.36 OF THE)
COLORADO AND SOUTHERN RAILWAY COMPANY.)

July 30, 1969

Appearances: W. F. Wolaver, County Commissioner,
Fort Collins, Colorado, for Applicant;
W. L. Peck, Esq., Denver, Colorado, for
Colorado and Southern Railway Company;
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above-entitled application was filed with the Commission on July 11, 1969. Subsequently said application was set for hearing before the Commission on July 25, 1969, at the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. After proper notice to all interested persons, firms or corporations, the matter was heard as scheduled by Commissioner Henry E. Zarlengo, to whom it was duly assigned, and was thereafter taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for the proposed installation of automatic flashing signals or protection devices at the public grade crossing of Larimer County Road No. 80 over and across trackage of the Colorado and Southern Railway Company at Mile Post 59.36, south of Loveland, in Larimer County, Colorado. Request is made that installation and payment for the new signal devices be made under the provisions of 1963 CRS 115-4-6 (2) (b) relating to the Highway Crossing Protection Fund of this Commission and the State of Colorado.

At the hearing, testimony in support of the proposed request was given by:

Warren F. Wolaver, Larimer County Commissioner for Loveland area.

E. A. Graham, Chief Engineer, and

M. M. Shultz, Superintendent of Signals, The Colorado and Southern Railway Company.

In consideration of preliminary matters at the hearing, statement in behalf of Colorado and Southern Railway was made by Attorney Peck to show concurrence with the Larimer County request pursuant to their contract of May 28, 1969, and to suggest a proposed allocation of cost expense to be:

10% - Colorado and Southern Railway Company

10% - Larimer County

80% - Highway Crossing Protection Fund.

Commission notice was also directed to correspondence in the Commission file showing:

City of Loveland - "- - - favoring the granting of this authority." Samsonite Corporation-Lego Toy Division, (adjacent property owner) - "- - - register our support for this installation."

Further, there were no protests submitted at the hearing and the files of the Commission do not indicate any objection to the instant matter. Since all interested parties are desirous that Commission approval be granted and there is an administrative urgency of time with respect to securing and holding state funds being allocated to the Highway Crossing Protection Fund, this Order will therefore become the decision of the Commission.

County Commissioner Wolaver identified the following:

Exhibit No. 1 - Map by Larimer County to show crossing location, road system, neighboring industrial developments and residential area.

Application Agreement - being Copy of Contract No. 7679, dated May 28, 1969, between Colorado and Southern Railway (C&S) and Board of County Commissioners of Larimer County.

Certified copy of portion of the Minutes of the Regular Meeting of May 28, 1969, by the Board of County Commissioners of Larimer, to authorize the grade crossing protection agreement.

With reference to Map Exhibit No. 1, Mr. Wolaver stated that over the past eight years it has been necessary for Larimer County to gradually upgrade County Road No. 80 from a minor, seldom-used county road to the current status of a major East-West connection between U.S. Highway 287 and Taft Avenue, which are principal north-south arteries in the County road system. Need for the road improvements is the direct result of an industrial development south of the Loveland City Limits pioneered by Hewlett Packard Company and now employing 1630 people; by Lego Toy Division of Samsonite Corporation with 227 employees; and by growth of adjacent residential subdivisions now having in excess of 250 homes.

Mr. Wolaver explained that current planning is to provide for four lanes of traffic over the present crossing location in order to meet growing needs of employee travel, residential traffic and movements by varied trucks and service vehicles between the area and the nearby access routes of US No. 287 and Interstate Highway No. 25. In this regard, it is necessary that protection for increased vehicular traffic be also upgraded from the minimum level of two crossbuck signs to the proposed installation of two curbside flasher signals supplemented with overhead flashing signals mounted on cantilever arms.

Mr. Wolaver stated that no Federal Aid funds are available to Larimer County for the signal protection devices or installation. Further, that limited funds of the County would only permit its participation to the extent of 10% in the costs of the new flasher signal protection devices. Therefore, the instant agreement (Contract No. 7679) with C&S Railway was prepared on the basis that full expense of roadway and culvert work amounting to some \$1339 would be paid by the County

(Estimate Part I); and in addition, to also provide 10% of the total signal protection, as estimated at \$16,687 in Part II of the Cost Estimate Exhibit "C" of the Railway-County contract.

Mr. Wolaver added that he was recently informed by C&S Railway officials of an increase in the original cost estimate amounting to \$800 due to higher wage expenses. He stated that the 10% participation of Larimer County would also extend to this additional expense.

With further reference to the instant Agreement (Contract No. 7679), Mr. Graham verified that the document had been fully executed by all parties. He also explained the following exhibits as included in the Agreement:

Exhibit "A" - Railroad map sketch. Shows C&S Main line track and Industry spur to serve the Lego Toy Plant. Crossing of County Road No. 80 involves two tracks. Rail traffic amounts to movement of two main line freight trains daily and a Local switching train every other day. In addition, there may be seasonal movement of one to two local freights daily for sugar beet or other harvest needs. Maximum speed is 35 miles per hour which is being reduced in northward moves into City of Loveland and will also be reduced in southward direction due to curved and rising track grade. Switching movements, as needed, into the industry spur will usually be made by the southbound local freight. There is no passenger train service operated over the crossing. Time of freight train movements is irregular but past operations during the late afternoon or evening indicates the need for protection at the time when employee movements would also be heavy. At this time, Mr. Graham did not know of any accident history at the crossing. He also identified the following:

Exhibit "B" - Diagram of typical flasher signal and cantilever arm.

Signal Engineer Schultz explained that wiring circuits for the flasher signals would provide a warning interval of 25 seconds at

the 35-mile per hour train speeds. New high frequency electronic circuits are being used as motion detector control to avoid excessive signal operation during switching movements. At any time the train is stopped on the main line near the crossing or when there is no motion on the industry spur, the signals will not operate. When train motion is resumed within the circuit, the full warning of flasher signals and a bell will be provided.

With reference to the instant Agreement, Mr. Shultz explained the Cost Estimate Exhibit "C". He stated a recent labor contract award for signal forces will require higher labor expense in the amount of \$800 for the proposed work. In this manner, there will be a change in Cost Estimate of:

Total Part II	\$16,687
Plus - Wage adjustment	<u>800</u>
New Total Estimate	\$17,487 (Signals)

However, final billing will be made on the basis of actual costs.

He stated that Management approval has been given for the new work; that materials will be ordered at once, and that work is scheduled to start in January, 1970.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience, and necessity require the installation of automatic curbside railroad flasher lights with cantilever signals and a bell at the grade crossing of Larimer County Road No. 80 across the Main line and an Industry track of The Colorado and Southern Railway Company at its Mile Post 59.36 near Loveland, Larimer County, Colorado.

That the circumstances surrounding the use of such crossing, present and future, are such as to require the installation of the

additional highway-railroad crossing protection as provided by CRS 1963, 115-4-6 (2) (b), and that the cost of installation and maintenance and the expense of such protection devices shall be allocated as hereinafter set forth.

That no part of the cost of the installation of railroad gate arm protection devices at the crossing will be paid from funds available under any Federal Aid Highway act.

That due to the administrative urgency of securing and holding state funds being allocated to the Highway Crossing Protection Fund during the current month, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the following Order will become the decision of the Commission, pursuant to 115-6-9 (6) C.R.S. 1963, as amended.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Board of County Commissioners, County of Larimer, Colorado, be, and it hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to authorize and approve the installation and operation of automatic flasher signals with cantilever arms and a bell at the grade crossing of The Colorado and Southern Railway Company at its Mile Post 59.36 over and across Larimer County Road No. 80, south of Loveland, Larimer County, Colorado.

That the work to be done, installation, and maintenance of the protection devices shall be done by the Railroad Company as set forth in the Agreement between the Railroad Company and Larimer County as indicated in the preceding Statement, which Statement, Exhibit 1 and said Agreement (Contract No. 7679) are by reference made a part hereof.

That it is fair, just, and equitable that Larimer County shall pay ten percent (10%) of the cost of the installation of proposed

signal devices to cover its share of benefits received from such installation, and upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said ten percent (10%) therefor shall be forwarded by the Railroad Company to the Board of Larimer County Commissioners, which bill shall be paid to the Railroad Company within thirty (30) days of receipt thereof.

That the Railroad Company shall contribute out of its own funds ten percent (10%) of the cost of said signal installation and shall thereafter maintain said installation as its share of the benefits.

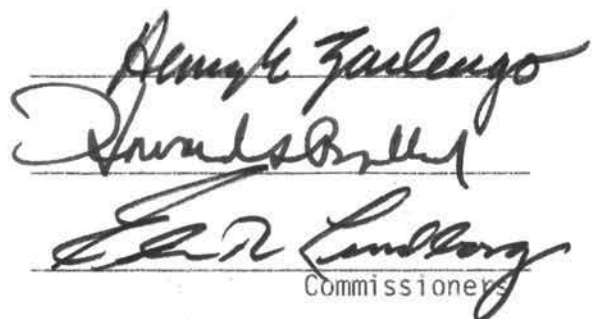
That the remainder, or eighty percent (80%), of the cost of said signal installation shall be contributed out of the Highway Crossing Protection Fund, and upon completion of the proposed work, an itemized statement of the actual costs and a bill covering said eighty percent (80%) thereof shall be forwarded by the Railroad Company to the Public Utilities Commission, which bill shall be paid within thirty (30) days after receipt thereof.

That the proposed protection devices and installation shall all be in conformance with the current Bulletin for Grade Crossing Protection of the Association of American Railroads.

That the Commission hereby retains jurisdiction to make such further order, or orders, as may be required in the instant matter.

This Order shall become effective forthwith as the initial decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VIRGIL A. SEGELKE DBA)
SEGELKE WELL SERVICE)
Post Office Box 98)
Wiggins, Colorado 80654)
-----)

AUTHORITY NO. M 1775

CASE NO. 4493-M-Ins.

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 28, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

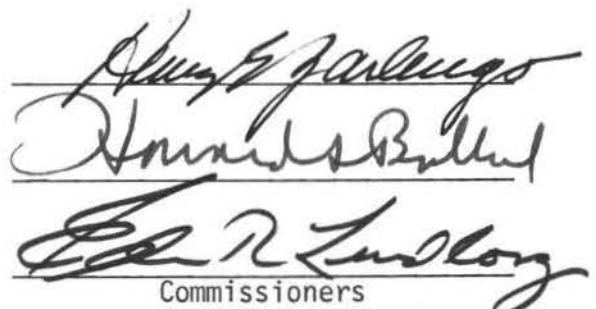
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of July, 1969 .

(Decision No. 73341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
A. H. BRICKLEY AND KENNETH F. HALLS,)
DOING BUSINESS AS "A-B TRASH COMPANY,")
2950 PEARL STREET, BOULDER, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 3717.)

APPLICATION NO. 23723-Extension

July 30, 1969

Appearances: Arthur Burke, Esq., Englewood,
Colorado, for Applicants;
David W. Griffith, Esq., Boulder,
Colorado, for Bestway Disposal Co.,
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 30, 1969, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 3717 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

David W. Griffith, Esq., representing Bestway Disposal Co., who had timely filed on behalf of his client a Notice of Intention to Protest, appeared after the testimony of Applicant's witness had been heard and the

hearing on this matter adjourned. It appeared to the Examiner that Mr. Griffith had been unavoidably detained and had notified a member of the Staff of the Commission that he would be a few minutes late. In view of this, your Examiner ruled that the matter would be reset for hearing in order that the Protestant might be heard herein."

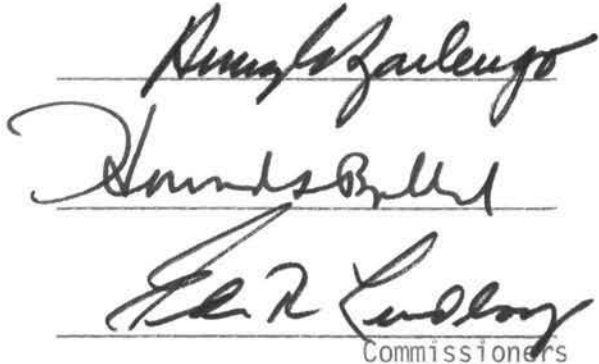
The ruling by the Examiner granting said Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23723-Extension, be, and is hereby, continued and reset for hearing at 10:00 o'clock A.M., August 18, 1969, in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES R. BAUMAN, DOING BUSINESS AS)
"MOBILE HOME TOWING," ROUTE 1, BOX)
101, GLENWOOD SPRINGS, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23707

July 31, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
Rocky Mountain Mobile Home Towing
Service, Inc., by Floyd M. Hulse,
Aurora, Colorado, pro se, Protestant;
Harold D. Torgan, Esq., Denver, Colorado,
for Ralph R. McBride, doing business as
"McBride Trailer Sales," and Transit
Homes, Inc., Protestants;
T. Peter Craven, Esq., Denver, Colorado,
for Morgan Drive Away, Inc., Protestant;
Lloyd C. Espinosa, Denver, Colorado,
and
Orris H. Gram, Colorado Springs, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 11, 1969, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is an individual who proposes to operate under the name and style of "Mobile Home Towing". He resides in the Glenwood Springs area where he owns and operates a 30-unit mobile home park on Colorado Highway No. 82 about five (5) miles south of the City of Glenwood Springs, Colorado. He presently holds no authority from this Commission.
2. By this application, Applicant seeks authority for the "transportation of camping trailers and mobile homes in towaway service between points in Eagle, Garfield and Pitkin Counties and between points in said Counties on the one hand, and, on the other hand, points in the State of Colorado."
3. The application was protested by the following parties who hold authority as indicated:
 - (a) Rocky Mountain Mobile Home Towing Service, Inc., which holds Certificate of Authority PUC No. 3016 but which offered no material or relevant testimony whatsoever in this proceeding.
 - (b) Ralph R. McBride, doing business as "McBride Trailer Sales," which holds Certificate of Authority PUC No. 4678 but which presented no evidence whatsoever that was either relevant or material to this proceeding.
 - (c) Transit Homes, Inc., holds Certificate of Authority PUC No. 2976 which is a state-wide mobile home transport authority. This Protestant is furnishing a service to the larger and more populated areas of the state. However, it is not, in fact, adequately serving the area encompassed by this application and, further, the Glenwood Springs agent of this Protestant has been so incompetent that his services have been recently terminated by said Protestant. The result has been that this Protestant has been attempting to conduct business in the Glenwood Springs area from its Denver office, which has been most unsatisfactory.

- (d) Morgan Drive Away, Inc., holds Certificate of Authority PUC No. 2723, which is a state-wide mobile home transport service. This Protestant has placed an agent (a truck and driver) in the Glenwood Springs area only within the past six (6) weeks, presumably because of the increased need for service in the area. However, said Protestant did not provide adequate service in the area prior to that time and, further, at the time of this hearing, said Protestant was not providing an adequate and sufficient service for the area.
4. The Staff of the Commission presented Exhibits No. 20, 21 and 22 which, although not conclusive as to the number of mobile homes that might require service of this type in the State of Colorado, was most informative and supported other testimony showing that there is an increase in mobile homes over the past few years within the entire State of Colorado.
 5. Applicant has, in the past, conducted illegal operations in the towing of trailers. However, these actions were freely admitted by him, were not done in bad faith by him but were, in fact, the error of his lessor and should not be held against him as far as the granting of this authority is concerned. In fact, Applicant is a suitable and satisfactory person to hold authority from this Commission.
 6. There is a need for a local "trailer towaway service", a person who is not only available to carry out the move but is also available for claims and other matters that might arise in the conduct of such a business.
 7. The present service, including that of Protestants, is inadequate to meet the particular transportation requirements sought herein, especially in view of the fact that there is increasing mobile home activity in the area.
 8. The area encompassed by this application is a trade area in and of itself. It is separate and apart from the more populous areas of the eastern slope where more and better service is readily available and there is a present and special need for the service in the areas encompassed by this application.
 9. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
 10. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
 11. The present or future public convenience and necessity requires or will require the granting of the authority hereinafter set forth.
 12. The granting of this application will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application for a Certificate of Public Convenience and Necessity authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows:

"Transportation -- on call and demand -- of

(1) Mobile homes, in towaway service

Between all points within the Counties of Eagle, Garfield and Pitkin, State of Colorado, and to and from said points from and to points within the State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles R. Bauman, doing business as "Mobile Home Towing," Glenwood Springs, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation -- on call and demand -- of

Mobile homes, in towaway service

Between all points within the following Counties of the State of Colorado: Eagle, Garfield and Pitkin, and to and from said points from and to points within the State of Colorado;

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

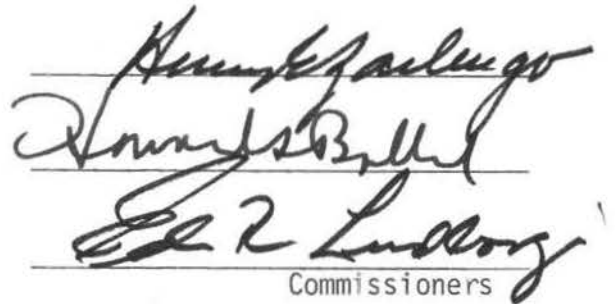
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of July, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: TEN PERCENT INCREASE
COLORADO BUS INTRASTATE
PACKAGE EXPRESS RATES.

APPLICATION NO. 23596
SUPPLEMENTAL ORDER

RE: PETITION OF THE NATIONAL
BUS TRAFFIC ASSOCIATION, INC.,
FOR AND ON BEHALF OF THE NAMED
MOTOR CARRIERS OF PASSENGERS FOR
AUTHORITY TO INCREASE PASSENGER
BUS FARES BETWEEN POINTS IN THE
STATE OF COLORADO.

APPLICATION NO. 23598
SUPPLEMENTAL ORDER

July 30, 1969

Appearances: John R. Barry, Esq., Denver,
Colorado, for National Bus Traffic
Association, Inc., Continental Bus
System, Inc., and Greyhound Lines,
Inc., Respondents;

David Butler, Esq., Denver, Colorado, and
William E. Murane, Esq., Denver, Colorado,
for Denver-Boulder Bus Company and
Colorado Motorway, Inc., Respondents;

Christian O. Igenbergs, Esq., Denver,
Colorado, for the Staff;

Ralph H. Knull and
Irven T. Burke, Denver, Colorado, of the
Staff of the Commission.

STATEMENT

BY THE COMMISSION:

On July 25, 1969 the Commission entered its Decision and
Order No. 73285 in the above applications.

It has been noted that the Order of said Decision No.
73285 does not dispose of certain Findings, to-wit:

1) the exclusion of Respondents

Colorado Motorway, Inc.,
Colorado Springs-Limon Transportation Company (Art
Walker d/b/a),
Colorado Transportation Company (Rocky Mountain Motor
Company, Inc. d/b/a),
Denver-Boulder Bus Company,
Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc.
d/b/a), and
The Leadville Transit Company, Inc.,

from becoming parties to any increased intrastate package express rates as may be published as result of this hearing, unless specifically so authorized by this Commission;

2) the grant of authority to make a collection fee of ten cents (10¢) per shipment applicable to all Colorado intrastate local and interline bus express shipments forwarded with express charges "collect";

3) the deletion from the proposed tariffs of the sixty-five-cents (65¢) surcharge presently applicable on flower shipments.

FINDINGS

THE COMMISSION FINDS:

That Decision No. 73285, dated July 25, 1969, should be amended nunc pro tunc as set forth in the Order following:

ORDER

THE COMMISSION ORDERS:

That Decision No. 73285, dated July 25, 1969, be and it is hereby amended nunc pro tunc to include the following paragraphs:

"That the following Respondents in Application No. 23596:

Colorado Motorway, Inc.,
Colorado Springs-Limon Transportation Company (Art
Walker d/b/a),
Colorado Transportation Company (Rocky Mountain Motor
Company, Inc. d/b/a),
Denver-Boulder Bus Company,
Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc.
d/b/a), and
The Leadville Transit Company, Inc.,

shall have no authority to become parties to any increased intrastate package express rates, as may be contained in any tariffs published in accordance with the authority granted by Decision No. 73285 and this Order, unless specifically so authorized by this Commission;


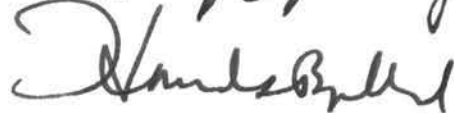

That authority to charge a collection fee of ten cents (10¢) per shipment for all Colorado intrastate local and interline bus express shipments forwarded with express charges "collect" is herewith granted;

That the proposed sixty-five-cents (65¢) surcharge

applicable on flower shipments shall be deleted from the tariffs
to be published in accordance with the authority granted by Decision
No. 73285."

That in all other respects Decision No. 73285 will remain
in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969. dh

(Decision No. 73344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

R. E. DOUGHMAN)
1102 - 33RD AVENUE)
GREELEY, COLORADO 80630)

PERMIT NO. B-6708

SUPPLEMENTAL ORDER

- - - - -
- July 30, 1969 - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

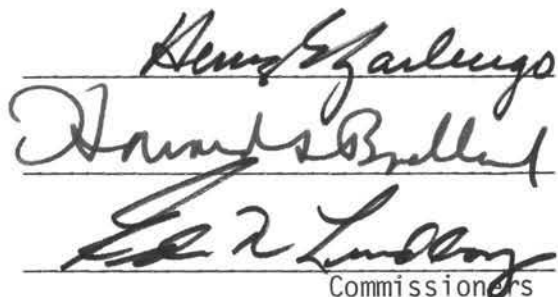
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

jk

(Decision No. 73345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

GORDON PINYAN)
3941 SO. ELATI STREET)
ENGLEWOOD, COLORADO 80110)

PERMIT NO. B-6954

SUPPLEMENTAL ORDER

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

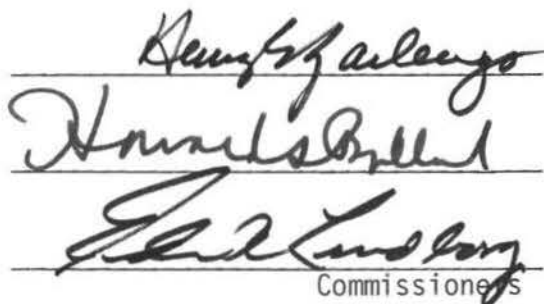
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969. jk

(Decision No. 73346)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
WILLIE HARRIS
2241 GILPIN STREET
DENVER, COLORADO 80205

PERMIT NO. B-4639
SUPPLEMENTAL ORDER

July 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 24, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Salinger
Howard B. Bell
Ed R. Lindsay
Commissioners

Dated at Denver, Colorado,
this 30th day of July, 1969.

jk

(Decision No. 73348)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, GUNNISON TRUCKING,)
INC., 10TH & TOMICHI, GUNNISON,)
COLORADO 81230)

CASE NO. T-13
CERTIFICATE NO. PUC 797
ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

July 31, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondent was issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said Respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to maintain tariffs as required, and that said Respondent is now conducting motor vehicle operations under said operating rights in violation of said law, rules and regulations.

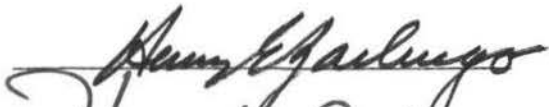
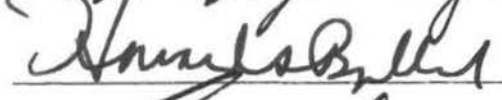
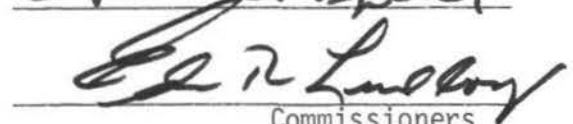
O R D E R

THE COMMISSION ORDERS:

That Respondent, Gunnison Trucking, Inc., is hereby directed to appear before the Commission on the day and time set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including but not limited to an Order cancelling the aforesaid Certificate of the Respondent.

That this Case be, and the same hereby is, set for hearing before the Commission, Room 505, Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at 10:00 a.m., on August 14, 1969, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of July, 1969. dh

0

(Decision No. 73349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-CLIMAX TRUCK LINE, INC.,)
4250 ONEIDA STREET, DENVER, COLORADO,) APPLICATION NO. 23398-Extension
FOR AUTHORITY TO EXTEND OPERATIONS) Amended
UNDER PUC NO. 1195.)

July 31, 1969

Appearances: Raymond B. Danks, Esq., Denver,
Colorado, for Applicant;
Leslie R. Kehl, Esq., Denver,
Colorado, for North Park Trans-
portation Company, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 22, 1968, the above-entitled application was filed with the Commission; and April 3, 1969, an amended application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1195 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by North Park Transportation Company.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant, Denver-Climax Truck Line, Inc., a Colorado corporation, is a common carrier by motor vehicle and, as pertains to this proceeding, operates under Certificate of Authority PUC No. 1195 which generally authorizes the transportation of freight on schedule between Denver and Climax, Colorado, and certain intermediate points including Dillon, with certain off-route service and subject to certain restrictions.
2. Applicant also holds Certificates of Authority PUC No. 257, 2030, PUC No. 2030-I and Permit No. B-6530, which are not involved in this proceeding and need have no further reference herein.
3. Certificate of Authority PUC No. 1195 and PUC No. 1195-I presently provides as follows:

"Decision No. 55554: Transportation of freight: 1. Between Denver and five miles thereof, and Climax and points intermediate between and including Idaho Springs and Climax, with off-route points of Empire, Breckenridge, Montezuma and points within a four-mile radius of Kokomo, and the points between the foot of Mt. Vernon Canyon and Idaho Springs, via Highways No. 6 and 40;

also serving points within one mile on each side of Loveland Pass as far west as Dillon, and from, to and between all of said points;

2. Between Leadville and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, Kokomo, and a four-mile radius of Kokomo, on the other hand;

3. Between Idaho Springs and Echo Lake and intermediate points;

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

Subject to the following conditions:

- (a) Provided, however, that no transportation shall be rendered between Denver and Dillon, Breckenridge, Frisco, and Wheeler, requiring special equipment;

(b) Provided that any and all highways necessary to effect an adequate transportation service hereunder may be used.

Decision No. 58570: EXTENDED to include scheduled service between Climax, Colorado, on the one hand, and on the other, the Urad Mine, which is located in Clear Creek County, Colorado, approximately one and one-half miles south of U. S. Highway 40 at the foot of Berthoud Pass, by the shortest route already authorized under said Certificate, without authority to serve intermediate points and without authority to combine or tack this authority with any other held by the applicant so as to provide any additional through service.

Decision No. 63583: EXTENDED: For transportation of freight serving the construction site of the Public Service Company of Colorado on Cabin Creek, approximately four miles southwest of Georgetown, Colorado, as an off-route point in conjunction with Applicant's scheduled regular route service between Denver and Climax, Colorado."

4. In its application, Applicant seeks an extension of its scheduled service to and from points on Colorado Highway No. 9 north from Dillon to Kremmling, including off-route point of Heeney, excluding service to and from Kremmling. However, Applicant offered no evidence to establish a need for service north of the dividing line between Summit and Grand Counties and for all purposes restricted the application to service to and from points on Colorado Highway No. 9 between Dillon and the northern dividing line between Summit and Grand Counties, including the off-route point of Heeney. Said county dividing line is a few miles north of the northern end of Green Mountain Reservoir.
5. Applicant proposes to provide the scheduled service on Tuesdays, Thursdays and Saturdays. Freight from Denver will be unloaded at Frisco and from there distributed to Dillon and points on Colorado Highway No. 9.
6. Applicant has been in the past furnishing the above service to Silverthorne, located on Colorado Highway No. 9, a couple of miles north of Dillon. Recently, Applicant was advised by the staff of the Commission that it had no authority to furnish Silverthorne with scheduled service.
7. The highway distance between Silverthorne and Heeney is about 26 miles and between Heeney and the dam site at the northern end of Green Mountain Reservoir is about 2 miles. The highway distance between Heeney and Kremmling is about 16 miles and between Heeney and Denver via Kremmling and U. S. Highway No. 40 is about 127 miles. The highway distance between Heeney and Denver via Dillon and U. S. Highway No. 6 is about 100 miles.
8. In the month of April, 1969, Applicant delivered 21 shipments, totaling 7620 lbs., to various consignees in Silverthorne. Along Colorado Highway No. 9 between Silverthorne and Green Mountain Reservoir there has been considerable growth with new development and growth in prospect for the immediate future. Heeney has several retail establishments including a grocery store, restaurant, filling station and liquor store. The Bureau of Reclamation

maintains facilities at the Green Mountain Reservoir dam site.

9. The service proposed by Applicant will fulfill a need and be a convenience to the residents and business people located along the route to be served. These people include ranchers, two of whom testified in support of the application. The application was also supported by a business man located at Heeney and the superintendent for the facilities at the Green Mountain Reservoir dam site. The present and future public convenience and necessity requires and will require the proposed service.
10. Applicant is a qualified carrier with sufficient and adequate equipment and is fit and able to perform the service from the economic standpoint as well as from the standpoint of experience. The proposed extension will be economically feasible and there is sufficient potential freight to support the operations.
11. The points to be served, except Silverthorne, have had no scheduled service by motor vehicle. Freight normally would be picked up by the consignee or consumer at Silverthorne or Kremmling or Denver. Occasionally, a motor vehicle carrier would deliver the freight direct to the consignee or consumer on a call and demand basis. Such call and demand service has not been adequate and has not met the public need.
12. Protestant, North Park Transportation Company, a Colorado corporation, is a common carrier by motor vehicle operating a scheduled service between certain points including Denver and Kremmling, Colorado, via U. S. Highway No. 40. Protestant also has call and demand authority and where a customer has requested the service, Protestant has delivered freight from Kremmling to points on Colorado Highway No. 9 south from Kremmling, including the off-route point of Heeney. This occasional service, on a call and demand basis, has not met the public need and convenience which requires a regular, scheduled service. Protestant made no objection to Applicant's service to Silverthorne and wasn't particularly interested in the proposed service to points south of Green Mountain Reservoir.
13. The authority to which extension is hereby sought, Certificate of Authority PUC No. 1195, has been continually operated in the past and is presently in good standing with the Commission.
14. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
15. The chief corporate officers as well as the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

16. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
17. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
18. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend its operations under Certificate of Authority PUC No. 1195 and PUC No. 1195-I to include the following:

- By adding "points on Colorado Highway No. 9 north of Dillon, Colorado, to the Summit-Grand County Line including the off-route point of Heeney, Colorado" to its scheduled general commodity authority.

That henceforth the full and complete authority under Certificate of Authority PUC No. 1195 and PUC No. 1195-I shall read as follows:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius thereof and Climax, Colorado, over U.S. Highways 6 and 40, serving all intermediate points west of Mount Vernon Canyon and the following off-route points:

- (a) Empire Colorado.
- (b) Breckenridge, Colorado.
- (c) The Public Service Construction Site on Cabin Creek.
- (d) Montezuma, Colorado.
- (e) All points within a four (4) mile radius of Kokomo, Colorado.
- (f) Points on Colorado State Highway No. 9 north of Dillon, Colorado, to the Summit-Grand County Line, including Heeney, Colorado.
- (g) Points adjacent to and within one (1) mile of U.S. Highway No. 6 commencing on the east side of Loveland Pass to Dillon, Colorado.

(2) General commodities

Between Leadville, Colorado, and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, and Kokomo, Colorado, and a four (4) mile radius of Kokomo, on the other hand.

(3) General commodities

Between Idaho Springs, Colorado, and Echo Lake,

Colorado, via Colorado Highway No. 103, serving all intermediate points.

(4) General commodities

Between Climax, Colorado, on the one hand, and the Urad Mine located in Clear Creek County, State of Colorado, on the other hand.

(5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Denver-Climax Truck Line, Inc., Denver, Colorado, be and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 1195 to include the following:

By adding "points on Colorado Highway No. 9 north of Dillon, Colorado, to the Summit-Grand County line including the off-route point of Heeney, Colorado," to its present scheduled general commodity authority.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1195, as extended, shall read and be as follows, to-wit:

Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius

thereof and Climax, Colorado, over U.S. Highways 6 and 40 and Colorado Highway 91 serving all intermediate points west of Mount Vernon Canyon and the following designated off-route points:

- (a) Empire, Colorado.
- (b) Breckenridge, Colorado.
- (c) The Public Service Construction Site on Cabin Creek.
- (d) Montezuma, Colorado.
- (e) All points within a four (4) mile radius of Kokomo, Colorado.
- (f) Points on Colorado State Highway No. 9 north of Dillon, Colorado, to the Summit-Grand County line, including Heeney, Colorado.
- (g) Points adjacent to and within one (1) mile of U.S. Highway No. 6 commencing on the east side of Loveland Pass to Dillon, Colorado.

(2) General commodities

Between Leadville, Colorado, and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, and Kokomo, Colorado, and a four (4) mile radius of Kokomo, on the other hand.

(3) General commodities

Between Idaho Springs, Colorado, and Echo Lake, Colorado, via Colorado Highway No. 103, serving all intermediate points.

(4) General commodities

Between Climax, Colorado, on the one hand, and the Urad Mine located in Clear Creek County, State of Colorado, on the other hand.

(5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.



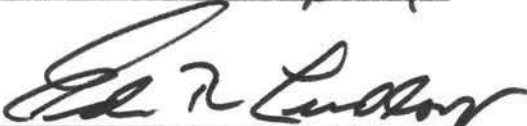
That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of July, 1969.
jk

* * *

000 000 000 000 000 000 000 000 000 000 000 000 000 000 000 000 000 000

CASE NO. 4569-M-Ins.

July 31, 1969

BY THE COMMISSION:

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

ORDER

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

b1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)	
KANSAS-NEBRASKA NATURAL GAS COMPANY,)	
INC., FOR AUTHORITY OF THE COMMISSION)	
TO PUT INTO EFFECT ON LESS THAN)	APPLICATION NO. 23886
STATUTORY NOTICE ITS TARIFF SHEET)	
IDENTIFIED AS FIRST REVISED SHEET)	
NO. 2.1, COLORADO P.U.C. NO. 4 -)	
GAS.)	

July 31, 1969

STATEMENT OF FINDINGS OF FACT

BY THE COMMISSION:

The Tariff Sheet identified in the caption hereof was filed by Kansas-Nebraska Natural Gas Company, Inc., on July 31, 1969, together with an application petitioning the Commission that it be permitted to put in force said Tariff Sheet to become effective on less than statutory notice, the effective date being August 4, 1969.

By Commission Decision No. 72030, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), was authorized to file a rider applicable to certain of its rate schedules to provide for a surcharge of 2.432%, such rider to be applicable until such time as the Federal Income Tax Surtax imposed by P.L. 90-364, Revenue and Expenditure Control Act of 1968, is allowed to expire by its terms or is otherwise terminated. The Tariff Sheet filed with this application seeks to cancel the Tariff Sheet filed under the authority of said Decision as stated and to substitute therefor a provision that this surcharge will be continued to be applied, subject to refund, after June 30, 1969. The application herein states, and the Commission so finds, that the said P.L. 90-364 expired on June 30, 1969. As a result, the surcharge on Applicant's rates associated therewith expired on the same date and has not been effective since. Even

though Congress is still considering an extension of the Federal Income Tax Surcharge and such Surcharge, when extended, may be retroactive to June 30, 1969, this is only conjecture and not fact. The application further states:

"If Kansas-Nebraska discontinues collecting the add-on and the surcharge is extended and made retroactive as is expected, Kansas-Nebraska would have to rebill each customer to collect the add-on during the interim period."

In this regard, the Commission finds that rates cannot be applied retroactively and that Applicant has no authority to collect any add-on or surcharge described herein since July 1, 1969. The Commission further finds and concludes that no good cause having been shown, the application for authority to institute rates on less than statutory notice as stated in the application herein should be denied.


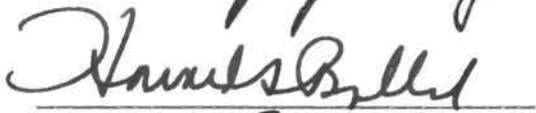
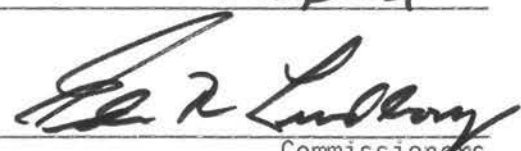
O R D E R

THE COMMISSION ORDERS THAT:

1. The application herein be, and hereby is, denied.
2. First Revised No. 2.1 Colo. P.U.C. No. 4 of the Tariff of Applicant be, and hereby is, cancelled and not permitted to become effective on less than statutory notice.

This Order is effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of July, 1969.
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BESSEMER BUS CORP., DOING BUSINESS)	
AS "AIR LINES CAB SERVICE," P. O.	)	APPLICATION NO. 23579-Extension
BOX 1180, COLORADO SPRINGS, COLORADO,	)	<u>Amended</u>
FOR AUTHORITY TO EXTEND OPERATIONS)	
UNDER PUC NO. 1305 AND PUC NO. 1305-I)	

August 1, 1969

Appearances: Louis Johnson, Esq., Colorado Springs,
Colorado, for Applicant;
William A. Baker, Esq., Colorado Springs,
Colorado, for Yellow Cab Company of
Colorado Springs, Protestant;
John R. Barry, Esq., Denver, Colorado,
for Denver-Colorado Springs-Pueblo
Motorway, Inc.; Continental Bus System,
Inc. (Rocky Mountain Lines Division);
Denver-Salt Lake-Pacific Stages, Inc.;
American Bus Lines, Inc.; Continental Cen-
tral lines; Transcontinental Bus System
and Checker Cab Company, Inc., Protestants;
Dalton O. Ford, Denver, Colorado, of the
Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 16, 1969, the above-entitled application was filed with the Commission; and May 7, 1969, an amended application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1305 and PUC No. 1305-I in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Applicant moved to amend its application so as to clarify and/or extend Certificate of Authority PUC No. 1305 so that the entire authority thereunder would be as follows:

"Transportation of passengers and their baggage in scheduled service only from and to the public terminal at the Colorado Springs Municipal Airport at Peterson Field to and from points within a fifteen (15) air mile radius of said terminal; provided, however, that no vehicles shall be used having a capacity in excess of fourteen (14) passengers when serving to and from the United States Air Force Academy."

Whereupon, all Protestants withdrew and this matter proceeded as a non-contested application.

The request by Applicant to change its trade name from "Air Lines Cab Service" to "Airport Limousine Service" remains."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their protest to the granting of the authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant, Bessemer Bus Corp., is a Delaware corporation duly authorized to do business in the State of Colorado and heretofore has done business under the name and style of AIR LINES CAB SERVICE. As such, Applicant is engaged in the business of transporting passengers under its Certificate of Authority PUC No. 1305 and PUC No. 1305-I between the Colorado Springs Municipal Airport

at Peterson Field and the City of Colorado Springs as well as surrounding territory including Broadmoor and Manitou Springs. Service hereunder was restricted to the use of passenger vehicles of a capacity not exceeding fourteen (14) passengers.

2. By its application as finally amended immediately prior to the hearing, Applicant seeks to have its entire authority under said Certificate of Authority PUC No. 1305 and PUC No. 1305-I read as follows:

"Transportation of passengers and their baggage in scheduled service only from and to the public terminal at the Colorado Springs Municipal Airport at Peterson Field to and from points within a fifteen (15) air mile radius of said terminal; provided, however, that no vehicles shall be used having a capacity in excess of fourteen (14) passengers when serving to and from the United States Air Force Academy.

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The essence of the application, as amended, is to remove the vehicle passenger restriction except when serving to and from the United States Air Force Academy and, further, to make the area served more certain by designating it as "from points within a fifteen (15) air mile radius of said terminal."

3. By Decision No. 66777, dated February 9, 1966, this authority was the subject of considerable interpretation as well as extension and, although Applicant had misinterpreted particularly the "I" portion of this authority, there is no need for clarification in this proceeding. The aforementioned Decision (No. 66777) very clearly defines the authority.
4. As amended immediately prior to the hearing, this application is not protested.
5. Because of the larger airplanes in use and the increased activity at the Colorado Springs Municipal Airport, the equipment restriction should be removed from that portion of the authority. By the same token, there is apparently no reason to remove such restriction from the authority "when serving to and from the United States Air Force Academy."
6. The change of the trade name from "Air Lines Cab Service" to "Airport Limousine Service" should be granted as a matter of course. The Applicant, Bessemer Bus Corp., has filed a new Trade Name Affidavit with the Office of the Clerk and Recorder of El Paso County wherein it does business so as to show that it does business under the name and style of "Airport Limousine Service."

7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
9. There is a present and special need for the extension of the Certificate as applied for and such extension will be in the public interest.
10. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
11. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Certificate of Authority PUC No. 1305 and PUC No. 1305-I as follows:

"to remove therefrom the equipment restriction when transporting passengers and their baggage from and to the public terminal of the Colorado Springs Municipal Airport at Peterson Field"

and that the area be more clearly defined so as to read:

"to and from points within a fifteen (15) air mile radius of said terminal."

That henceforth the full and complete authority under Certificate of Authority PUC No. 1305 and PUC No. 1305-I shall read as follows:

"Transportation -- in scheduled service only -- of

(1) Passengers and their baggage

From and to the public terminal at the Colorado Springs Municipal Airport at Peterson Field to and from points within a fifteen (15) air mile radius of said terminal.

RESTRICTION:

Item No. 1 is restricted as follows:

- (a) No vehicles shall be used having a capacity in excess of fourteen (14) passengers when serving to and from the United States Air Force Academy.

- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

AND FURTHER,

That the Commission make and enter its Order authorizing Applicant to change the trade name from "Air Lines Cab Service" to "Airport Limousine Service".

The Commission has given careful consideration to the record and exhibits in this proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. The Commission, under the provisions of 1963 CRS 115-6-9, has decided to enter an Order in this proceeding denying the application, without regard to the Findings of Fact and Conclusions of the Examiner. Our reasons for such decision are as follows:

1. A radial authority cannot be granted as part of a scheduled airport limousine service. Such a service normally provides transportation between an airport and specified service points. It would be impossible to provide scheduled airport limousine service between the airport on the one hand and all points located within fifteen miles of the airport on the other. Obviously, the Applicant would have no intention of providing scheduled airport limousine service to a farmer at a farm house located 14½ miles east of the Municipal Airport.
2. We have grave doubts as to the total removal of equipment restrictions, which apparently would authorize the Applicant to provide a transportation service utilizing any and all types of motor vehicles, from a motorcycle to a taxicab, to a limousine, to a bus.

3. We believe it might be helpful to all parties to this proceeding to examine in detail our Decision No. 67481, dated May 31, 1966, as to the general aspects of airport limousine service.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23579 be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 1st day of August, 1969.
1s

(Decision No. 73353)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ROSCOE BROWN AND LOWELL GOODROW,)
DOING BUSINESS AS "B & G TRUCK LINE,")
MORLAND, KANSAS, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23658-PP-Amended

August 1, 1969

Appearances: Herbert M. Boyle, Esq., Denver, Colorado,
for Applicants;
William T. Secor, Esq., Longmont, Colorado,
for Livestock Transport, Inc., of Greeley,
Colorado; Sorenson Truck Service, Inc.;
Lynn Keirnes Livestock Trucking and
Greeley Truck Line, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 24, 1969, the above-entitled application was filed with the Commission; and May 8, 1969, an amended application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC."

Prior to the hearing, the application was amended restrictively to request authority to haul only one commodity, i.e., hogs for one customer only, Kansas Hog Company, Morland, Kansas. Upon the acceptance of such restrictive amendment, William T. Secor, Esq., stated for the record that no Protests would be made by his clients and asked leave to withdraw which leave was given."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their protest to the granting of the authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants are a partnership doing business as "B & G Truck Line."
2. Applicants do not hold previously granted authority from this Commission, other than PUC No. 6456-I.
3. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicants to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Hogs

Between all points within an area comprised of the following counties: Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Denver, Douglas, Elbert, El Paso, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld, Yuma, Phillips, Otero, Prowers, Teller, Park, and Fremont, State of Colorado.

RESTRICTION:

- (a) This Permit is restricted to performing transportation service for one customer, only, viz: Kansas Hog Company, Morland, Kansas."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner to the Commission on June 30, 1969. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Roscoe Brown and Lowell Goodrow, doing business as "B & G Truck Line," Morland, Kansas, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Hogs

Between all points within an area comprised of the following Counties of the State of Colorado: Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Denver, Douglas, Elbert, El Paso, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld, Yuma, Phillips, Otero, Prowers, Teller, Park and Fremont.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only the Kansas Hog Company, Morland, Kansas.

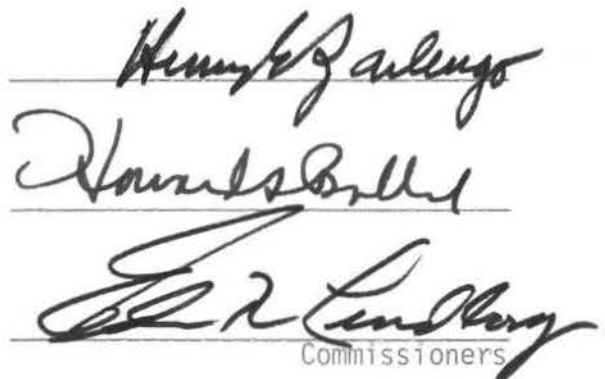
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

* Dated at Denver, Colorado,
this 1st day of August, 1969.
jk

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SPECIAL SERVICE OR ADDITIONAL)	
CHARGES (HOURLY) APPLICABLE TO)	
TRANSPORTATION OF COMMODITIES)	<u>Investigation and Suspension</u>
UNDER THE MERCER DESCRIPTION)	<u>DOCKET NO. 638</u>
-----)	<u>AND CASE NO. 1585</u>

August 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 18, 1969, by Decision No. 73155, the Commission suspended, to and including October 19, 1969, 2nd Revised Page No. 16, to Motor Freight Tariff No. 9, Colorado PUC No. 10, published and filed by J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, hereinafter called the Association. The revised page was issued and filed to become effective June 21, 1969, increasing hourly rates applicable for the transportation of machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and pickup thereof.

The tariff filing was protested by the American Association of Oilwell Drilling Contractors, signed by Joseph M. Shelton, General Counsel, Dallas, Texas and James H. Shelton, Attorney at Law, Greeley, Colorado.

The Commission is now in receipt of a petition and motion to withdraw the protest of the suspended matter in conjunction with an Application No. 410, filed by the Association, to amend 2nd Revised Page No. 16, as it applies to hourly rates applicable to the utilization

of trucks as follows:

7,000 pounds and under	\$ 7.50
Over 7,000 pounds and under 9,000 pounds	8.75
Over 9,000 pounds and under 12,000 pounds	10.50
Over 12,000 pounds and under 15,000 pounds	13.25
Over 15,000 pounds and under 19,000 pounds	16.00
Over 19,000 pounds and under 24,000 pounds	17.75
24,000 pounds and Over	21.75

In all other respects, the 2nd Revised Page should be permitted to become effective.

Since the negotiations between the parties of interest have now been resolved, it appears that it will be in the public interest to permit the above changes to become effective. The amended basis appears as Appendix "A" attached hereto. The Commission states and finds that an Order should be entered in Case No. 1585, prescribing the changes hereinafter set forth under the provisions of Rule 18 C (1) (a).

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact, be, and they are hereby, made a part hereof.

2. That Investigation and Suspension Docket No. 638, set for hearing before the Commission on the 12th day of August at 10:00 a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, be vacated and canceled.

3. That the rates and charges, rules and regulations, as set forth in Appendix "A" attached hereto, should be the prescribed rates, rules, regulations and provisions of the Commission.

4. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published, tariffs reflecting the changes prescribed herein, to be effective on

and after August 22, 1969, on ten (10) days' notice to the General Public and to the Commission.

5. That all private carriers by motor vehicle, to the extent they are affected by the changes herein, shall publish, or cause to be published, tariffs reflecting the changes prescribed herein, which shall not be less than those herein prescribed for motor vehicle common carriers.

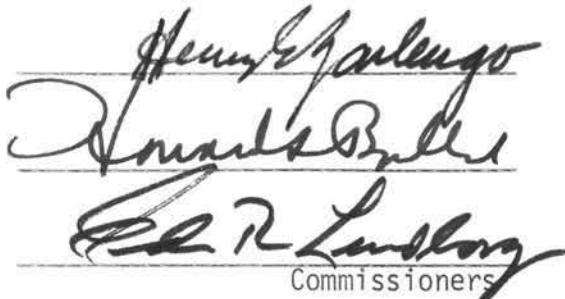
6. That the Orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

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

8. That this Order shall become effective forthwith.

9. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
8th day of August, 1969. av

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT																	
Motor Freight Tariff No. 9																	
Item No.	Rules and Regulations																
	<u>SPECIAL SERVICE OR ADDITIONAL CHARGES:</u>																
	The following charges are in addition to the transportation charges provided herein and will be assessed on shipments when special service and/or extra labor or equipment is required in loading or unloading shipments, or when extra services are required due to weak bridges or other highway obstructions preventing accessibility on the normal route. Also for stringing material along a right-of-way, to tow, drag, or gather material or equipment to or from loading or unloading place, to pull down, or set up material, machinery or equipment, or wreck or place same in position, or rig up or to pump liquids on or off tanks.																
	Truck, Truck Tractor or "A" frame weighing empty (Power Unit Only)																
	<table><tr><th></th><th>Hourly Rate</th></tr><tr><td>7,000 lbs. and under</td><td>(A) \$ 7.50</td></tr><tr><td>Over 7,000 lbs. and under 9,000 lbs.</td><td>(A) 8.75</td></tr><tr><td>" 9,000 lbs. and under 12,000 lbs.</td><td>(A) 10.50</td></tr><tr><td>" 12,000 lbs. and under 15,000 lbs.</td><td>(A) 13.25</td></tr><tr><td>" 15,000 lbs. and under 19,000 lbs.</td><td>(A) 16.00</td></tr><tr><td>" 19,000 lbs. and under 24,000 lbs.</td><td>(A) 17.75</td></tr><tr><td>24,000 lbs. and Over</td><td>(A) 21.75</td></tr></table>		Hourly Rate	7,000 lbs. and under	(A) \$ 7.50	Over 7,000 lbs. and under 9,000 lbs.	(A) 8.75	" 9,000 lbs. and under 12,000 lbs.	(A) 10.50	" 12,000 lbs. and under 15,000 lbs.	(A) 13.25	" 15,000 lbs. and under 19,000 lbs.	(A) 16.00	" 19,000 lbs. and under 24,000 lbs.	(A) 17.75	24,000 lbs. and Over	(A) 21.75
	Hourly Rate																
7,000 lbs. and under	(A) \$ 7.50																
Over 7,000 lbs. and under 9,000 lbs.	(A) 8.75																
" 9,000 lbs. and under 12,000 lbs.	(A) 10.50																
" 12,000 lbs. and under 15,000 lbs.	(A) 13.25																
" 15,000 lbs. and under 19,000 lbs.	(A) 16.00																
" 19,000 lbs. and under 24,000 lbs.	(A) 17.75																
24,000 lbs. and Over	(A) 21.75																
	Crane, with driver and operator, less than 75 feet of boom. 23.00																
270	Crane, with driver and operator, 75 ft. boom & over 26.00																
	Use of Tractor or Caterpillar: D-6, D-7, D-8 or comparable (E)																
	Athey Wagons (E)																
	(I) / Low-boy (underslung) Trailer, with or without platform, not more than 2 axles and not more than 8 wheels 6.25																
	(I) / Low-boy (underslung) Trailer, with or without platform, more than 2 axles and/or 8 wheels, but not more than 3 axles 12.75																
	(I) / Low-boy (underslung) Trailer, with or without platform, 4 axles or more, or 16 or more wheels 20.00																
	(I) / Tandem Dolly or Bogie 3.25																
	(I) For use of low-boy trailers and tandem dolly in terminal service. Terminal service within the meaning of this item, covers all service except over-the-road service provided, however, that over-the-road service is not to be construed to prevent operation of special equipment over the highways from terminal or camp to job site and return.																
	Oil Field Helpers or "Swampers" 3.75																
	Time to be computed as actual travel and working time.																
	Subject to Item No. 300																
Issued: Effective:																	
Correction No. ____ *Issued on 10 days' notice.																	

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COMPANY,)
CEDAR RAPIDS, IOWA, FOR AN ORDER TO)
MAKE EFFECTIVE ON LESS THAN STATUTORY)
NOTICE SECOND REVISED SHEET NO. 6 OF)
ITS TARIFF COLO. PUC NO. 4 RELATIVE)
TO APPLICATION OF FEDERAL INCOME TAX)
SURCHARGE.)

APPLICATION NO. 23891

August 8, 1969

DISCUSSION AND FINDINGS

Iowa Electric Light and Power Company, (Applicant), on August 7, 1969, filed a request to make effective on less than statutory notice second revised sheet No. 6 to cancel first revised sheet No. 6 of its Tariff Colo. PUC No. 4.

This Tariff filing proposes to reapply the Federal Income Tax surcharge of 10% upon its becoming effective pursuant to law. Applicant has collected the surtax imposed by P.L. 90-364, Revenue and Expenditures Control Act of 1968 which expired by its terms on June 30, 1969. With regard to collections so made subsequent to June 30, 1969, Applicant states:

"Said surcharge has been reenacted as of August 4 and will unquestionably be approved by the President. This filing is intended to make clear Iowa Electric's intention to refund with interest any revenues collected to cover the tax surcharge during the time said surcharge lapsed June 30, 1969 to the time of reenactment by Congress and approved by the President."

The request is just and reasonable and the second revised sheet No. 6 should be permitted to become effective on August 10, 1969. Further, any imposition of the surcharge made subsequent to expiration of law and prior to any continuance thereof should be refunded to Applicant's customers, with interest, in a manner most convenient to Applicant.

O R D E R

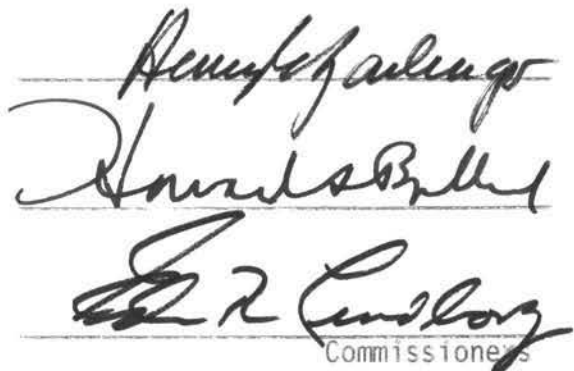
THE COMMISSION ORDERS:

That second revised sheet No. 6 of Applicant's Tariff Colo. PUC No. 4 be, and hereby is, permitted to become effective August 10, 1969.

That any amounts collected as surcharge during periods when the surcharge is not in effect shall be expeditiously returned to the customer with interest in a manner most convenient to Applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of August, 1969.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER CHAPTER 115-9-4)
(2), CRS 1963, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF PEAS, EARLY)
LETTUCE, CABBAGE, CAULIFLOWER, CARROTS,)
SPINACH, RADISHES, SNAP BEANS, SWEET)
CORN, TOMATOES, RED BEETS, PICKLES,,)
EARLY POTATOES, EARLY ONIONS, VINE)
CROPS, HAY, AND ICE.)

APPLICATION NO. 23890
EMERGENCY DISTRICT 6-69

August 7, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervising Transportation Representative, Enforcement Division, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, hay, and ice in the Counties of Kit Carson, Washington, Phillips, and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting peas, lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, potatoes, onions, vine crops, hay and ice in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of peas, lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, potatoes, onions, vine crops, hay

and ice in the Counties of Kit Carson, Washington, Phillips, and Yuma, Colorado and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting peas, lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, potatoes, onions, vine crops, hay and ice in only the Counties of Kit Carson, Washington, Phillips, and Yuma, State of Colorado; provided however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing August 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of August, 1969.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD L. KINCAID, 318 WEST MILL,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A CON-)
TRACT CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23834-PP

August 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicant herein sought a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

The Commission has been advised by the Applicant that he no longer desires the authority herein sought, and requests said application be dismissed.

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


O R D E R

THE COMMISSION ORDERS:

That Application No. 23834-PP be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of August, 1969.

gf

* * *

CASE NO. 4584-M-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Courtney's Moving & Storage)
513 N. Market St.)
Marion, Illinois 62959)
-----)

AUTHORITY NO. 1553-I
CASE NO. 1120-H-Ins

August 8, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 26, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
8th day of August, 1969 .