

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MOBILE TELEPHONE COMPANY,)
1700 Market Street, Suite 2524,)
Philadelphia, Pennsylvania, and)
500 Equitable Building, Denver,)
Colorado,)
Complainant,)
vs.)
RAM BROADCASTING OF COLORADO, INC.,)
1430 First National Bank Building,)
Denver, Colorado,)
Respondent.)

CASE NO. 5433

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

December 29, 1970

Appearances: Jeffrey C. Pond, Esq., Denver, Colorado,
and
Lewis S. Kunkel, Jr., Esq., Philadelphia,
Pennsylvania, for Complainant;
William A. Wilson, Esq., Denver, Colorado,
for Respondent;
Dale Wormus, Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On June 10, 1970, Colorado Mobile Telephone Company (hereinafter referred to as Complainant) filed a complaint against RAM Broadcasting of Colorado, Inc. (hereinafter referred to as Respondent) alleging, inter alia, that Respondent has made application before the Federal Communications Commission for a new construction permit for a two-way radio common carrier station in the domestic public land mobile radio service to serve the Denver, Colorado, area, that the channels requested will be used for two-way noninterconnected mobile radio communication services and paging services, and that said service will be provided without obtaining a certificate of public convenience and necessity from this Commission, which is in violation of the Public Utilities Law of the State of Colorado.

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The Commission assigned Case No. 5433 to the complaint. On June 15, 1970, the Commission issued an Order to Satisfy or Answer, which Order stated that, unless the complaint is satisfied, Respondent is ordered to answer the complaint in writing within twenty days from the date of service. Respondent's Answer was timely filed with the Commission on June 26, 1970.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this matter and, after due and proper notice to all interested persons, firms, or corporations, set the matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 30, 1970, at 10 a.m. The Case was heard at the aforesaid time and place.

William C. Pomeroy, President of RAM Broadcasting of Colorado, Inc., and Joseph M. McNulty, Chief of Fixed Utilities of the Public Utilities Commission, testified under subpoena for the Complainant.

Complainant's Exhibits 1 and 2 were tendered and admitted into evidence.

The filing of simultaneous briefs was granted by the Examiner and said briefs were duly filed by Complainant and Respondent on October 27, 1970.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with a recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Colorado Mobile Telephone Company, Complainant herein, is a Colorado corporation with its principal office and mailing address at 1700 Market Street, Philadelphia, Pennsylvania, and its registered office at 500 Equitable Building, Denver, Colorado.

2. Respondent, RAM Broadcasting of Colorado, Inc., is a Colorado corporation having its registered office, as that term is used in the Colorado Corporation Act, at 1430 First National Bank Building, Denver, Colorado.

3. Pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over the subject matter of these proceedings.

4. Respondent is now and has been offering manual noninterconnected two-way mobile radio and paging services within the Denver Metropolitan Area without obtaining a certificate of public convenience and necessity from this Commission.

5. The aforesaid services are "noninterconnected", and this term as used in the instant proceeding means that there is no connection with land lines of another telephone utility, to-wit: Mountain Bell in this instance.

6. Respondent's customers may only communicate with the base station and with other mobile units on its system but cannot communicate with the general public.

7. No noninterconnected communication companies now operating within Colorado have applied for or have been required to apply for a certificate of public convenience and necessity from this Commission.

8. Respondent is not a telephone utility and therefore not a public utility as defined in Chapter 115-1-3, CRS 1963, as amended.

DISCUSSION

The issue before the Commission is relatively simple, i.e.:

1. Is a noninterconnected communications company a public telephone utility?

or

2. Is the issuance of a certificate of public convenience and necessity a prerequisite to interconnection and to public utility status?

This Commission has repeatedly held that interconnection with land line facilities of another telephone company brings a company offering mobile radio communication services within the scope of its jurisdiction (for a more detailed discussion, see Respondent's Brief, pp. 3, 4, and 5). The Commission has not heretofore expressly ruled on the question whether or not such a company, when its facilities are not interconnected with land lines of another telephone company, does or does not constitute a public utility in the meaning of Chapter 115, CRS 1963, as amended, and the Rules and Regulations of this Commission. The Examiner has found no precedent in Colorado law for this set of facts except longstanding Commission policy as outlined above, which policy strongly implies that interconnection with land lines is the one basic fact which brings a mobile radio communications services company within the jurisdiction of the Commission as a public utility. Conversely then, it has to be concluded that if the services offered are not interconnected with land lines, they do not serve the general public and are not in the nature of the service of a public utility. This conclusion is strengthened by the fact that the Commission has never required or made any attempt to require mobile radio communications services companies, of which there are a number in this State, to apply for a certificate of public convenience and necessity when the use of their system is restricted only to the subscribers to their radio communications facilities and not interconnected with the land lines of a telephone company which is a public utility in the full meaning of the Public Utilities Law of the State of Colorado.

The Examiner believes that a recent case decided by the Public Service Commission of the State of New York is well to the point.

The New York State Public Service Commission, in the petition of Tel-Page Corporation for a certificate of public convenience and necessity said:

"1. The Carterfone decision deals with the propriety of a provision in a telephone tariff concerning the use of interconnecting equipment but does not concern itself with the question of when interconnection may properly be made. Before this decision can become relevant, there must first exist a right to interconnect. The very purpose of seeking a certificate of public convenience and necessity in the instant proceeding is to create that right. Without this certificate, petitioner may not interconnect with the land lines telephone system, whether such interconnection is achieved by direct connection, Carterfone device, or any other means. The Carterfone decision, at most, places petitioner in a position to claim the right to use that device, but only after obtaining a certificate which would establish a right to interconnect." [Case No. 25226, 84PUR3d No. 2, Pages 122 and 128, (May, 1970)]

The Examiner agrees with the contention that Respondent is not required to obtain from this Commission a certificate of public convenience and necessity as long as interconnection with land lines, by whatever means, does not exist.

The Findings of Fact contained in this Discussion, where applicable, are herewith incorporated and made part of the Findings of Fact, supra.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Respondent does have the right to offer noninterconnected two-way mobile radio and paging service within the Denver Metropolitan Area without first obtaining a certificate of public convenience and necessity from this Commission.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

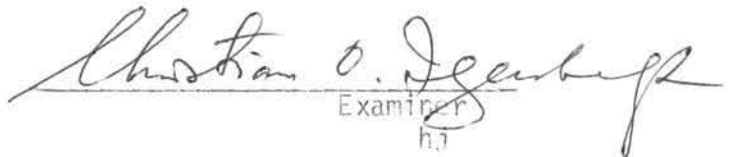
THE COMMISSION ORDERS:

1. That the Complaint set forth in this proceeding, Case No. 5433, be, and hereby is, dismissed.

2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
h.j

(Decision No. 76556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MICHAEL J. DUZIK, DBA)
NORTHWEST TAXI CAB SERVICE)
590 BREEZE STREET)
P. O. BOX 1162)
CRAIG, COLORADO 81625)

PUC NO. 1290

December 29, 1970

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.

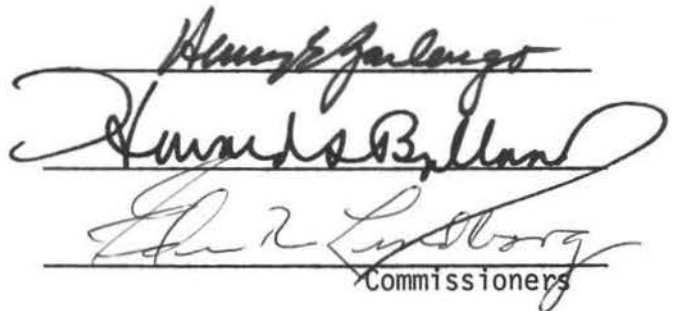
The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of November 13, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1970.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
OLEGARIO SAIS)
Box 12)
Farisita, Colorado 81037)

AUTHORITY NO. M 4615
CASE NO. 935-M-Ins.

December 29, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 29th day of December, 1970 .

(Decision No. 76558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WIDEFIELD HOMES WATER COMPANY, A)
COLORADO CORPORATION, 3 WIDEFIELD)
BOULEVARD, COLORADO SPRINGS, COLORADO,)
FOR AN EXTENSION OF EXISTING CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECES-)
SITY TO SUPPLY WATER TO WIDEFIELD,)
COLORADO.)

APPLICATION NO. 24286

December 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 13, 1970, Widefield Homes Water Company filed the above-captioned application.

On December 24, 1970, Fred Sproul, by his attorneys, Saunders, Dickson, Snyder & Ross, P.C., filed a Motion to Intervene.

On December 28, 1970, Antonio N. Venetucci and Dominic T. Venetucci, by their attorney, M. O. Shivers, Jr., filed their Motion to Intervene.

The Commission states and finds that Applicants, Fred Sproul, Antonio N. Venetucci and Dominic T. Venetucci, are parties who may or might be interested in or affected by any order which may be entered in this proceeding and that the Motions to Intervene should be authorized.

O R D E R


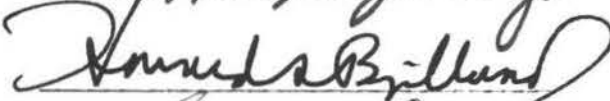
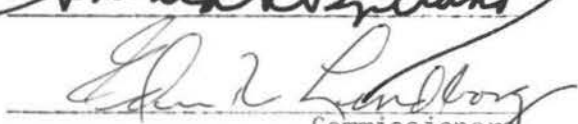
THE COMMISSION ORDERS:

That the Motion to Intervene by Fred Sproul, be, and the same hereby is, granted.

That the Motion to Intervene by Antonio N. Venetucci and Dominic T. Venetucci, be, and the same hereby is, granted.

That this Order shall be 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 December, 1970.
hj

(Decision No. 76559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BOULEVARD NATIONAL BANK,
A NATIONAL BANKING ASSOCIATION,
730 COLORADO BOULEVARD,
DENVER, COLORADO,
and
ELMER FOX & COMPANY,
A PARTNERSHIP,
275 UNIVERSITY BOULEVARD,
DENVER, COLORADO,

Complainants,

vs.

THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY,
930 - 15TH STREET,
DENVER, COLORADO,

Respondent.

CASE NO. 5429

SUPPLEMENTAL ORDER

December 30, 1970

Appearances: Charles Frederickson, Esq., and
Marilynn Cason, Esq., of
Dawson, Nagel, Sherman & Howard,
Denver, Colorado,
for Complainants;
T. M. Ledingham, Esq.,
Denver, Colorado,
for Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 1, 1970, Recommended Decision No. 75777 was submitted by Christian O. Igenbergs, Examiner.

On November 30, 1970, Respondent, The Mountain States Telephone and Telegraph Company, through its attorney, T. M. Ledingham, filed Exceptions to said Recommended Decision. By Decision No. 76436 dated December 11, 1970, the Commission overruled and denied the Exceptions of the Respondent.

On December 22, 1970, Respondent filed its Motion for Extension of Time and Application for Reconsideration and Modification of Order in Decision No. 76436.

The Commission states and finds that Respondent's Motion for Extension of Time and Application for Reconsideration and Modification of Order does not set forth sufficient grounds for any change or modification and that said Motion should therefore be denied as set forth in the Order following.

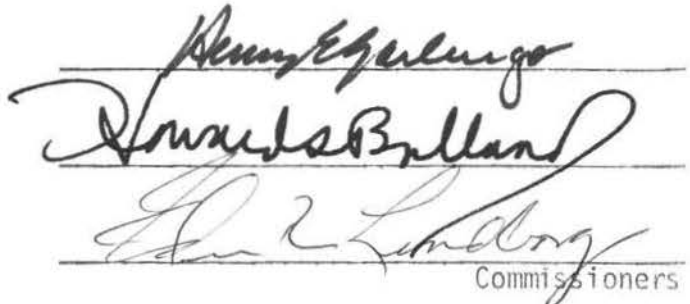
O R D E R

THE COMMISSION ORDERS:

That the Motion for Extension of Time and Application for Reconsideration and Modification of Order set forth in Decision No. 76436 and filed on December 22, 1970, by Respondent, The Mountain States Telephone and Telegraph Company, be, and hereby is, denied.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of December, 1970.
vjr

(Decision No. 76560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

W. S. BRISTOW)
3608 SEYMOUR HI-WAY)
P. O. BOX 264)
WICHITA FALLS, TEXAS 76307)

AUTHORITY NO. 6804-I

CASE NO. 2523-H-Ins.

December 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

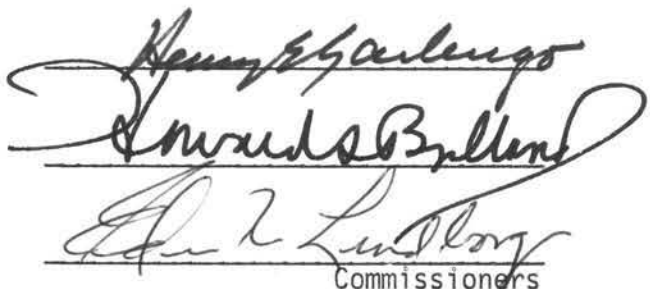
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1970 .

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 AN ORDER AUTHORIZING THE ISSU-) APPLICATION NO. 24696-Securities
ANCE OF SHORT-TERM UNSECURED NOTES)
TO COMMERCIAL BANKS AND TO COMMER-)
CIAL PAPER DEALERS.)

December 30, 1970

S T A T E M E N T

On December 16, 1970, Public Service Company of Colorado (Applicant) filed the above-entitled application with the Commission requesting an Order of this Commission, without a formal hearing, approving the issuance and renewal by Applicant from time to time to commercial banks and to commercial paper dealers in the form of commercial paper of not to exceed \$30,000,000 short-term unsecured promissory notes with a maturity of not more than twelve (12) months (herein collectively called "short-term notes") to finance in part Applicant's 1971 construction program and to reimburse Applicant's treasury for moneys to be expended on such program.

Due and proper notice of the filing of this application was given by the Commission to all interested parties. As no protests, objections or petitions to intervene have been filed with the Commission within the time specified in the notice of the filing of the application, this matter will be determined by the Commission without a formal oral hearing under the Rules of Practice of the Commission.

Applicant, a Colorado corporation, is a public utility operating company subject to the jurisdiction of this Commission, engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution

and sale of natural gas in various areas all within the State of Colorado. Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Green and Clear Lakes Company, a New York corporation; The Pueblo Gas and Fuel Company, a Colorado corporation; Western Slope Gas Company, a Colorado corporation; and 1480 Welton, Inc., a Colorado corporation.

A certified copy of Applicant's Restated Articles of Incorporation, constituting the Articles of Incorporation of Applicant as amended to date, heretofore has been filed with the Commission.

Pursuant to Applicant's Restated Articles of Incorporation, the authorized capital stock of Applicant consists of \$250,000,000 divided into 20,000,000 shares of Common Stock of the par value of \$5 each, and 1,500,000 shares of Cumulative Preferred Stock of the par value of \$100 each. At September 30, 1970, there were issued and outstanding 14,447,700 shares of Common Stock. Applicant's Cumulative Preferred Stock is authorized to be issuable in series. There were issued and outstanding as of September 30, 1970, in the aggregate, 800,000 shares of its Cumulative Preferred Stock consisting of the various series set forth in its application in this matter.

Applicant's statement of income and earned surplus for the 12 months ended September 30, 1970, contained in Exhibit D to its application, showed Applicant had operating revenues for the period of \$199,192,961 and net income of \$30,074,678. Such exhibit also showed that during such period the amount of \$3,668,650 was appropriated for dividends on its Cumulative Preferred Stock and the amount of \$15,747,993 for dividends on its Common Stock.

As of September 30, 1970, the funded indebtedness of Applicant was \$338,800,000 consisting of First Mortgage Bonds issued in various series pursuant to that certain Indenture of Mortgage and Deed of Trust, dated as of December 1, 1939, between Applicant and Guaranty Trust

Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, as supplemented.

Applicant heretofore has issued and it had outstanding as of December 15, 1970, short-term commercial paper of the aggregate amount of \$17,000,000. The discount rate at which the outstanding commercial paper was sold varies from 5-5/8 percent to 6-7/8 percent.

The proceeds of the \$30,000,000 of short-term unsecured notes which Applicant seeks authority to issue in its application will be used to finance in part its 1971 construction program, and to reimburse Applicant's treasury for moneys to be expended on such program. Applicant's estimated cost of its 1971 construction program is \$90.9 million. The short-term notes proposed to be issued to commercial banks will bear interest at the prime rate in effect at the place the borrowing is effected. The interest or discount rate applicable to the short-term notes Applicant may issue to commercial paper dealers will be the prevailing rate for commercial paper of comparable quality and maturity at the place the sale is consummated.

Applicant's Exhibit F attached to its application shows the capital structure of Applicant as of September 30, 1970, and a pro forma capital structure as of the same date giving effect to the proposed issuance of short-term notes in the maximum amount of \$30,000,000 at any one time outstanding. As shown by this exhibit, the percentage of debt to the total capital structure after issuance of the proposed maximum amount of said short-term notes will increase from 52.2 percent to 54.3 percent. The Preferred Stock will decrease from 12.3 percent to 11.8 percent, and the Common Stock equity will decrease from 35.5 percent to 33.9 percent.

FINDINGS OF FACT

From the record in this matter, the Commission finds as fact that:

1. Public Service Company of Colorado, a Colorado corporation, the Applicant herein, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963;

2. This Commission has jurisdiction over Applicant and the subject matter of this application;

3. This Commission is fully advised in the premises;

4. The foregoing statement is made a part of these findings by reference;

5. The proposed issuance and renewal by Applicant from time to time of \$30,000,000 short-term notes to commercial banks and to commercial paper dealers for the purpose of obtaining temporary capital to finance in part Applicant's 1971 construction program, and to reimburse Applicant's treasury for moneys to be expended on such program, should be authorized and approved;

6. The proposed issuance and sale of \$30,000,000 of short-term notes as described above is reasonably required and necessary for Applicant's proper corporate financing; and

7. The aforesaid proposed securities transactions are not inconsistent with the public interest, and the purpose or purposes for which such securities will be issued or renewed are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1963.

CONCLUSION

It is the conclusion of the Commission that the authorization sought in the aforesaid application should be granted, without a formal oral hearing, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That for the purpose of obtaining temporary capital to finance Applicant's 1971 construction program, and to reimburse Applicant's treasury for moneys to be expended on such program, the proposed issuance and renewal by Applicant from time to time of \$30,000,000 of short-term unsecured notes to commercial banks and to commercial paper dealers in the form of commercial paper be, and the same hereby is, authorized and approved.

That within ten (10) days after the first of each month, and continuing until Applicant has discharged its obligations with respect to all short-term unsecured notes, the issuance of which is authorized and approved herein, Applicant shall file with the Commission a statement showing the aggregate amount of its short-term unsecured notes outstanding as of the last day of the preceding month.

That nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with regard to, said securities on the part of the State of Colorado.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

That the authority herein granted shall be exercised from and after the date of this Order which shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of December, 1970.
v.jr

(Decision No. 76562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC., 1400 WEST)
52ND AVENUE, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 149 AND PUC)
NO. 149-I.)

APPLICATION NO. 24289-Extension

SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

December 31, 1970

Appearances: Warren D. Braucher, Esq., Wheat Ridge,
Colorado, for Applicant.
Leslie R. Kehl, Esq., Denver, Colorado,
for Goldstein Transportation and
Storage, Inc.; Westway Motor Freight,
Inc.; Red Ball Motor Freight, Inc.;
and South Park Motor Lines, Protestants.
Joseph F. Nigro, Esq., Denver, Colorado,
for Weicker Transfer and Storage Co.
and Gottula Trucking and Transportation,
Protestants.
Edward T. Lyons, Jr., Esq., Denver, Colo-
rado, for Ephraim Freightways, Inc.,
Intervenor.
John J. Conway, Esq., Denver, Colorado,
for Bill Clark Truck Line, Inc.,
Intervenor.
Lloyd C. Espinosa, Denver, Colorado, of
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 11, 1970, the Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On December 30, 1970, Protestants Weicker Transfer and Storage Co. and Gottula Trucking and Transportation, by their attorney Joseph

F. Nigro, and Protestants Ephraim Freightways, Inc. and Red Ball Motor Freight, Inc., by their attorney Leslie R. Kehl, filed with the Commission a Motion For Extension Of Time within which to file exceptions to the Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript by the reporter.

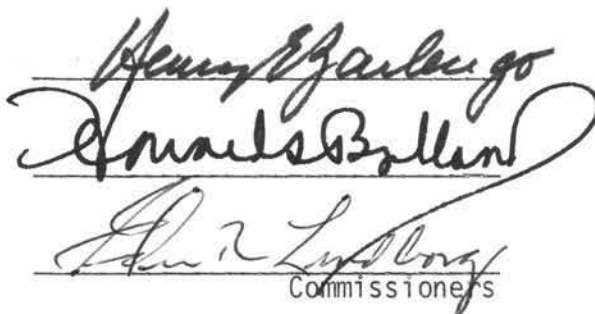
The Commission states and finds that said requests are in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Protestants Weicker Transfer and Storage Co., Gottula Trucking and Transportation, Ephraim Freightways, Inc. and Red Ball Motor Freight, Inc., be, and hereby are, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
YELLOW CAB, INC., 3455 RINGSBY COURT,)	APPLICATION NO. 24499-Waiver
DENVER, COLORADO, FOR AUTHORITY TO BE)	
RELIEVED FROM COMPLYING WITH RULE 14,)	RECOMMENDED DECISION OF
LEASING OF EQUIPMENT AS LESSEE, OF THE)	CHRISTIAN O. IGENBERGS,
COMMISSION'S RULES AND REGULATIONS)	EXAMINER.
GOVERNING COMMON CARRIERS BY MOTOR)	
VEHICLE, UNDER PUC NO. 2204 AND PUC)	
NO. 2204-I.)	

January 4, 1971

- Appearances: Walter M. Simon, Esq., Denver, Colorado,
for Applicant.
- Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.
- Oscar E. Franz, Denver, Colorado, of the
Staff of the Commission

PROCEDURE AND RECORD

Under date of August 10, 1970, Applicant filed the above-entitled application with this Commission requesting authority to be relieved from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

The Commission assigned No. 24499-Waiver to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the hearin matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 12, 1970, at 10 a.m. The hearing was held at the aforesaid time and place on a joint record with Application No. 24500-Waiver.

At the hearing, it was stipulated and agreed by and between counsel for Applicant and for Staff that the requested exemption from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire is already governed by Rule II of the Rules and Regulations Governing the Operation of Taxicabs promulgated by this Commission under Decision No. 42213, dated March 11, 1954, and therefore the parties are agreed and move to dismiss Application No. 24499-Waiver and Application No. 24500-Waiver.

The Examiner accepted the aforesaid Stipulation, granted the Motion, and dismissed both applications, to-wit: No. 24499-Waiver and Application No. 24500-Waiver.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire deals with the leasing of equipment by common carriers and certain procedures to be observed in order to comply with the said Rule.

2. Rule II of the Commission's Rules and Regulations Governing the Operation of Taxicabs provides, inter alia, as follows:

"Until further order of the Commission, Rule 14 of the Public Utilities Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle shall not apply to taxicab operations."

3. In view of the language of the above-quoted Rule II of this Commission, Yellow Cab, Inc. and Checker Cab, Inc., both common carriers of passengers by taxicab under the jurisdiction of this Commission, need not comply with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire but may mutually lease or substitute in passenger service the taxicabs owned by them to each other without any further permission or filing of any lease agreements with this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24499-Waiver should be dismissed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

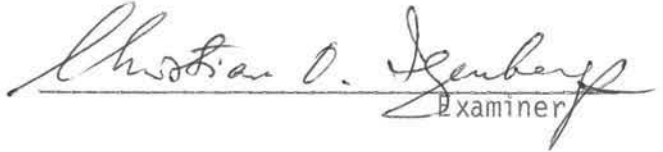
O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24499-Waiver, being an application of Yellow Cab, Inc., 3455 Ringsby Court, Denver, Colorado, for authority to be relieved from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire, be, and hereby is, dismissed.
2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed

within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 76564)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CHECKER CAB, INC., OWNER, YELLOW CAB,)	
INC., LESSEE, 3455 RINGSBY COURT,	)	<u>APPLICATION NO. 24500-Waiver</u>
DENVER, COLORADO, FOR AUTHORITY TO BE)	
RELIEVED FROM COMPLYING WITH RULE 14,	)	<u>RECOMMENDED DECISION OF</u>
LEASING OF EQUIPMENT AS LESSEE, OF	)	<u>CHRISTIAN O. IGENBERGS,</u>
THE COMMISSION'S RULES AND REGULATIONS	)	<u>EXAMINER.</u>
GOVERNING COMMON CARRIERS BY MOTOR)	
VEHICLE, UNDER PUC NO. 2378 AND PUC)	
NO. 2378-I.)	

January 4, 1971

Appearances: Walter M. Simon, Esq., Denver,
Colorado, for Applicant.

Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

Oscar E. Franz, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of August 10, 1970, Applicant filed the above-entitled application with this Commission requesting authority to be relieved from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

The Commission assigned No. 24500-Waiver to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 12, 1970, at 10 a.m. The hearing was held at the aforesaid time and place on a joint record with Application No. 24499-Waiver.

At the hearing, it was stipulated and agreed by and between counsel for Applicant and for Staff that the requested exemption from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire is already governed by Rule II of the Rules and Regulations Governing the Operation of Taxicabs promulgated by this Commission under Decision No. 42213, dated March 11, 1954, and therefore the parties are agreed and move to dismiss Application No. 24499-Waiver and Application No. 24500-Waiver.

The Examiner accepted the aforesaid Stipulation, granted the Motion, and dismissed both applications, to-wit: No. 24499-Waiver and Application No. 24500-Waiver.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire deals with the leasing of equipment by common carriers and certain procedures to be observed in order to comply with the said Rule.

2. Rule II of the Commission's Rules and Regulations Governing the Operation of Taxicabs provides, inter alia, as follows:

"Until further order of the Commission, Rule 14 of the Public Utilities Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle shall not apply to taxicab operations."

3. In view of the language of the above-quoted Rule II of this Commission, Yellow Cab, Inc. and Checker Cab, Inc., both common carriers of passengers by taxicab under the jurisdiction of this Commission, need not comply with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire but may mutually lease or substitute in passenger service the taxicabs owned by them to each other without any further permission or filing of any lease agreements with this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24500-Waiver should be dismissed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

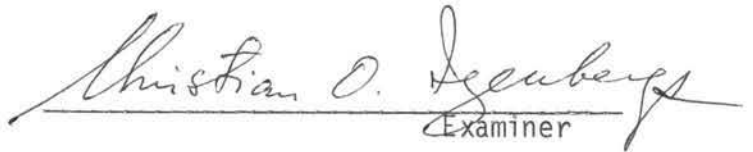
O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24500-Waiver, being an application of Checker Cab, Inc., Owner, Yellow Cab, Inc., Lessee, 3455 Ringsby Court, Denver, Colorado, for authority to be relieved from complying with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire, be, and hereby is, dismissed.
2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed

within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS. 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 76565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DIVISION OF HIGHWAYS - STATE OF)
COLORADO FOR AUTHORITY TO INSTALL)
NEW AUTOMATIC FLASHING LIGHT SIGNALS)
AND AUDIBLE WARNING DEVICES AND TO)
RELOCATE SIMILAR EQUIPMENT AT THE)
GRADE CROSSINGS OF STATE HIGHWAY NO.)
52 AND THE UNION PACIFIC RAILROAD)
COMPANY MAINLINE TRACK AT RAILROAD)
MILEPOST 98.77 BETWEEN DENVER AND)
STERLING NEAR FORT MORGAN, MORGAN)
COUNTY, COLORADO.)

APPLICATION NO. 24602

DECISION OF THE COMMISSION

December 31, 1970

S T A T E M E N T

BY THE COMMISSION:

On September 14, 1970, the Division of Highways of the State of Colorado (Division), filed its application in accordance with the rules of this Commission, seeking approval for installation of additional automatic flashing light signals and the proposed widening of the highway-railroad grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

Exhibit A: White print copy of Project Plan Sheet to show highway right of way, roadway profile, and proposed roadway widening for Colorado Highway No. 52 at public grade crossing north of Fort Morgan, Colorado, over Union Pacific Mainline at Milepost 98.77.

With reference to the instant application and other investigation data of the Commission, it appears that Colorado Highway No. 52 is a north-south asphalt paved two-lane highway extending northward from Fort Morgan

for some 25 miles to the east-west Colorado Route No. 14 near Raymer. At about one mile north from Fort Morgan, a near right-angle grade crossing at Railroad Milepost 98.77 is made over the single track of Union Pacific Railroad main line extending between La Salle and Julesburg, Colorado. Protection consists of two standard curbside flashing light signal units and a bell.

At some 3/4 mile south from the rail crossing, a portion of the new east-west Interstate 80 South has been recently completed, including also an interchange connection to Colorado No. 52. To accommodate the increasing volume of local traffic seeking to utilize the new Interstate routing, the Division has built a new double-lane bridge 1,100 feet long over the Platte River to parallel the existing bridge structure. The instant road widening project will continue the divided four-lane construction northward from the I-80 S interchange and extend over the rail crossing.

In this project it is proposed that the existing grade crossing will serve the northbound traffic and thereby require relocation of the existing signals to each side of the roadway at the south side approach to the crossing. The new double lane road to be built along the west side of the existing roadway will serve the southbound traffic and require proposed installation of new flasher signals and bell on the north side approach to the crossing.

An Agreement between the Division of Highways and the Union Pacific Railroad Company has been prepared covering the work to be done and the basis of payment therefor. This Agreement is in the process of executive review. A copy of said Agreement shall be made available to the Commission as a late-filed exhibit when fully executed and validated. Subject Agreement provides that the Division shall reimburse the Railroad for all expenses incidental to constructing and maintaining the highway over land on which the Railroad has granted the license for the crossing including the relocation of existing protective devices and the installation of new ones. The

estimated cost for the new road crossing, relocation of existing devices and installation of the specified new signals is \$15,255.

Meanwhile, the Commission has forwarded a copy of the instant application, together with a Notice, to the owners of adjacent property and to the interested parties herein. Said Notice, dated October 20, 1970, was to ascertain if any other action be considered within the period of thirty (30) days as designated therein. No adverse reply or suggestion has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that effectiveness of existing automatic signal protection is accepted by the utility and the public agencies involved herein. Colorado Highway No. 52 is on a rising grade of 0.5% to the north over the rail line. Rural development around the crossing is not extensive at this time and the new construction therefore offers only minor inconvenience to adjacent owners. The new roadway work will provide an upgrading of the route in the form of a divided highway and the addition of two new signal units is necessary to complete the warning protection for the new roadway.

It is therefore the belief of the Commission that work of proposed crossing modification and additional signal protection is compatible with the public interest, and pursuant to Chapter 115-6-9(5), CRS 1963, as amended, the Commission determined to hear, and has heard, said matter forthwith upon the records and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the records and files herein, the Commission is informed in the matter and finds as follows:

That Notice of the proposed highway widening has been given by the Commission to interested parties, and no protest in the matter has been received.

That public safety, convenience and necessity require and will be served by the new work as proposed herein.

That the authority sought in the instant application should be granted by initial decision of the Commission since due and timely execution of its functions imperatively and unavoidably so requires.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Division of Highways - State of Colorado, be, and it hereby is, granted authority and approval for the following:

1. Reconstruction and widening of existing highway/railroad grade crossing as required for the construction and addition of two new traffic lanes at the west side thereof;
2. To adjust location of existing flashing light signals and to install two additional automatic flashing light signals and bell at the north side of the rail line on north approach of the proposed new double lane roadway;

all being a part of and located at the grade crossing of State Highway No. 52, over Union Pacific Denver-Julesburg main line at Milepost 98.77 near Fort Morgan, Morgan County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement and Agreement; said Agreement to be accepted as a late-filed exhibit herein. The Statement, Agreement, and Location Exhibits are by reference made a part hereof.

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

This Order shall become effective forthwith as the initial decision
of the Commission

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
31st day of December, 1970.

vjr

(Decision No. 76566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN T. FOX)
1452 BENTON)
DENVER, COLORADO 80214)

PERMIT NO. B-2627

December 31, 1970

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 November 3, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1970.
vjr

(Decision No. 76567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WIDEFIELD HOMES WATER COMPANY, A)
COLORADO CORPORATION, 3 WIDEFIELD)
BOULEVARD, COLORADO SPRINGS, COLO-)
RADO, FOR AN EXTENSION OF EXISTING)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO SUPPLY WATER TO)
WIDEFIELD, COLORADO.)

APPLICATION NO. 24286

December 31, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 13, 1970, the above-styled application was filed with this Commission and after due and proper notice to all interested parties was set for hearing at 10 a.m., Monday, January 4, 1971, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On December 30, 1970, Applicant, Widefield Homes Water Company by its attorneys, Holland & Hart, filed with the Commission a Motion to Vacate Hearing Order.

The Commission finds that for good cause shown, the Motion to Vacate Hearing Order should be granted and the hearing vacated.


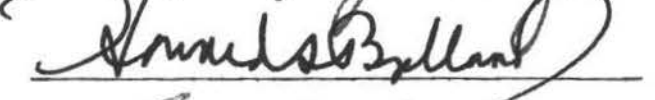

O R D E R

THE COMMISSION ORDERS:

1. That Motion to Vacate Hearing Order of Applicant, Widefield Homes Water Company, be, and hereby is, granted.
2. That the hearing with regard to the above-styled application scheduled for Monday, January 4, 1971, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
31st day of December, 1970.
vjr

(Decision No. 76568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Lightner's Distributing)
Route 1, Box 9)
Holly, Colorado 81049)

PERMIT NO. M-1521

January 4, 1971

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.

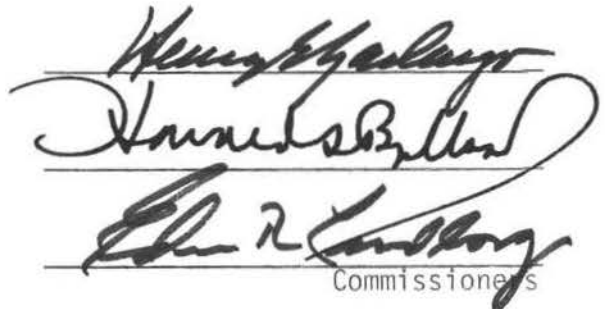
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

(Decision No.76569)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Mesa Market Inc.)
4016 Arkansas)
Los Alamos, New Mexico 87544) PERMIT NO. M-1534

January 4, 1971

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.

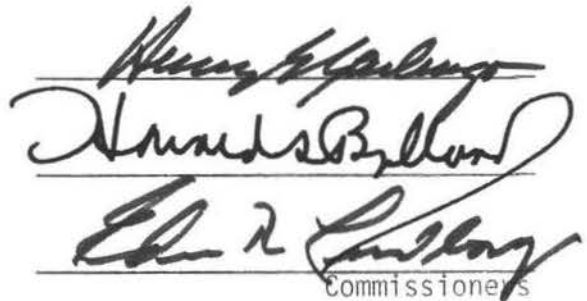
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

(Decision No. 76570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
Midwest Livestock Express, Inc.)	
Wilsonville, Nebraska 69046	)	<u>PERMIT NO. M-7844</u>
)	

January 4, 1971

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.

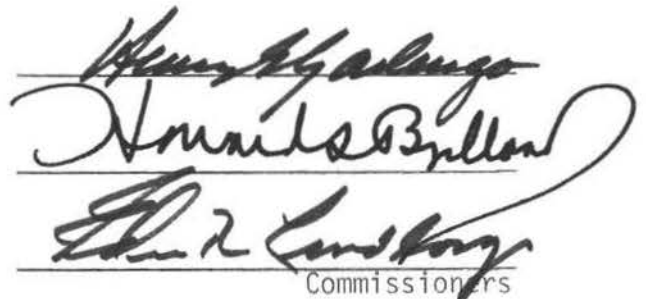
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 19, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

(Decision No. 76571)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Wayerly J. Cecil dba)
Cecil's Excavating Service)
6340 Pontiac)
Commerce City, Colorado 80022)

PERMIT NO. M-10083

January 4, 1971

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.

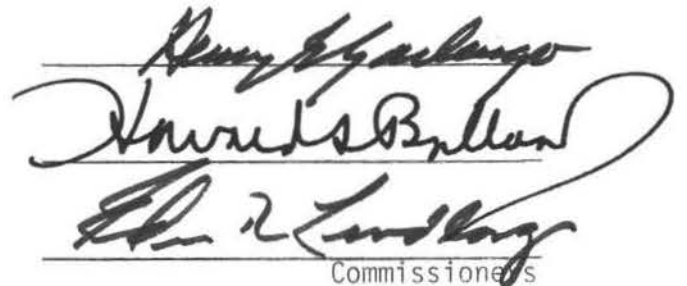
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 24, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

(Decision No. 76572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Central Parts Company, Inc.)
941 Bannock)
Denver, Colorado 80204)

PERMIT NO. M-10216

January 4, 1971

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.

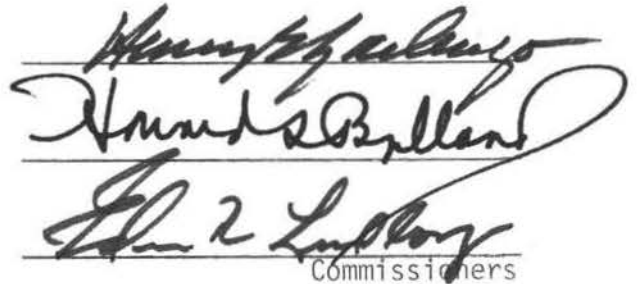
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 17, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

(Decision No. 76573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Warren Harvey King)
Fairplay, Colorado 80440)

PERMIT NO. M-11180

January 4, 1971

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.

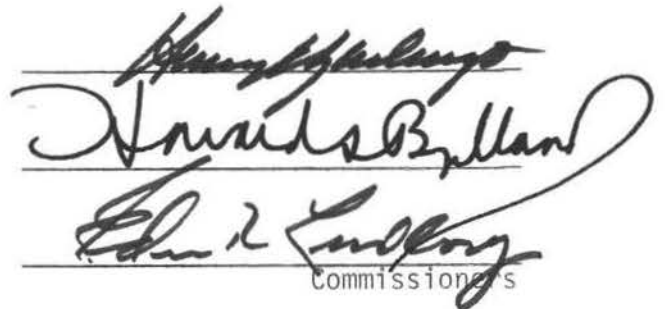
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 22, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
Troy Youngblood)	
Route 2)	
Montrose, Colo. 81401	)	<u>PERMIT NO. M-13392</u>
)	

January 4, 1971

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.

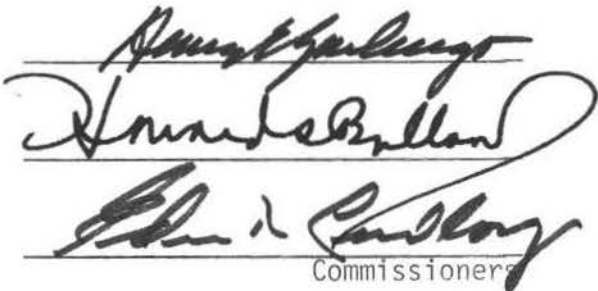
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 13, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

(Decision No.76575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Curtis G. Carlson dba)
Curt's Trading Post)
P O Box 392)
Dolores, Colo. 81323)

PERMIT NO. M-15282

January 4, 1971

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.

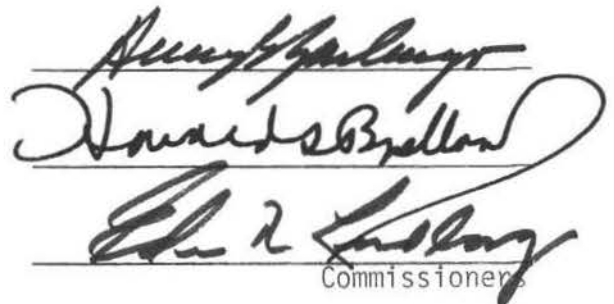
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 27, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: DENVER-BOULDER BUS COMPANY)
INCREASED COMMUTATION FARES)
BETWEEN DENVER AND BOULDER,)
COLORADO)
-----)

Investigation and Suspension
Docket No. 666

January 4, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 1, 1970, C. S. Dawson, Superintendent, Denver-Boulder Bus Company, filed 3rd Revised Page No. 1, 3rd Revised Page No. 2, 2nd Revised Page No. 3, 2nd Revised Page No. 4, 4th Revised Page No. 7 and 4th Revised Page No. 8, to its Local Passenger Tariff No. 42, Colorado PUC No. 43, scheduled to become effective November 1, 1970. By Decision No. 76089, dated October 16, 1970, the Commission suspended the proposed increased fares and entered into an investigation concerning the lawfulness of the rates and charges contained therein.

The Commission is now in receipt of a petition from the Respondent requesting that it be allowed to withdraw the suspended matter and that the hearing set for January 12, 1971, Investigation and Suspension Docket No. 666, be vacated.

Upon consideration of said petition, the Commission finds that it will be in the public interest to allow Respondent to withdraw the suspended matter, and that the hearing set for January 12, 1971, be vacated and the investigation discontinued.

O R D E R

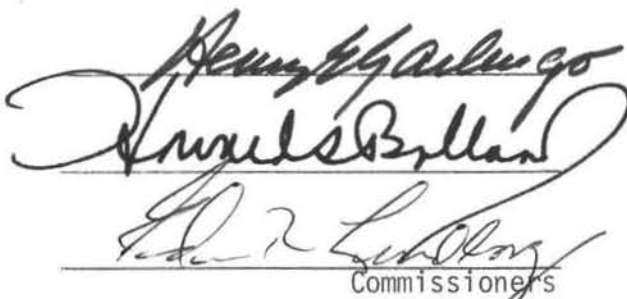
THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact be, and are hereby, made a part hereof.
2. That the Respondent herein be, and it is hereby, notified and required to cancel 3rd Revised Page No. 1, 3rd Revised Page No. 2,

2nd Revised Page No. 3, 2nd Revised Page No. 4, 4th Revised Page No. 7 and 4th Revised Page No. 8, to its Local Passenger Tariff No. 42, Colorado PUC No. 43, on or before January 24, 1971, by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

3. That the hearing set for Investigation and Suspension Docket No. 666, on January 12, 1971, in Denver, Colorado, be, and it is hereby, vacated and the proceeding discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
4th day of January, 1971. av

(Decision No. 76577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

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

AUTHORITY NO. M 8313

CASE NO. 6261-M-Ins.

January 4, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 1970 , 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.

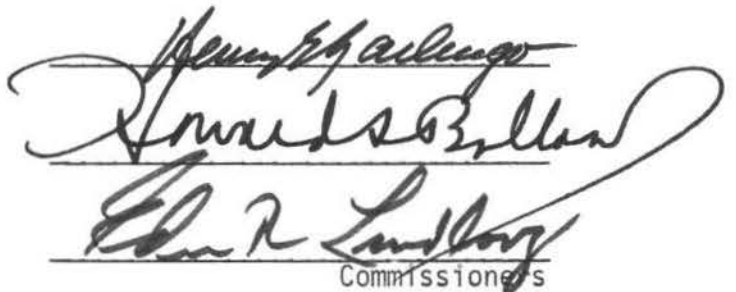
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971 .

(Decision No. 76578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

B. C. TAYLOR DBA)
TAYLOR TRUCKING COMPANY)
BOX 1203)
SAN ANGELO, TEXAS 76901)

AUTHORITY NO. 2555-I

CASE NO. 2484-H-Ins.

January 4, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , 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.

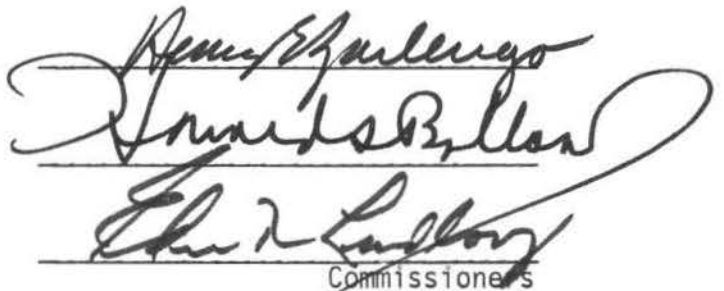
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1971 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 7368 AND PUC NO. 7368-I.)

APPLICATION NO. 24353-Extension

INTERIM ORDER

January 5, 1971

Appearances: William F. Schenkein, Esq.,
Denver, Colorado, for
Applicant.

Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Under date of December 21, 1970, Examiner Robert L. Pyle
issued Recommended Decision No. 76493, which denied the above-
entitled application.

Pursuant to 115-6-9 (2), CRS 1963, as amended, the Commission,
upon its own motion, has determined to reconsider the herein matter.

O R D E R

THE COMMISSION ORDERS:

That the Recommended Decision of Examiner Robert L. Pyle, being
Decision No. 76493, dated December 21, 1970, be, and hereby is, stayed
or postponed pending final determination thereof by the Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Accountants
Howard S. Bullard
John R. Lantry
Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1971.
js

(Decision No. 76580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THACKER BROS. TRANSPORTATION, INC.,)
240 SOUTH SANTA FE, PUEBLO, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24401

INTERIM ORDER

January 5, 1971

Appearances: Stockton & Lewis, Esqs.,
Denver, Colorado, for
Applicant.

Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.
and Denver-Laramie-Walden
Truck Lines, Inc., Protestants.

Joseph F. Nigro, Esq.,
Denver, Colorado, for Weicker
Transfer and Storage Co. and
Gottula Trucking and Transportation,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Under date of December 21, 1970, Examiner Robert L. Pyle
issued Recommended Decision No. 76492, which denied the above-
entitled application.

Pursuant to 115-6-9 (2), CRS 1963, as amended, the Commission,
upon its own motion, has determined to reconsider the herein matter.

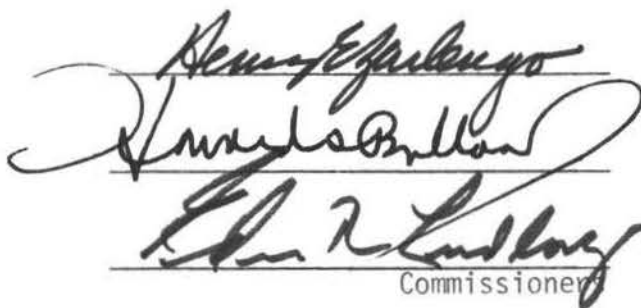
O R D E R

THE COMMISSION ORDERS:

That the Recommended Decision of Examiner Robert L. Pyle, being Decision No. 76492, dated December 21, 1970, be, and hereby is, stayed or postponed pending final determination thereof by the Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado,
this 5th day of January, 1971.
js

(Decision No. 76581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COMPANY)
FOR AN ORDER AUTHORIZING IT TO PUT)
INTO EFFECT A TEMPORARY RIDER TO ITS)
GAS RATES AND TARIFF.)

APPLICATION NO. 24716

DECISION OF THE COMMISSION

January 5, 1971

PROCEDURE AND RECORD

The above-entitled application was filed by Iowa Electric Light and Power Company (Iowa Electric) on December 22, 1970. By this application Iowa Electric (Applicant) seeks authority of this Commission to place in effect on less than 30 days' notice, certain temporary riders to its gas rates and tariffs, designed to offset increased cost of gas to Applicant from Kansas-Nebraska Natural Gas Company, Inc. (K-N).

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Applicant Iowa Electric Light and Power Company is a public utility authorized to do business in Colorado and is engaged in the distribution and sale of natural gas for consumption in the communities of Sterling and Atwood, Colorado, and environs. Its Colorado office is in the City of Sterling, and its principal corporate address is Box 351, Cedar Rapids, Iowa.
2. The subject matter of this application is within the jurisdiction of this Commission.
3. All of the natural gas which Iowa Electric distributes in Colorado is purchased from Kansas-Nebraska, pursuant to appropriate orders of the Federal Power Commission and under K-N's FPC natural gas tariff.

4. On or about August 31, 1970, K-N filed with the FPC proposed changes in its FPC Gas Tariff, having the effect of increasing its jurisdictional revenues in excess of \$3.6 million annually, to be effective October 16, 1970. Such proposed changes were suspended by the FPC until March 16, 1971, in its Docket No. RP71-5. By motion of K-N, filed September 29, 1970, K-N requested a shortened suspension period to expire January 1, 1971, or in the alternative, permission to file for certain increased gas costs to which it will become obligated, effective January 1, 1971. FPC by order dated October 15, 1970, refused to shorten the suspension period, but authorized K-N to file by December 1, 1970, tariff sheets to effectuate on January 1, 1971, the increased purchased gas costs attributable to jurisdictional sales of \$1,003,630 or 3.522¢ per Mcf, subject to final disposition in Docket RP71-5. Such tariff sheets were filed on November 18, 1970, and are effective January 1, 1971. Iowa Electric was and is unaware of whether the tariff sheets filed by K-N with the FPC are in accordance with its order. However, absent any specific denial by that Commission, Iowa Electric proceeded to lessen the economic impact upon itself on less than 30-day notice.

5. Attached and made a part of the application are the following exhibits:

Exhibit A - FPC Order on Docket RP71-5, dated October 15, 1970, entitled, "Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing for Hearing Procedures."

Exhibit B - Distribution of Interim Commodity Rate Increase to Various Classifications, Year Ended July 31, 1970.

Exhibit C - Proposed method by which publicity will be given to Iowa Electric consumers in the form of a news release.

6. The increase in cost of gas to Iowa Electric by the Interim Rate Increase of K-N is estimated to be \$42,851 annually, based on 12 months consumption ended July 31, 1970 (Exhibit B).

7. The temporary authority sought in this instant application would have the effect of passing on to Iowa Electric customers a 3.5¢ per Mcf increase of all gas used for an increase in revenues of \$42,583 annually, based on 12 months consumption ended July 31, 1970 (Exhibit B).

8. The temporary authority sought in this instant application is expected to cease or be merged into a permanent authority arising out of a second application yet to be filed and referred to in Finding No. 9 hereof.

9. Iowa Electric states that in recognition of the additional costs to it arising out of K-N's filing of issues other than the increased purchase gas costs referred to above, as well as increased costs of service of Iowa Electric's own operations, it will file shortly with this Commission an application for authority to increase its rates for natural gas service in Sterling and Atwood, Colorado. It is anticipated that in the disposition of that application consideration will be given to the final level of K-N's rate (including the increased purchase gas costs) resulting from the disposition by the FPC of its Docket RP71-5.

The Commission concludes that good cause exists for permission for filing tariff changes on less than 30-day statutory notice as ordered hereinbelow.

O R D E R

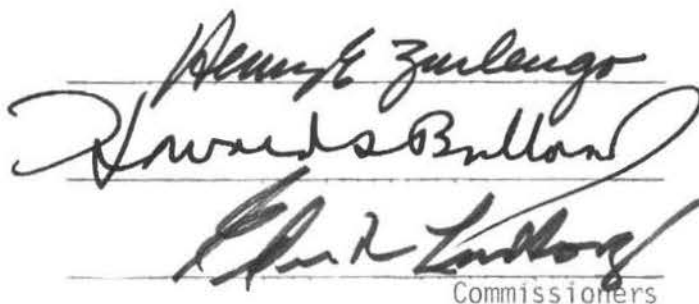
THE COMMISSION ORDERS THAT:

1. Applicant be, and hereby is, authorized to place into effect on not less than three days' notice, in accordance with CRS 1963, 115-3-4, its temporary rider which will increase all natural gas rates of Applicant in Colorado by 3.5¢ per Mcf effective with meter readings on or after January 15, 1971. Such rider shall remain in effect until further order of the Commission, and shall be subject to a refund with interest in a manner to be determined by the Commission, or disposition of this rider shall be effected by a second application to be filed by Applicant not later than January 15, 1971; this Order shall become null and void if application is not filed within the time stated.

2. Applicant shall cause sufficient publicity of the tariff revisions in order to bring such revisions to the attention to the public affected.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
5th day of January, 1971.
vjr

(Decision No. 76582)

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, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-6530.)

APPLICATION NO. 24494-PP-
Extension

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 5, 1971

Appearances: R. B. Danks, Esq.,
Denver, Colorado,
for Applicant.
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Goldstein Transportation and
Storage, Inc., and Westway Motor
Freight, Inc., Protestants.

PROCEDURE AND RECORD

Under date of August 10, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 24494-PP-Extension to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 15, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

J. W. LaFollette and James Lenhart testified in support of the application. Jerome F. Marks testified in protest of the application.

Exhibits A, B, C, D, E, and F were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation and presently holds authority from this Commission designated as Permit No. B-6530, which provides as follows:

"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:

Item (1) of 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.

- (2) Sulphuric acid (in bulk)

Between Denver, Colorado, and the Cotter Company plant located near Canon City, Colorado.

RESTRICTION:

Item (2) of this Permit is restricted to the rendering of transportation service for only the following named customer:

Allied Chemical Corporation, Denver, Colorado."

2. By this application, Applicant seeks to extend said authority to include the following:

"Transportation for Columbine Glass Company only of beer bottles and cartons containing the bottles from the plant of the Columbine Glass Company located at 10619 West 50th Avenue in Jefferson County, Colorado, to the Adolph Coors Company plant at Golden, Colorado."

3. Applicant also holds Certificates of Public Convenience and Necessity PUC No. 1195, PUC No. 1195-I, PUC No. 2060, PUC No. 2060-I, and PUC No. 257, none of which are applicable to this proceeding.

4. The application was protested by Murph's Express. However, at the time of the hearing, no one appeared for and on behalf of said Protestant and said Protest was therefore dismissed. The application was further protested by Goldstein Transportation and Storage, Inc., under its Certificate of Public Convenience and Necessity PUC No. 3171, and Westway Motor Freight, Inc., under its Certificates of Public Convenience and Necessity PUC No. 701 and PUC No. 701-I.

5. There was no showing of any requirement for a specialized type of service designed and tailored to meet the particular needs of a particular shipper, nor was there any showing that special equipment would be required to perform the service or that special ancillary services would be required in connection with the transportation.

6. There was no showing that the existing service of Protestant Westway Motor Freight, Inc. was inadequate or that the proposed operation of the Applicant would not impair the efficient public service of Protestant Westway Motor Freight, Inc.

7. Protestant Westway Motor Freight, Inc., under its Certificates of Public Convenience and Necessity PUC No. 701 and PUC No. 701-I, can adequately fulfill the needs of Columbine Glass Company in the transportation of the bottles it manufactures at its plant in Jefferson County to the Adolph Coors Company, at Golden, Colorado, and, in fact, Westway Motor Freight, Inc. is ready, willing, and able to provide the service.

8. Westway Motor Freight, Inc. presently transports bottles for distributors to the Coors plant in Golden and also transports beer in bottles from the Coors plant to various locations in the State.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24494-PP-Extension should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

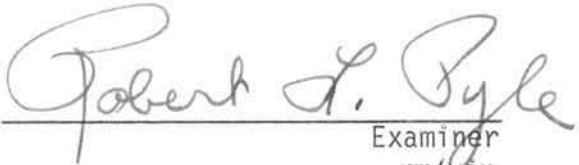
1. That Application No. 24494-PP-Extension, being an application of Denver-Climax Truck Line, Inc., 4250 Oneida Street, Denver, Colorado, for authority to extend operations under Permit No. B-6530, be, and hereby is, denied.

2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/vjr

(Decision No. 76583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MOBILE TELEPHONE COMPANY,)
1700 MARKET STREET, SUITE 2524,)
PHILADELPHIA, PENNSYLVANIA, AND)
500 EQUITABLE BUILDING, DENVER,)
COLORADO,)

Complainant,)

vs.)

ANSWERPHONE, INC., 3500 EAST)
17TH AVENUE, DENVER, COLORADO,)

Respondent.)

CASE NO. 5431

DECISION AND ORDER OF THE COMMISSION OVERRULING
AND DENYING EXCEPTIONS TO RECOMMENDED DECISION
(NO. 76408) AND ADOPTING SAID RECOMMENDED DECISION
AS THE DECISION AND ORDER OF THE COMMISSION.

January 6, 1971

Appearances: Jeffrey C. Pond, Esq.,
Denver, Colorado, and
Lewis S. Kunkel, Jr., Esq.,
Philadelphia, Pennsylvania,
for Complainant,
Luis D. Rovira, Esq.,
Denver, Colorado,
for Respondent.

PROCEDURE AND RECORD

On December 8, 1970, Hearing Examiner Christian O. Igenbergs, pursuant to the provisions of 1963 CRS 115-6-9(2), as amended, transmitted to the Commission the record and exhibits of the proceeding in Case No. 5431 together with his recommended decision (No. 76408), containing his findings of fact and conclusions thereon with the recommended order or requirement.

On December 28, 1970, the Complainant, Colorado Mobile Telephone Company, filed exceptions to the recommended decision (No. 76408). Such exceptions attacked certain of the findings of fact made by the hearing examiner. Complainant did not file a transcript. 1963 CRS 115-6-13(4) provides as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provision, it must be presumed that the basic findings of fact of the hearing examiner are complete and accurate.

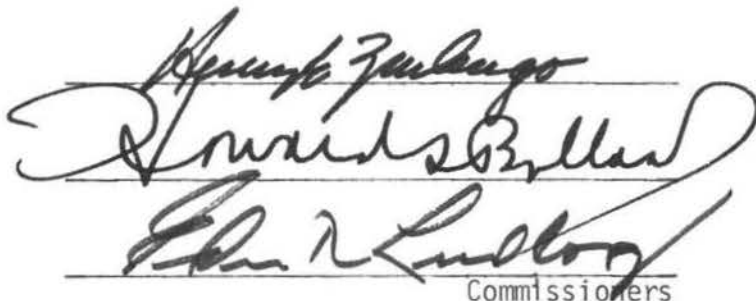
The Commission has now reconsidered the matter and has determined that the exceptions filed herein by Complainant, Colorado Mobile Telephone Company, should be overruled and denied and the recommended decision (No. 76408) of Hearing Examiner Christian O. Igenbergs should be adopted as the Decision and Order of the Commission.

O R D E R

THE COMMISSION ORDERS:

1. That the exceptions filed herein by Complainant, Colorado Mobile Telephone Company, be, and hereby are, overruled and denied.
2. That the Recommended Decision No. 76408 of Hearing Examiner Christian O. Igenbergs be, and hereby is, adopted in its entirety as the Decision of the Commission.
3. That this Decision shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
6th day of January, 1971.
vjr

(Decision No. 76584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF THE)
HERTZ CORPORATION FOR AUTHORITY TO)
MODIFY THE CERTIFICATE OF INSURANCE)
FORM IN USE BY THE COLORADO PUBLIC)
UTILITIES COMMISSION IN ORDER TO)
CLEARLY DELINEATE THE LIMITS OF)
LIABILITY OF CERTIFYING INSUROR TO)
THOSE VEHICLES LEASED BY PETITIONER)
TO ITS CUSTOMERS, AND SPECIFICALLY)
TO UTILIZE THE FOLLOWING EXACT)
LANGUAGE, "APPLIES ONLY TO VEHICLES)
LEASED FROM HERTZ CORPORATION.")

APPLICATION NO. 23696-Waiver

January 6, 1971

RECOMMENDED DECISION
HENRY E. ZARLENGO
CHAIRMAN

NOTICE TO PARTIES

Section 115-6-9 (2), CRS 1963, as amended provides that copies of the Commissioner's Recommended Decision and Requirements shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, this Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

* * * * *

CERTIFICATION

I certify that after the Recommended Decision was entered, it, the record, and the exhibits, were all promptly transmitted to the Commission and that a copy of said Decision is simultaneously with the execution of this certification being mailed, first class, to all parties.

Dated at Denver, Colorado,
this 6th day of January, 1971.


Secretary (S E A L)

STATEMENT, FINDINGS OF FACT AND CONCLUSIONS

By the above-entitled petition, Petitioner, The Hertz Corporation, a Delaware Corporation, 4605 Jackson Street, Denver, Colorado, seeks authority from this Commission to modify the Certificate of Insurance Form (Certificate Form #3) by adding the following endorsement to said Certificate of Insurance: "Applies only to vehicles leased from The Hertz Corporation."

Said petition having been given careful consideration, the Commissioner FINDS that the petition should be dismissed inasmuch as The Hertz Corporation is not subject to the jurisdiction of this Commission as a public utility. Therefore, The Hertz Corporation is not the proper party to petition this Commission for change in the insurance requirement imposed upon carriers subject to the jurisdiction of this Commission.

RECOMMENDED ORDER AND REQUIREMENTS

THE COMMISSION ORDERS:

That Application No. 23696-Waiver be, and the same hereby is, dismissed.

That this Order shall become effective forthwith.


Chairman

(Decision No. 76585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD D. SHEPARD AND KATHRYN)
SHEPARD, DOING BUSINESS AS "K & S)
DELIVERY SERVICE," 1317 4TH STREET,)
COLORADO SPRINGS, COLORADO, FOR)
AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 1970 TO CHARLES G. MARTINEZ,)
3629 MEADOWLAND BLVD., COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 24651-Transfer

ORDER OF THE COMMISSION

January 5, 1971

Appearances: Cuba Y. Hollaway, Esq., Colorado
Springs, Colorado, for Transferee.

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

It is ordered, That Richard D. Shepard and Kathryn Shepard, doing business as "K & S Delivery Service," 1317 4th Street, Colorado Springs, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1970 to Charles G. Martinez, 3629 Meadowland Blvd., Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1970 shall read and be as follows, to wit:

"Transportation -- on call and demand -- of

- (1) Drugs, drug supplies and surgical supplies sold only by retail stores

Between points located within a radius of twenty (20) miles of Colorado Springs, Colorado;

RESTRICTION: Item No. 1 of this Certificate is restricted to packages of fifty (50) pounds or less outside a six (6) mile radius of the U.S. Post Office located at Pikes Peak Avenue and Nevada Avenue, Colorado Springs, Colorado.

- (2) Groceries

From retail grocery stores in Colorado Springs, Colorado, to customers of said grocery stores within a radius of six (6) miles of the U.S. Post Office located at Pikes Peak Avenue and Nevada Avenue, Colorado Springs, Colorado.

- (3) Alcoholic beverages

Between all points located within a radius of twenty (20) miles of the intersection of Tejon Street and Pikes Peak Avenue, Colorado Springs, Colorado."

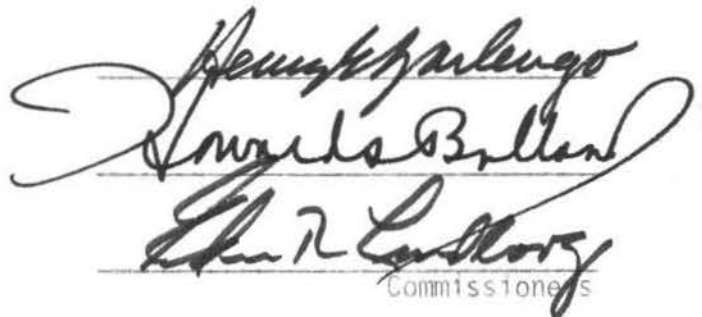
It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions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

It is further ordered, That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

And it is further ordered, That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1971.

(Decision No. 76586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT E. WILLIAMS AND KATHARINE N.)
WILLIAMS, DOING BUSINESS AS "L & M)
MOBILE HOMES," 405 WEST 7TH STREET,)
CORTEZ, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 6962)
TO ALLAN LANCE ROGERS AND PAMELA M.)
ROGERS, DOING BUSINESS AS "L & M)
MOBILE HOMES," 405 WEST 7TH STREET,)
CORTEZ, COLORADO.)

APPLICATION NO. 24645-Transfer

ORDER OF THE COMMISSION

January 6, 1971

Appearances: James R. Aiken, Esq., Cortez,
Colorado, for Applicants.

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted
amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has
been satisfactorily established and that the transfer is compatible
with the public interest;

And we further find, That Transferees are fit, willing and
able properly to engage in bona fide motor carrier operations under
the authority to be transferred and to conform to the applicable
statutory requirements and the Commission's rules and regulations
thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Robert E. Williams and Katharine N.
Williams, doing business as "L & M Mobile Homes," 405 West 7th
Street, Cortez, Colorado, be, and are hereby, authorized to transfer
all right, title and interest in and to Certificate of Public Con-
venience and Necessity PUC No. 6962 to Allan Lance Rogers and Pamela
M. Rogers, doing business as "L & M Mobile Homes," 405 West 7th Street,
Cortez, Colorado, subject to encumbrances, if any, against said
authority approved by this Commission.

That henceforth the full and complete authority under Certi-
ficate of Public Convenience and Necessity PUC No. 6962 shall read and
be as follows, to wit:

"Transportation -- on call and demand -- of

Mobile Homes

Between all points in Montezuma and Dolores Counties, State
of Colorado, and to and from said points from and to points
in the Counties of LaPlata, San Juan, and Archuleta, State
of Colorado."

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

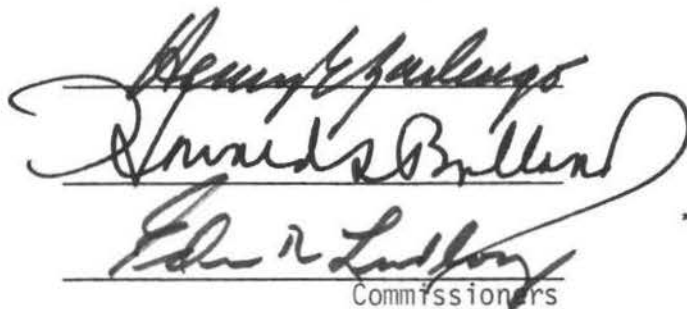
that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically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

That 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.

That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971.
js

(Decision No. 76587)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT T. HERMAN, DOING BUSINESS AS)
"ROBERT HERMAN CONSTRUCTION," 421)
RANGELY WAY - THOMPSON HILL, CRAIG,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24708-PP

ORDER OF THE COMMISSION

January 7, 1971

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Robert T. Herman, doing business as "Robert Herman Construction," 421 Rangely Way - Thompson Hill, Craig, Colorado, be, and is hereby, authorized to operate as a class "B" contract 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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

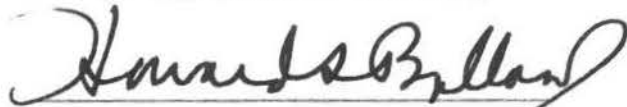
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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


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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1971.
js

(Decision No. 76588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANCIS J. DeLANEY, DOING BUSINESS)
AS "ECONOMY PAVING CO.," 1901 SOUTH)
CHAMBERS ROAD, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24707-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 7, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto,
and that there is no carrier service available capable of meeting
such need.

It is ordered, That Applicant be, and is hereby, granted
temporary authority, conditioned upon full compliance with all
applicable statutory and Commission requirements, rules and
regulations, to engage in the business of transportation by motor
vehicle to the extent and in the manner set forth in the appendix
attached hereto.

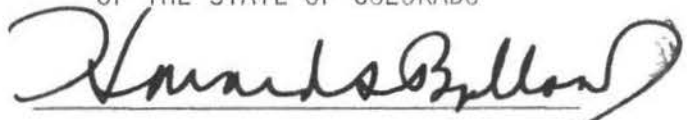

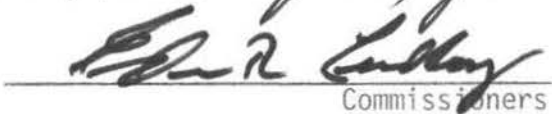
It is further ordered, That the service provided for in
this order shall not be commenced until all requirements have been
met and Applicant has received notice in writing from the Commission
that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1971.
js

(Decision No. 76588)
January 7, 1971

APPENDIX

Application No. 24707-PP-TA

Francis J. DeLaney
Doing Business As
Economy Paving Co.
1901 South Chambers Road
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

(Decision No. 76589)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FREDERICK E. McCARGAR, BOX 183,)
TOPONAS, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT CAR-)
RIER BY MOTOR VEHICLE.)

APPLICATION NO. 24704-PP

ORDER OF THE COMMISSION

January 7, 1971

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Frederick E. McCargar, Box 183, Toponas, Colorado, be, and is hereby, authorized to operate as a class "B" contract 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 seventy-five (75) miles of said forests;

(2) Rough lumber

From sawmills in said seventy-five (75) mile radius to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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

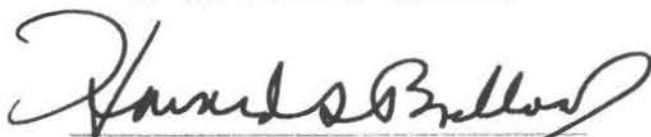
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

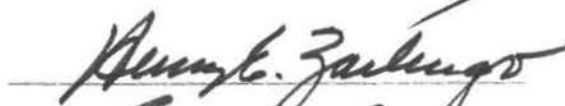
That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1971.

hj

(Decision No. 76590)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CECIL C. SAULTERS AND NICKEY SAULTERS,	)	<u>APPLICATION NO. 24695-PP</u>
819 WEST 27TH, PUEBLO, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B"	)	<u>ORDER OF THE COMMISSION</u>
CONTRACT CARRIER BY MOTOR VEHICLE.)	

January 7, 1971

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Cecil C. Saulters and Nickey Saulters, 819 West 27th, Pueblo, Colorado be, and are hereby, authorized to operate as a class "B" contract 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 twenty-five (25) 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 twenty-five (25) 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 twenty-five (25) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of twenty-five (25) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.

(b) To serving not more than ten (10) customers
at any one time."

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

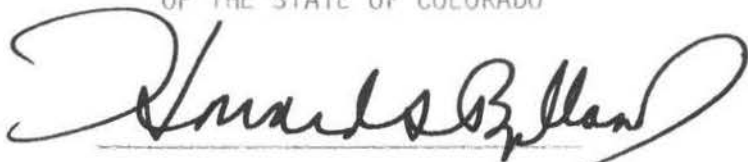
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

That this Order shall become effective twenty-one days from date

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A large, stylized cursive signature of Donald S. Byland.A cursive signature of Henry J. Garkins.
A cursive signature of Elmer R. Ludlow.
COMMISSIONERS

Dated at Denver, Colorado,
this 7th day of January, 1971.
hj

(Decision No. 76591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD SCHROETLIN AND DENNIS)
SPEICHER, P. O. BOX 89, BERTHOUD,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24699-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

January 6, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That Applicants be, and are hereby, granted
temporary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

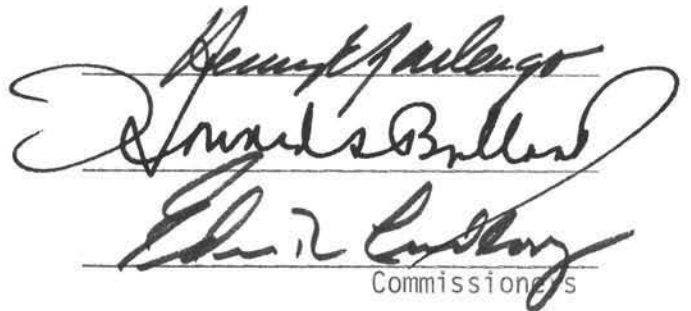
It is further ordered, That the service provided for in this
Order shall not be commenced until all requirements have been met and
Applicants have received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicants to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971.
hj

(Decision No. 76591)
January 6, 1971

APPENDIX

Application No. 24699-PP-TA

Richard Schroetlin and Dennis Speicher
P. O. Box 89
Berthoud, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

Farm products

Between all points located within the Counties of Boulder, Larimer, Morgan, and Weld, State of Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against the transportation of livestock, bulk milk, and dairy products.
- (b) To serving not more than ten (10) customers at any one time."

(Decision No. 76592)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANCIS J. DeLANEY, DOING BUSINESS)	APPLICATION NO. 24707-PP
AS "ECONOMY PAVING CO.," 1901 SOUTH)	
CHAMBERS ROAD, DENVER, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

January 6, 1971

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor;

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Francis J. DeLaney, doing business as "Economy Paving Co.," 1901 South Chambers Road, Denver, Colorado, be, and is hereby, authorized to operate as a class "B" contract 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;
- (4) Insulrock
 - From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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

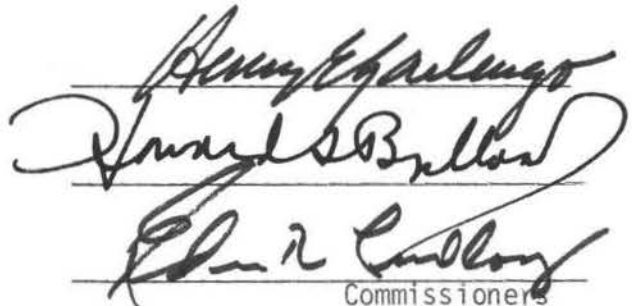
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HAROLD KANIPER
BOX 85
EMPORIA, KANSAS 66801

CASE NO. 2522-H-Ins.

January 6, 1971

BY THE COMMISSION:

On December 28, 1970, 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.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Spaulding
James B. Butler
John A. Lundberg
Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971

(Decision No. 76594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BETCO CONSTRUCTION COMPANY
Post Office Box 470
Salida, Colorado 81201

AUTHORITY NO. M 15945
CASE NO. 6349-M-Ins.

January 6, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

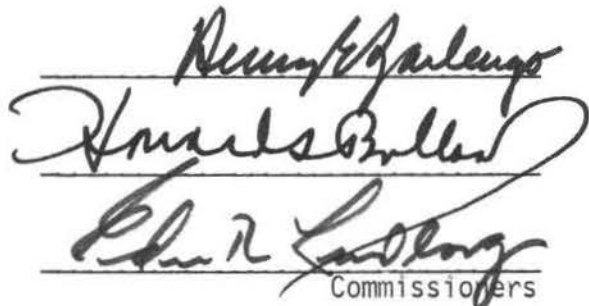
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971 .

(Decision No. 76595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

SHAVEY CORTESE)
Route 2, Box 295)
Pueblo, Colorado 81004)

AUTHORITY NO. M 3416

CASE NO. 6198-M-Ins.

January 6, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 9, 1970 , 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.

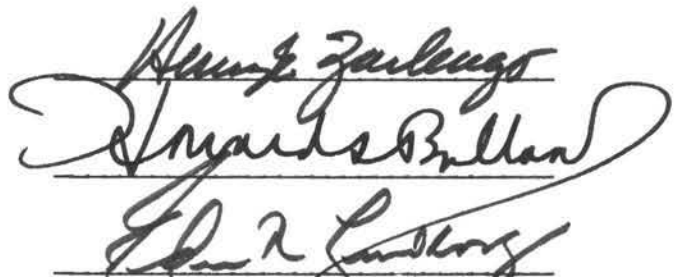
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1971.

(Decision No. 76596)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. Box 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5303

January 7, 1971

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76336 was
submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural
Electric Association, Inc., through its attorneys Warren H. Price
and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled
Case including the Recommended Decision and Order by Examiner Girts
Krumins, and it appearing that the Exceptions filed on December 14,
1970, do not show any material errors in the Examiner's Statement

and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

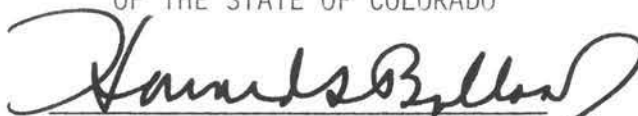
O R D E R

THE COMMISSION ORDERS:

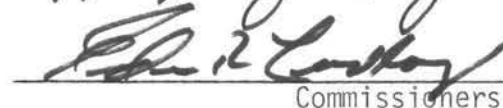
1. That the exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76336, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.

4. That this Decision and Order shall become effective forth-
with.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
POUDRE VALLEY RURAL ELECTRIC ASSOCI-)
ATION, INC., 220 EAST OLIVE STREET,)
FORT COLLINS, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRIC ENERGY)
IN PORTIONS OF THE COUNTIES OF)
LARIMER, WELD, AND BOULDER, STATE OF)
COLORADO.)

APPLICATION NO. 19574-Amended

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, A COR-)
PORATION, 810 NINTH STREET, GREELEY,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A PUBLIC UTILITY, IN THE)
DISTRIBUTION OF ELECTRICAL ENERGY IN)
THE COUNTY OF WELD, STATE OF COLORADO.)

APPLICATION NO. 19606-Amended

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
A CORPORATION, 550 FIFTEENTH STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A PUBLIC UTILITY IN)
THE DISTRIBUTION OF ELECTRICAL)
ENERGY IN PORTIONS OF THE COUNTIES)
OF LARIMER, WELD, AND BOULDER, STATE)
OF COLORADO.)

APPLICATION NO. 20356
As assigned by Commission Order

POUDRE VALLEY RURAL ELECTRIC ASSOCI-)
ATION, INC., A CORPORATION,)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)

CASE NO. 5234

HOME LIGHT AND POWER COMPANY,)
A CORPORATION,)
810 NINTH STREET)
GREELEY, COLORADO, and)
PUBLIC SERVICE COMPANY OF COLORADO,)
A CORPORATION,)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Defendants.)

DECISION AND ORDER OF THE COMMISSION OVERRULING,
DENYING, AND GRANTING IN PART EXCEPTIONS TO RECOMMENDED
DECISION NO. 76313; MODIFYING AND AMENDING THE SAID
DECISION; AND ADOPTING SAID RECOMMENDED DECISION, AS AMENDED
AND MODIFIED, AS THE DECISION AND ORDER OF THE COMMISSION.

- - - - -
January 8, 1971
- - - - -

Appearances: John P. Thompson, Esq., Denver, Colorado,
and
Warren H. Price, Esq., Loveland, Colorado,
for Poudre Valley Rural Electric
Association, Inc.;

Joseph F. Nigro, Esq., Denver, Colorado,
and
Bernard Houtchens, Greeley, Colorado,
for Home Light and Power Company;

Donald D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;

James D. Grundy, Denver, Colorado,
of the Staff of the Commission.

On November 24, 1970, Examiner Girts Krumins entered his
Recommended Decision No. 76313. On December 14, 1970, Exceptions to
said Recommended Decision were filed as follows: By Poudre Valley
Rural Electric Association, Inc. as to all three applications and Case
No. 5234; by Public Service Company of Colorado as to the three above-
captioned applications; and jointly by Public Service Company of Colorado
and Home Light and Power Company as to Application No. 19606-Amended and
Application No. 20356 as assigned by Commission Order.

Upon reconsideration of the matter, the Commission finds that:

1. The Exceptions filed jointly by Public Service Company of
Colorado and Home Light and Power Company raise issues beyond the evidence
and scope of this proceeding and therefore should be denied.

2. As to Exceptions filed by Public Service Company:

(a) Recommended Decision No. 76313 purported to amend only the original Commission decisions in this matter and can in no way be construed to either add to or detract from any rights acquired by Union Rural Electric Association by virtue of Commission decisions entered subsequent to the original Commission decision in this matter.

(b) In all other respects the Exceptions of Public Service Company do not show any material errors in the Examiner's preliminary discussions and findings of fact, the evaluation of facts, his conclusions of law or findings nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order.

3. As to Exceptions filed by Poudre Valley Rural Electric Association, Inc.:

(a) The Examiner found that the entire Section 27, Township 5 North, Range 67 West was Category 4 territory and assigned it to Public Service. The Commission finds that the S1/2 of said Section 27 is not Category 4 territory as the evidence does not show any intermingling in, or immediately adjoining, the said S1/2 of Section 27 and that the original certification should not have been changed.

(b) The Examiner's assignment of the SW1/4 of the SW1/4 of Section 25, Township 5 North, Range 69 West to Public Service in this proceeding is not supported by the evidence or the Examiner's findings and should have been re-certificated to Poudre Valley.

(c) As to Section 36, Township 5 North, Range 69 West, the Examiner's findings on page 20 of Decision No. 76313 refers to the E1/2 of the said section whereas the evidence and the Recommended Order itself refers to the W1/2 of said section and therefore the Examiner's findings should be corrected accordingly.

(d) The Examiner in Finding 18 B of the said Recommended Decision finds and concludes that the area described therein should now be certificated to Public Service as it has been adequately and completely served by Public Service prior to Poudre Valley becoming a public utility. The finding does not include, however, any findings as to the intermingling of the facilities in the said area. The evidence conclusively shows and the Commission so finds that the lines of the two utilities are intermingled throughout the area, and more particularly in the following locations: A 1928 Public Service line is paralleled by a 1945 Poudre Valley line along the south section line of Section 30, Township 7 North, Range 67 West; a 1928 Public Service line is crossed by a 1940 Poudre Valley line at or near the SE corner of Section 31, Township 7 North, Range 67 West; the same 1928 Public Service line is paralleled and/or crossed by 1951 construction of Poudre Valley along the east section line of Section 6, Township 6 North, Range 67 West in the NE1/4 of the said section. In those portions of Township 7 North, Range 68 West described in that finding, intermingling, as the term is defined by the Examiner, occurs at numerous locations, including: along the south section line of Section 13, at

or near both the SE and NW corners of Section 14, in the SW corner of Section 11, in the SE1/4 of Section 9 and adjoining the SW1/4 of Section 10, along the section line between Sections 15 and 16, and in the E1/2 of Section 17 approximately one-half mile north of the south section line of the said section, along approximately the east-west center line of Section 22, at or near the W1/4 corner of Section 23, at the SW corner of Section 27 and near the S1/4 corner of the said section. In all instances the Public Service lines pre-date 1961 by a substantial number of years and the entire area is traversed by main distribution feeders of Public Service, some dating back as far as 1916 and 1925.

(e) The Examiner found that the E1/2 of Section 15, Township 6 North, Range 67 West is Category 4. The evidence, however, indicates that no intermingling takes place in the said E1/2 of Section 15 or within a reasonable distance thereof and accordingly the Commission finds that the said E1/2 of Section 15, Township 6 North, Range 67 West, is not Category 4 territory and no change from the original Commission decision is possible or warranted.

(f) In all other respects the Exceptions of Poudre Valley filed on December 14, 1970 do not show any material errors in the Examiner's preliminary discussion and findings of fact, in his evaluation of the facts, his conclusions of law or findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order.

Accordingly, the Commission finds and concludes that except as herein noted, the evidence considered in light of the Exceptions does not warrant a result different from that reached by the Examiner and that the preliminary discussion, findings of fact, and the ultimate findings of Examiner Krumins being proper and correct except as noted herein in all material respects should be, and they hereby are, affirmed and adopted as our own and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Exceptions filed by Home Light and Power Company and Public Service Company of Colorado be, and hereby are, overruled and denied; and that the exceptions filed by Poudre Valley Rural Electric Association be, and hereby are, disposed of in a manner consistent with this Order.

2. The findings of Examiner Girts Krumins in his Recommended Decision and Order, being Decision No. 76313, dated November 24, 1970, be, and hereby are, amended and modified in accordance with the findings herein, and as so amended and modified they be, and hereby are, affirmed and adopted as our own.

3. In all other respects the said Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Decision and Order of the Commission without change in any of the provisions, discussion, or requirements therein except as set forth hereinbelow; and that said Decision 76313, subject to the amendments and modifications herein, be, and hereby is, incorporated herein by reference the same as if it had been set forth in full, as the Decision and Order of the Commission.

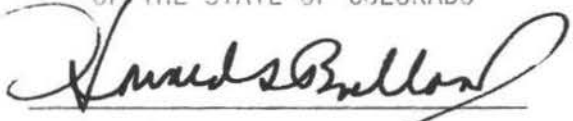


4. The following described area contained in ordering paragraph 2 of said Decision 76313 shall be deleted from the territorial description of the certificate granted to Public Service: S1/2 Section 27, Township 5 North, Range 67 West; SW1/4 SW1/4 Section 25, Township 5 North, Range 69 West; E1/2 Section 15, Township 6 North, Range 67 West.

5. The following described area be, and hereby is, added to the territorial description contained in ordering paragraph 3 of said Decision 76313, and is included in the areas certificated to Poudre Valley: S1/2 Section 27, Township 5 North, Range 67 West; SW1/4 SW1/4 Section 25, Township 5 North, Range 69 West; E1/2 Section 15, Township 6 North, Range 67 West.

6. Said Decision 76313, as amended and modified herein, shall not be construed to in any way amend, reverse or modify Commission Decisions 63322 or 73899, or to affect or abridge any rights acquired by Union Rural Electric Association by virtue of any of the said prior Commission decisions.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
js

(Decision No. 76598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ED PEPPLER, 5050 GRANT STREET,)
DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
3314 TO RAFAEL G. DAVILA, 4151)
KALAMATH STREET, DENVER, COLORADO.)

APPLICATION NO. 24585-Transfer

ORDER OF THE COMMISSION

January 7, 1971

Appearances: C. J. Berardini, Esq.,
Denver, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated October 15, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Ed Pepler, 5050 Grant Street, Denver, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3314 to Rafael G. Davila, 4151 Kalamath Street, 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. 3314 shall read and be as follows, to-wit:

"Transportation of

Ash, trash, and other refuse

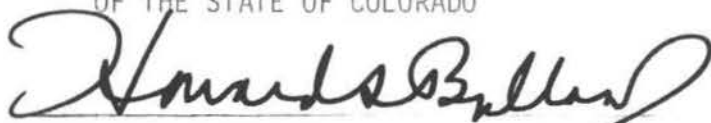
From all points within the City and County of Denver to designated and approved dumps and disposal sites located within the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado."

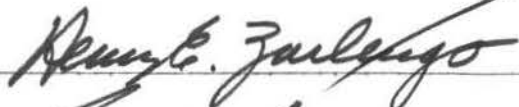
The said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

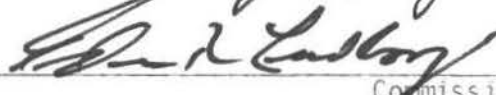
That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
7th day of January, 1971.

vjr

(Decision No. 76599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, DONALD J. SEBERN, T. W.)
RINKER, TED P. RINKER, KENT D. SEBERN,)
AND LEONARD L. DeLUE, INDIVIDUALLY AND)
AS TRUSTEE AND EXECUTOR OF THE ESTATE)
OF ELEANOR L. DeLUE, DOING BUSINESS AS)
"ARMORED MOTORS SERVICE," 970 YUMA)
STREET, DENVER, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO EXTEND OPERA-)
TIONS UNDER CONTRACT CARRIER PERMIT)
NO. B-958.)

APPLICATION NO. 24706-PP-Extension
ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY

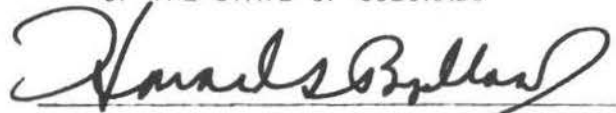


January 7, 1971

The above-entitled application under CRS 1963, 115-6-20(4),
being under consideration, and

It appearing, That the Applicants have not shown that there
is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary
authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of January, 1971.

WJR

(Decision No. 76600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARILYN BRIDWELL, INDIVIDUALLY AND)
MARILYN BRIDWELL, EXECUTRIX OF THE)
ESTATE OF WAYNE R. BRIDWELL, DECEASED,)
DOING BUSINESS AS "BRIDWELL TRASH)
HAULING," 2204 WEST ELIZABETH, FORT)
COLLINS, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 3721)
TO ALLIED SANITATION, INC., SUITE 301,)
1ST NATIONAL BANK BUILDING, FORT)
COLLINS, COLORADO.)

APPLICATION NO. 24653-Transfer

ORDER OF THE COMMISSION

January 7, 1971

Appearances: Elery Wilmarth, Esq.,
Fort Collins, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceedings has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Marilyn Bridwell, individually and Marilyn Bridwell, Executrix of the Estate of Wayne R. Bridwell, Deceased, doing business as "Bridwell Trash Hauling," 2204 West Elizabeth, Fort Collins, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3721 to Allied Sanitation, Inc., Suite 301, 1st National Bank Building, Fort Collins, 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. 3721 shall read and be as follows, to-wit:

"Transportation of

Ash, trash and other refuse

From all points within the City of Fort Collins, State of Colorado, and a ten (10) mile radius thereof, to designated and approved dumps and disposal sites located within the City of Fort Collins, State of Colorado, and a ten (10) mile radius thereof.

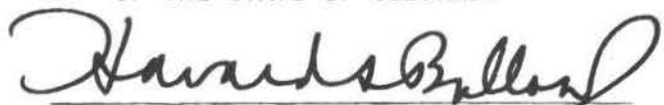
RESTRICTION: This Certificate is restricted against the rendering of any transportation service within the City of Loveland, State of Colorado."

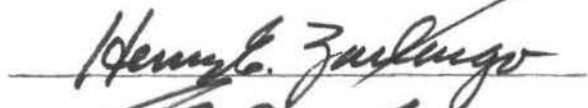
The said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

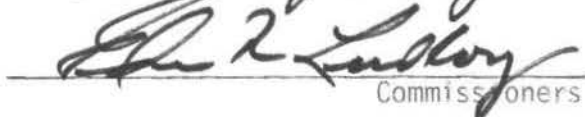
That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
7th day of January, 1971.

vjr

(Decision No. 76601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. ROBERT MUSGROVE, 909 LOGAN,)
APARTMENT 10H, DENVER, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24469-PP

SUPPLEMENTAL ORDER

January 8, 1971

Appearances: D. Robert Musgrove, Denver, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 30, 1970, the Commission entered Decision No. 76364 in the above-styled application revoking operating rights granted to the above-styled Applicant by Decision No. 75653, dated August 20, 1970, for failure of said Applicant to comply with requirements set forth in said Decision No. 75653.

It now appears that Applicant has complied with all requirements of Decision No. 75653 and requests reinstatement of operating rights granted thereby.

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.


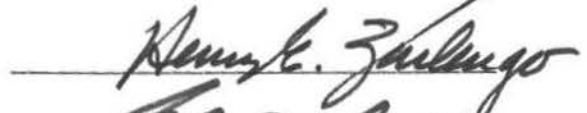
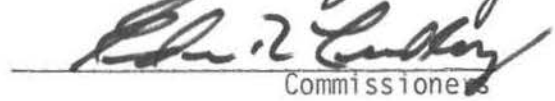
O R D E R

THE COMMISSION ORDERS:

That Decision No. 76364, dated November 30, 1970, be, and the same hereby is, vacated, set aside, and held for naught, as of said 30th

day of November, 1970, and operating rights heretofore granted to D. Robert Musgrove, Denver, Colorado, by Decision No. 75653, dated August 20, 1970, be, and the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
hj

(Decision No. 76602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN HICKOX AND KEITH E. KELLER,)
DOING BUSINESS AS "H & K TRUCKING,")
2811 WEST CUCHARRAS STREET, COLORADO)
SPRINGS, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24483-PP

SUPPLEMENTAL ORDER

January 8, 1971

Appearances: C. Lee Goodbar, Jr., Esq.,
Colorado Springs, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1970, the Commission entered Decision No. 76373 in the above-styled application revoking operating rights granted to the above-styled Applicants by Decision No. 75741, dated August 28, 1970, for failure of Applicants to comply with requirements set forth in said Decision No. 75741.

It now appears that Applicants have complied with all requirements of Decision No. 75741, and request reinstatement of operating rights granted thereby.

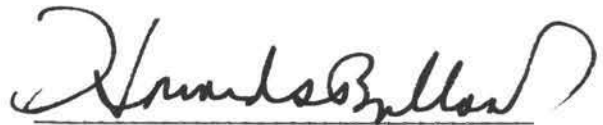
The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the order following.

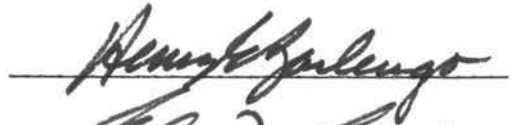
O R D E R

THE COMMISSION ORDERS:

That Decision No. 76373, dated December 1, 1970 be, and the same hereby is, vacated, set aside, and held for naught, as of said 1st day of December, 1970, and operating rights heretofore granted to Melvin Hickox and Keith E. Keller, doing business as "H & K Trucking," Colorado Springs, Colorado; by Decision No. 75741, dated August 28, 1970, be, and the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
hj

(Decision No. 76603)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BUCK HORN, 511 SOUTH FIFTH STREET,)	<u>APPLICATION NO. 24143-PP</u>
LAMAR, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A CONTRACT)	<u>SUPPLEMENTAL ORDER</u>
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

January 8, 1971

Appearances: Keith Tempel, Esq., Lamar,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1970, the Commission entered Decision No. 76342 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 74923, dated May 18, 1970, for failure of Applicant to comply with requirements set forth in said Decision No. 74923.

It now appears that Applicant has complied with all requirements of Decision No. 74923 and requests reinstatement of operating rights granted thereby.

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.

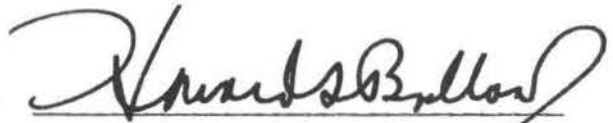
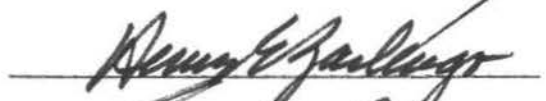
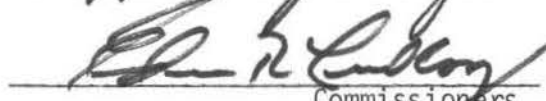
O R D E R

THE COMMISSION ORDERS:

That Decision No. 76342 dated November 27, 1970, be, and the same hereby is, vacated, set aside, and held for naught, as of said 27th

day of November, 1970, and operating rights heretofore granted to Buck Horn, Lamar, Colorado, by Decision No. 74923, dated May 18, 1970, be, and the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
hj

(Decision No. 76604)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CAROLINE, ROGER AND RODNEY
HENDERSCHIEDT DBA HENDERSCHIEDT
TRUCK LINE
1309 GRAND AVENUE
WORTHINGTON, MINNESOTA 56187

AUTHORITY NO. 7822-I
CASE NO. 2529-H-Ins.

January 7, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

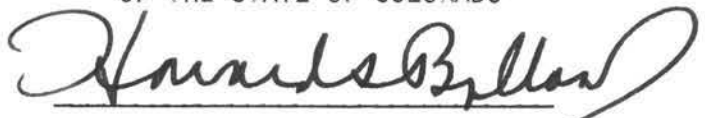
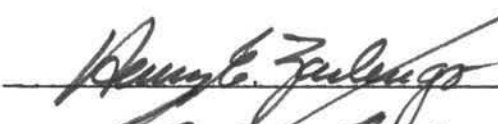

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1971

(Decision No. 76605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5258

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76322 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do

they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

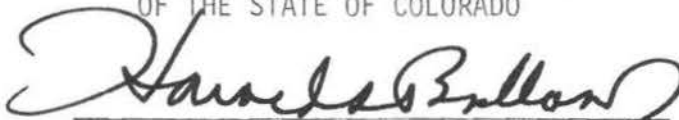
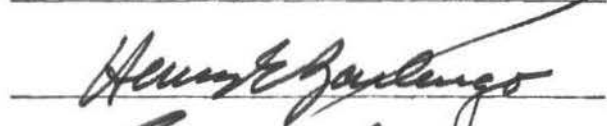

Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76322, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5259

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76323 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered

and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

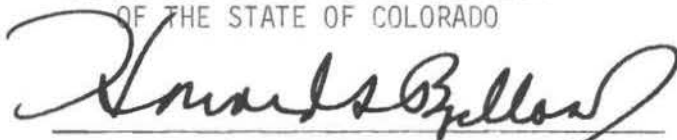
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

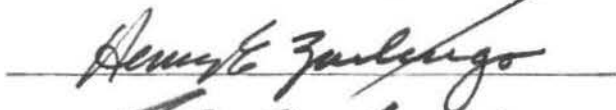
O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76323, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins, be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5283

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76324 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and

properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

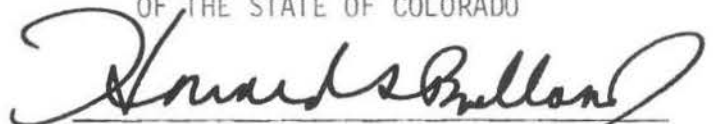
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76324, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5285

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76330 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and

properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

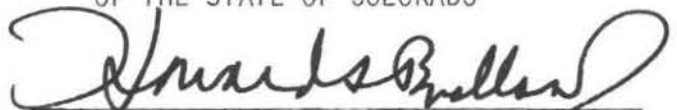
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

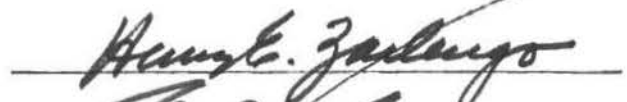
O R D E R

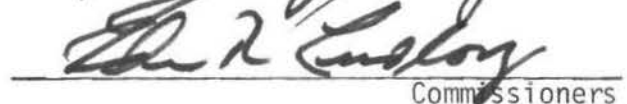
THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76330, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5290

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76331 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law of Findings,

nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

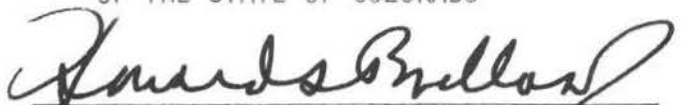
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

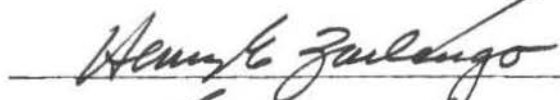
O R D E R

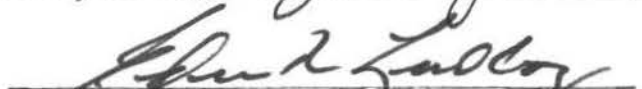
THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76331, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5291

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company of
Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76325 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do

they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

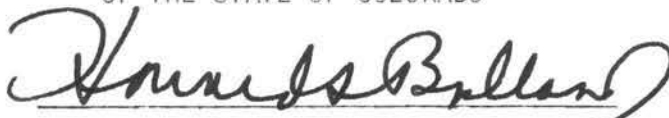
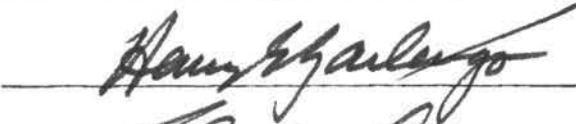
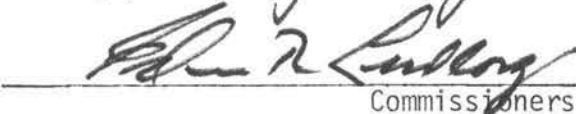
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76325, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.
vjr

(Decision No. 76611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5292

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76326 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered

and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

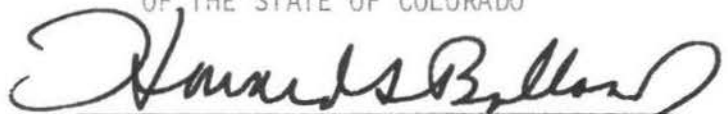
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

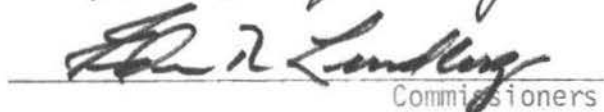
THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76326, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5293

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76327 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered

and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

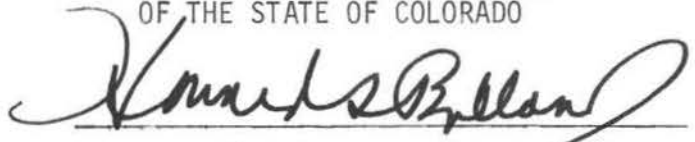

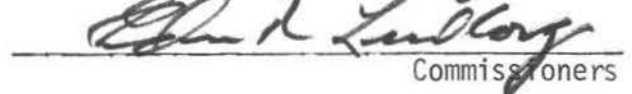
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76327, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins, be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5299

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76328 was sub-
mitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric
Association, Inc., through its attorneys, Warren H. Price and John P.
Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case in-
cluding the Recommended Decision and Order by Examiner Girts Krumins, and
it appearing that the Exceptions filed on December 14, 1970, do not show
any material errors in the Examiner's Statement and Findings of Fact, in
his evaluation of the facts, his Conclusions of Law or Findings, nor do
they raise any material matter of fact or law not adequately considered

and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

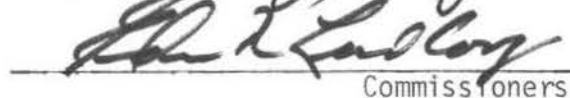
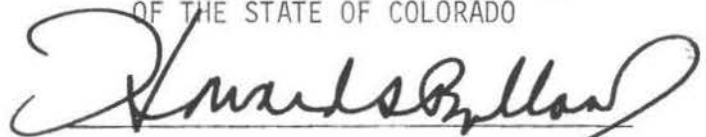
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76328, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5302

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76329 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered

and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and arguments advanced by the parties in light of such Exceptions.

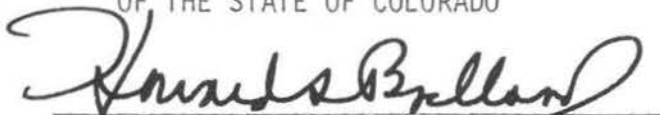
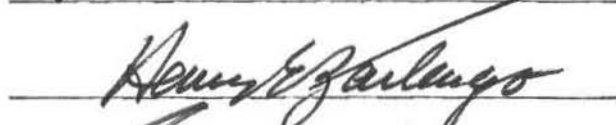
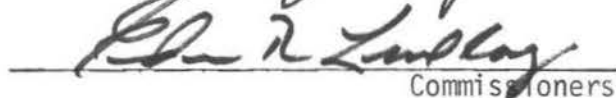
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76329, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5332

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76333 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do

they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

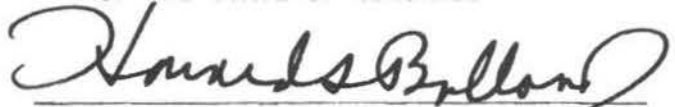
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

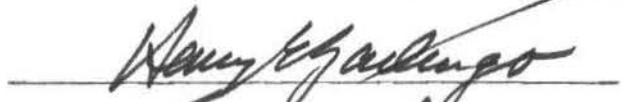
O R D E R

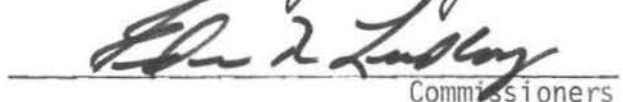
THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76333, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5387

January 8, 1971

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, Recommended Decision No. 76332 was submitted by Girts Krumins, Examiner.

On December 14, 1970, Complainant, Poudre Valley Rural Electric Association, Inc., through its attorneys, Warren H. Price and John P. Thompson, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case including the Recommended Decision and Order by Examiner Girts Krumins, and it appearing that the Exceptions filed on December 14, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do

they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

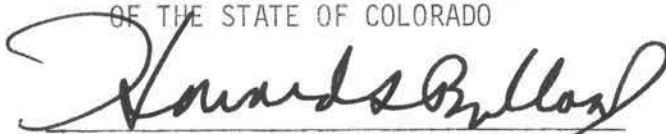
Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Krumins being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.


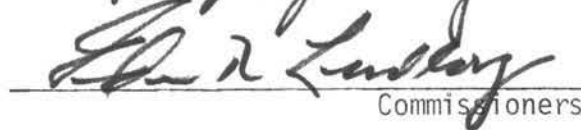
O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Complainant, Poudre Valley Rural Electric Association, Inc., be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Girts Krumins, being Decision No. 76332, dated November 24, 1970, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Girts Krumins be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado, this
8th day of January, 1971.

vjr

(Decision No. 76618)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HANS WEIBEL AND MERVYN LAPIN, DOING)
BUSINESS AS "EAGLE COUNTY TRASH)
REMOVAL SERVICE," ROOM 105, MILL-)
CREEK COURT BUILDING, VAIL, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24201

SUPPLEMENTAL ORDER

EXTENSION OF TIME TO FILE
CERTIFICATE OF INSURANCE

January 8, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 15, 1970, a final notice was served by the Commission requiring Applicants to file a Certificate of Insurance on or before January 15, 1971, or suffer action to cancel the authority granted to Applicants in Decision No. 76194, dated November 4, 1970.

On January 5, 1971, Applicants by their attorney, Stewart H. Brown, filed a Motion For Extension Of Time In Which To File Certificate of Insurance up to and including February 15, 1971.

The Commission finds and concludes that good cause has been shown why the Motion for extension of time should be granted, and that it should therefore be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Motion For Extension Of Time In Which To File Certificate of Insurance filed by Applicants, Hans Weibel and Mervyn

Lapin, doing business as "Eagle County Trash Removal Service", up to and until February 15, 1971, be, and hereby is, granted.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harold S. Bullen

Henry E. Fialango

Ed R. Lusk
Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
js

(Decision No. 76619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VICTOR C. KREUTZER, DOING BUSINESS)
AS "VIC'S DISPOSAL SERVICE," 4125)
OTIS STREET, WHEAT RIDGE, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24698-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 11, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto,
and that there is no carrier service available capable of meeting
such need.

It is ordered, That Applicant be, and is hereby, granted
temporary authority, conditioned upon full compliance with all
applicable statutory and Commission requirements, rules and regulations,
to engage in the business of transportation by motor vehicle to the
extent and in the manner set forth in the appendix attached hereto.




It is further ordered, That the service provided for in this
Order shall not be commenced until all requirements have been met and
Applicant has received notice in writing from the Commission that
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance
with statutory and Commission requirements shall constitute sufficient
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of January, 1971.
js

APPENDIX

Application No. 24698-TA

Victor C. Kreutzer
Doing Business As
"Vic's Disposal Service"
4125 Otis Street
Wheat Ridge, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation of

Ash, trash, and other waste materials

From all points located within the Town of Cheyenne Wells, Colorado, to regularly designated and approved dumps and disposal sites located within the Counties of Cheyenne and Kiowa, State of Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LELAND B. ROSS, 2605 ATLANTA,)	<u>APPLICATION NO. 24709-PP</u>
PUEBLO, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	<u>ORDER OF THE COMMISSION</u>
CARRIER BY MOTOR VEHICLE.)	

January 8, 1971

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Leland B. Ross, 2605 Atlanta, Pueblo, Colorado, be, and is hereby, authorized to operate as a class "B" contract 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 fifty (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 fifty (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 fifty (50) miles of said jobs;

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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

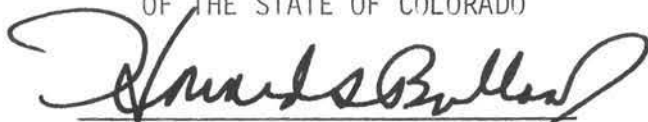
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

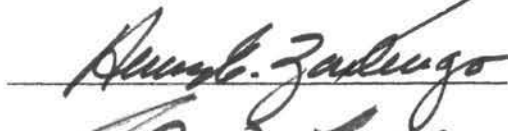
That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*	*	*
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MELVIN H. WALTON DBA
WALTON TRUCKING
P. O. BOX 176
GERING, NEBRASKA 69341

CASE NO. 2527-H-Ins.

January 8, 1971

BY THE COMMISSION:

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

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

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OF THE STATE OF COLORADO

Donald S. Bellon

Reynold E. Zuckerman

John A. Zuckerman

Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971

(Decision No. 76622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD C. WHEELER & RICHARD O.)
ROBERTS, DOING BUSINESS AS "D & R)
TRUCKING," 2390 JAMAICA STREET,)
AURORA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24727-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

January 8, 1971

The above-entitled application under CRS 1963, 115-6-20(4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That there is an immediate and urgent
need for the transportation service herein sought.

It further appearing, That failure to immediately grant emergency
temporary authority may result in the lack of available equipment to satisfy
shippers' needs.

And it further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary authority.

It is ordered, That Donald C. Wheeler & Richard O. Roberts, doing
business as "D & R Trucking," 2390 Jamaica Street, Aurora, Colorado, be,
and are hereby, granted emergency temporary authority for a period of fif-
teen (15) days commencing January 8, 1971, as a class "B" contract carrier
by motor vehicle, for the

"Transportation of

(1) Logs, poles and timber products

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

(2) Rough Lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTIONS: Items Nos. 1 and 2 of this emergency temporary authority are restricted as follows:

- (a) Against town-to-town service.
- (b) To serving not more than ten (10) customers at any one time.

(3) Rock (natural)

From supply points to points in the State of Colorado.

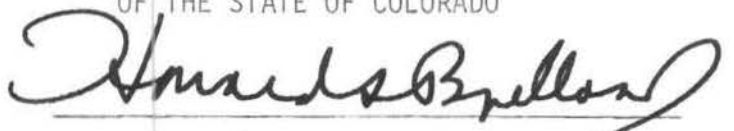
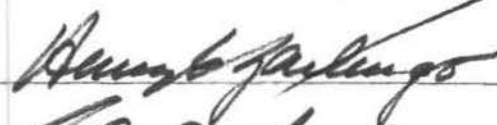
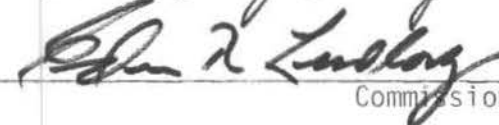
RESTRICTION: Item No. 3 is restricted to rendering transportation service for only the Green Ranger Co., Thornton, Colorado."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicants have received notice in writing from the Commission that compliance has been effected and service may be instituted.

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
8th day of January, 1971.

vjr

(Decision No. 76623)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ED HOLESTINE TRUCK LINES, INC.,)
41 LYONS, KANSAS CITY, KANSAS.)

PUC NO. 6619-I

January 8, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from D. S. Hults, Attorney for the above-named certificate-holder, requesting authority to change its corporate name from Ed Hollestine Truck Lines, Inc. to Tollie Freightways, Inc. in the conduct of operations under PUC No. 6619-I.

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

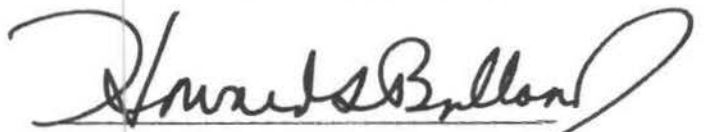
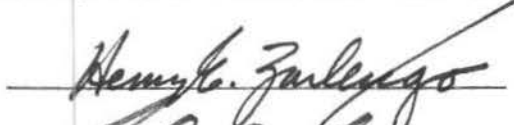

O R D E R

THE COMMISSION ORDERS:

That Ed Hollestine Truck Lines, Inc. be, and hereby is, authorized to change its corporate name to Tollie Freightways, Inc. in the conduct of operations under PUC No. 6619-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 8th day of January, 1971.

hj

(Decision No. 76624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF WAYNE
MALLORY, DOING BUSINESS AS "WAYNE MALLORY
TRUCKING," 1623 MOCKINGBIRD LANE, TYLER,
TEXAS.

PUC NO. 7948-I

January 11, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-named certificate-holder requesting that he be authorized to delete the trade name of "Wayne Mallory Trucking," and conduct operations under the name and style Wayne F. Mallory in the conduct of operations under PUC No. 7948-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.

ORDER

THE COMMISSION ORDERS:

That Wayne Mallory, doing business as "Wayne Mallory Trucking," be, and hereby is authorized to conduct operations under the name and style "Wayne F. Mallory," in the conduct of operations under PUC No. 7948-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

James S. Bollen
James E. Zuckerman
John L. Ladd
Commissioner

Dated at Denver, Colorado,
this 11th day of January, 1971.

hj

(Decision No. 76625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. CHRISTMAN, 3200 EAST)
PEARL, BOULDER, COLORADO.)

PUC NO. 3704

January 8, 1971

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 under the trade name and style of Charles A. Christman, doing business as "Chris's Trucking," in the conduct of operations under PUC No. 3704.

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.

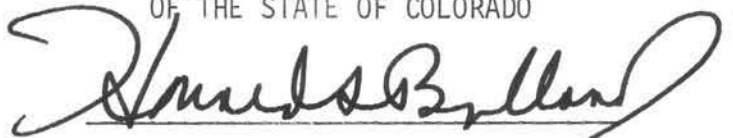
O R D E R

THE COMMISSION ORDERS:

That Charles A. Christman be, and hereby is, authorized to conduct operations under the trade name and style Charles A. Christman, doing business as "Chris's Trucking," in the conduct of operations under PUC No. 3704, 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 8th day of January, 1971.

hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WALLACE W. WRIGHT, BOX 277, ROUTE 2,)	<u>APPLICATION NO. 24384-PP-Transfer</u>
DELTA, COLORADO, FOR AUTHORITY TO)	
TRANSFER PERMIT NO. B- 7033 TO)	<u>SECOND SUPPLEMENTAL ORDER</u>
RAYMOND E. SCHMALZ, ROUTE 2, BOX 108,)	
DELTA, COLORADO.)	

January 8, 1971

Appearances: Wallace W. Wright, Delta, Colorado,
pro se.
Raymond E. Schmalz, Delta, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 30, 1970, the Commission entered Decision No. 76347 in the above-styled matter, setting aside Decision No. 75550 dated August 6, 1970 authorizing the transfer of Permit No. B-7033 from Wallace W. Wright, Delta, Colorado, to Raymond E. Schmalz, Delta, Colorado, for failure of Applicants to comply with requirements set forth in said Decision No. 75550.

It now appears that Applicants herein have complied with all requirements of Decision No. 75550, and request that transfer therein authorized be made fully effective.

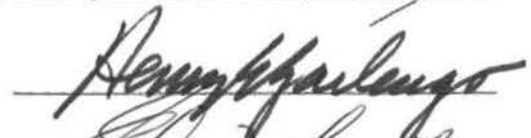

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 76347, dated November 30, 1970, be, and the same hereby is, vacated, set aside, and held for naught as of said 30th day of November, 1970, and that the Secretary of the Commission is hereby instructed to change the records of the Commission to show Permit No. B-7033 to be owned and operated by Raymond E. Schmalz, Delta, Colorado, authority granted by this Commission to transfer said operating rights by Decision No. 75550, dated August 6, 1970, being made fully effective.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971.
hj

(Decision No. 76627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF KEITH MORCH, SANFORD, COLORADO,	)	<u>APPLICATION NO. 24215-PP-Transfer</u>
FOR AUTHORITY TO TRANSFER PERMIT)	
NO. B-6409 TO ALFONSO F. MESTAS,	)	<u>SECOND SUPPLEMENTAL ORDER</u>
1105 ROSS AVENUE, ALAMOSA, COLORADO.)	

January 8, 1971

Appearances: Keith Morch, Sanford, Colorado,
pro se;

Alfonso F. Mestas, Alamosa, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1970, the Commission entered Decision No. 76371 in the above-styled matter, setting aside Decision No. 75450 dated July 24, 1970 authorizing the transfer of Permit No. B-6409 from Keith Morch, Sanford, Colorado to Alfonso F. Mestas, Alamosa, Colorado for failure of Applicants to comply with requirements set forth in said Decision No. 75450.

It now appears that Applicants herein have complied with all requirements of Decision No. 75450 and request that transfer therein authorized be made fully effective.


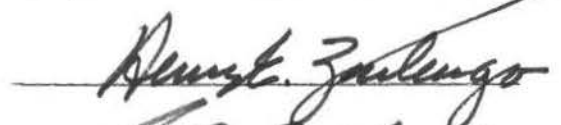

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 76371, dated December 1, 1970 be, and the same hereby is, vacated, set aside, and held for naught as of said 1st day of December, 1970, and that the Secretary of the Commission is hereby instructed to change the records of the Commission to show Permit No. B-6409 to be owned and operated by Alfonso F. Mestas, Alamosa, Colorado, authority granted by this Commission to transfer said operating rights by Decision No. 75450 dated July 24, 1970 being made fully effective.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 8th day of January, 1971.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL LIMOUSINE SERVICE, INC., 1421)
COURT PLACE, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24122-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 11, 1971

The above-entitled application under CRS 1963, 115-6-20(1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

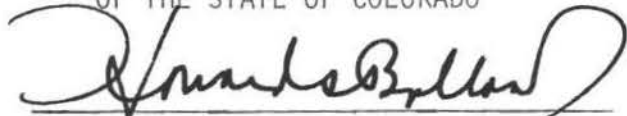
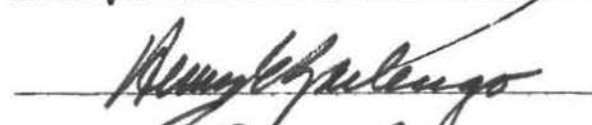
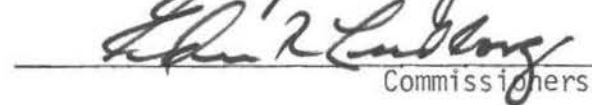
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicant has received notice in writing from the Commission that compli-
ance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall be
of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of January, 1971.
vjr

APPENDIX

Application No. 24122-TA

Vail Limousine Service, Inc.
1421 Court Place
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation -- on call and demand -- of

Passengers and their baggage

Between the Eagle County Airport near Eagle, Colorado, on the one hand and Sardy Field near Aspen, Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- (a) To the use of vehicles having a rated seating capacity of not less than seven (7) nor more than thirty-eight (38) passengers including the driver.
- (b) To the transportation of passengers having prior or subsequent passage to or from said Eagle County Airport via flights of Rocky Mountain Airways, Inc."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH H. & LORETTA P. CROSBY, AD-)
MINISTRATRIX OF THE ESTATE OF LEWIS H.)
CROSBY, DECEASED, DOING BUSINESS AS)
"YELLOW CAB COMPANY," 549 PITKIN AVE-)
NUE, GRAND JUNCTION, COLORADO, FOR)
AUTHORITY TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 2102 TO KENNETH H. AND LORETTA P.)
CROSBY, DOING BUSINESS AS "YELLOW CAB)
COMPANY," 549 PITKIN AVENUE, GRAND)
JUNCTION, COLORADO.)

APPLICATION NO. 24650-Transfer

ORDER OF THE COMMISSION

January 11, 1971

Appearances: Gary R. Cowan, Esq.,
Grand Junction, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferees are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Kenneth H. & Loretta P. Crosby, Administratrix of the Estate of Lewis H. Crosby, Deceased, doing business as "Yellow Cab Company," 549 Pitkin Avenue, Grand Junction, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2102 to Kenneth H. and Loretta P. Crosby, doing business as "Yellow Cab Company," 549 Pitkin Avenue, Grand Junction, 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. 2102 shall read and be as follows, to-wit:

"Transportation -- in taxicab service -- of

- (1) Passengers, baggage, and packages

Between all points located within a fifty (50) mile radius of Grand Junction, Colorado.

- (2) Passengers, baggage, and packages

From all points located within a fifteen (15) mile radius of Grand Junction, Colorado, to all points located within a one hundred (100) mile radius of Grand Junction, Colorado, with right to perform round trip service.

RESTRICTION: Waiting time for return trip of round trip service, under Item (2) of this Certificate, shall not exceed ten (10) hours.

RESTRICTION: Items (1) and (2) of this Certificate are restricted against providing round trip service to points lying within a five (5) mile radius of either Delta or Montrose, Colorado.

(3) Passengers, baggage and packages

From Grand Junction, Colorado, to all points within the State of Colorado.

RESTRICTION: Item (3) of this Certificate is restricted to rendering service for emergency purposes only.

(4) Air express and air freight

Between the Grand Junction Municipal Airport (Walker Field) on the one hand, and points located within a five (5) mile radius of Grand Junction, on the other hand.

Transportation -- in limousine service -- of

(5) Passengers and baggage

Between Grand Junction Municipal Airport (Walker Field) on the one hand, and points located within a five (5) mile radius of Grand Junction, on the other hand.

(6) Passengers, baggage and packages

Between Grand Junction, Colorado, or the Grand Junction Municipal Airport (Walker Field), on the one hand, and the Montrose County Airport on the other hand.

RESTRICTION: Item (6) of this Certificate restricted to rendering service only to those passengers having prior or subsequent air travel.

Transportation -- in sightseeing service -- of

(7) Passengers

Within a one hundred fifty (150) mile radius of Grand Junction, Colorado.

RESTRICTIONS: Item (7) of this Certificate restricted as follows:

- (a) To the use of vehicles having not more than eleven (11) passenger capacities.
- (b) Against the rendering of any service between Grand Junction, Colorado, and the Colorado National Monument.

- (c) All transportation service rendered must both originate and terminate in Grand Junction, Colorado."

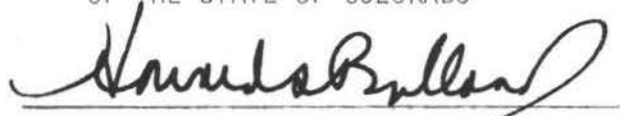
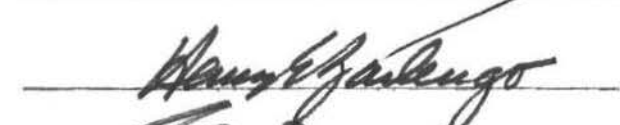
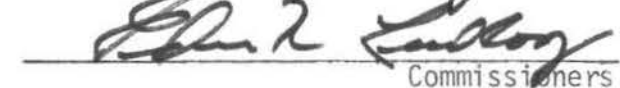
That said Transfer shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

That 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.

That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of January, 1971.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF RICHARD SCHROETLIN AND DENNIS)	
SPEICHER, P. O. BOX 89, BERTHOUD,	)	<u>APPLICATION NO. 24699-PP</u>
COLORADO, FOR AUTHORITY TO OPERATE)	
AS A CLASS "B" CONTRACT CARRIER BY	)	<u>ORDER OF THE COMMISSION</u>
MOTOR VEHICLE.)	

January 11, 1971

Appearances: John Perrott, Esq.,
Berthoud, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated December 23, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

It is ordered, That Richard Schroetlin and Dennis Speicher, P. O. Box 89, Berthoud, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

Farm products

Between all points located within an area comprised of the following Counties: Boulder, Larimer, Morgan, and Weld, State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

- (a) Against the transportation of livestock, bulk milk, and dairy products.
- (b) To serving not more than ten (10) customers at any one time";

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

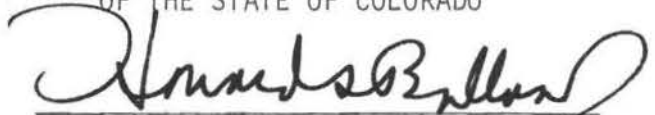

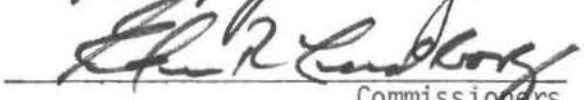
It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

It is further ordered, That the right of Applicants to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, 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
11th day of January, 1971.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RONALD W. SMITH, DOING BUSINESS AS)
"R. S. DRYWALL HAULING," 8200 TENNY-)
SON STREET, WESTMINSTER, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24734-PP-ETA
ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY

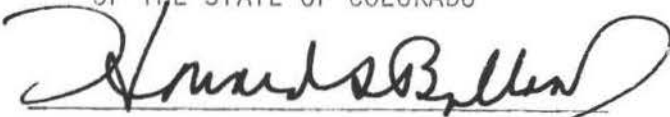

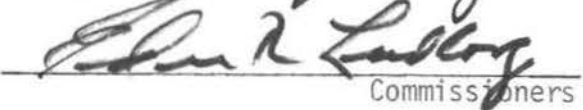
January 11, 1971

The above-entitled application under CRS 1963, 115-6-20(4),
being under consideration, and

It appearing, That the Applicant has not shown that there is
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary
authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of January, 1971.
vjr

(Decision No. 76632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDEN TRANSFER COMPANY, 111 SOUTH)
PRATT PARKWAY, LONGMONT, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24728-PP-ETA
ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY

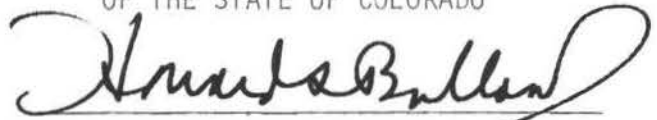

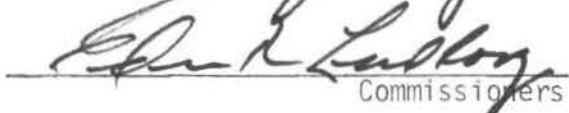
January 11, 1971

The above-entitled application under CRS 1963, 115-6-20(4),
being under consideration, and

It appearing, That the Applicant has not shown that there is
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary
authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of January, 1971.

vjr

(Decision No 76633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

MICHIGAN EXPRESS, INC.
1122 FREEMAN AVENUE S.W.
GRAND RAPIDS, MICHIGAN 49502

AUTHORITY NO. 2920-I

CASE NO. 2511-H-Ins.

January 8, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970, 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.

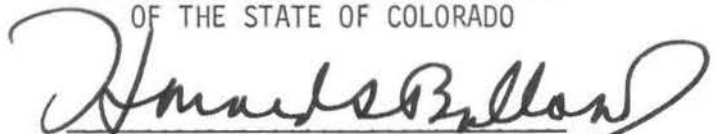
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1971

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TURNPIKE CONSTRUCTION COMPANY, 155)
COMMERCE STREET, BROOMFIELD, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24596-PP
SUPPLEMENTAL ORDER

January 11, 1971

Appearances: Louis A. Morrone, Esq., Denver, Colorado,
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 30, 1970, the Commission entered Decision No. 76355 in the above-entitled matter granting to Applicant authority to operate as a class "B" contract carrier by motor vehicle.

It now appears that through inadvertance in setting forth the authority contained under Decision No. 76207, a portion of the authority requested was omitted, namely, "Transportation of coal from northern Colorado coal fields to points located within Denver, Colorado."

In view of the above and foregoing, the Commission states and finds that Decision No. 76355 should be amended as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 76355 be, and the same hereby is, amended by striking therefrom the entire authority appearing on page 2 of the order thereof and inserting in lieu thereof 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: Item Nos. 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

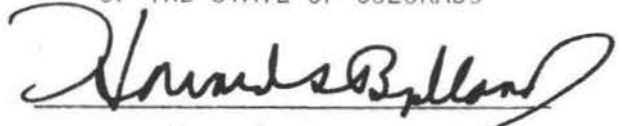
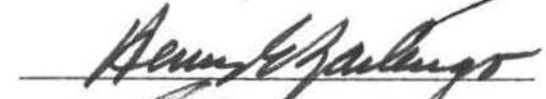

- (5) Coal

From the northern Colorado coal fields to points located within Denver, Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

That, except as herein amended, Decision No. 76355 shall remain
in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THACKER BROS. TRANSPORTATION, INC.,)
240 SOUTH SANTA FE, PUEBLO, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24401
SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

January 11, 1971

Appearances: Stockton & Lewis, Esqs., Denver,
Colorado, for Applicant;

Edward T. Lyons, Jr., Esq., Denver,
Colorado, for Rio Grande Motor Way, Inc.
and Denver-Laramie-Walden Truck Lines,
Inc., Protestants;

Joseph F. Nigro, Esq., Denver, Colorado,
for Weicker Transfer and Storage Co. and
Gottula Trucking and Transportation,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 21, 1970, the Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On January 6, 1971, John H. Lewis, attorney for Applicant, filed with the Commission a request for an extension of time within which to file exceptions to the Recommended Decision of the Examiner

until twenty (20) days after the certification of the transcript by the reporter.

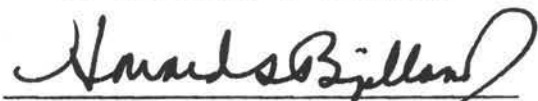
The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Thacker Bros. Transportation, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 11th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
APPLICABLE TO TRANSPORTATION OF)
COMMODITIES UNDER THE MERCER)
DESCRIPTION)
-----)

CASE NO. 1585

January 8, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 15, 1970, J. R. Smith, Chief of Tariff Bureau, filed revised pages to its Motor Freight Tariff No. 9, Colorado PUC No. 10, and at the same time filed like revised pages for Section No. 4 to its Motor Freight Tariff No. 13, Colorado PUC No. 12* (*The Motor Truck Common Carriers' Association, Agent, Series) scheduled to become effective January 16, 1971.

The Chief of Tariff Bureau filed letters from several of the carriers in support of the increased rates and charges, and also filed copies of correspondence with various shippers and shipper groups concerning the carriers' proposals. Copies of the proposals were submitted to the shippers on October 20, 1970, and a joint shipper-carrier meeting was held in the Colorado Motor Carriers Association Offices on December 7, 1970. A list of those attending the meeting was furnished to the Commission and it included Shippers, Carriers, Drilling Associations, Oil Field Traffic Associations, etc.

No protests to these proposals have been received by the Commission.

STAFF OBSERVATIONS AND COMMENTS:

As a result of the Association's docket meeting, adjustments were made to the carriers' proposal of October 20, 1970, adjusting the mileage scale and hourly rates. The resultant adjustments for the

mileage scale represent an average increase of 2 cents per hundred-weight for minimum weights of 10,000, 15,000 and 20,000 pound shipments, over the present rates. The increase in the hourly rates for special services of a truck, truck-tractor or "A" frame weighing empty (power unit only) from 7,000 pounds and under up to a maximum load represents an average increase in rates of 6 percent.

For the transportation of pipe or casing (including oil well tubing and drill pipe) the present scale of rates remains the same for all points and places from Fort Collins, Minnequa and Pueblo, Colorado to points in plains territory with the exception that the caption "5 miles or less" has been eliminated.

A new scale of rates has been instituted from the above points to destinations in mountain territory together with Item 1055, description of plains and mountain territories. Item 1055 is the same description as appearing in Rule 95, Case No. 1585. The new scale of rates will represent an increase approximating 5 percent over the current scale.

The last increases affected for transportation of Mercer described commodities were under a general investigation November 20, 1964, Decision No. 64138, which excluded movements between towns and municipalities in town-to-town service. The same holds true today. In Investigation and Suspension Docket No. 638, Decision No. 73354, dated August 8, 1969, increased hourly rates were granted as follows for special service or additional charges as required.

Truck, Truck Tractor or "A" frame weighing empty (Power Unit Only)

			<u>Hourly rate</u>
	7,000 pounds or under		\$ 7.50
Over	7,000 pounds and under	9,000 pounds	8.75
"	9,000 pounds and under	12,000 pounds	10.50
"	12,000 pounds and under	15,000 pounds	13.25
"	15,000 pounds and under	19,000 pounds	16.00
"	19,000 pounds and under	24,000 pounds	17.75
	24,000 pounds and over		21.75
Oil Field Helpers or "Swampers"			\$ 3.75

Since the publication of the rates and charges set forth in Appendix "A", attached hereto, appears to represent just, fair and reasonable rates and provisions, the Commission states and finds, pursuant to the provisions of Chapter 115-11-5, Article 11, Colorado Revised Statutes (1963) as amended, and Rule 19-B, Rules of Practice and Procedure before the Commission, that: --

1. An Order shall be entered prescribing the provisions in Appendix "A" attached hereto.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact, and Appendix "A" be, and the same are hereby, made a part hereof.

2. That the rates and charges set forth in Appendix "A" shall be the prescribed rates of the Commission.

3. That on and after January 16, 1971, 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.

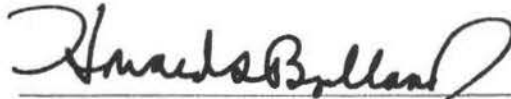
4. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish, or cause to be published, rates, rules, regulations and provisions which shall not be less than those prescribed for motor vehicle common carriers, on and after January 16, 1971.

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 contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract 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







Commissioner

Dated at Denver, Colorado, this
8th day of January, 1971. av

APPENDIX "A"
Colorado Motor Carriers' Association, Agent
Motor Freight Tariff No. 9
Colorado PUC No. 10

Schedules to become effective January 16, 1971

Item No.	Rules and Regulations
1st Revised Page No. 15	
240	<p><u>REFUSED OR UNCLAIMED SHIPMENTS:</u></p> <p>(A) When shipments have been plainly marked with the consignor's name and address preceded by the word "from" are refused, notice shall be immediately sent or given consignor of refusal of shipment. Unclaimed shipments will be treated as refused after fifteen calendar days from expiration of free time.</p> <p>(B) Whenever refused or unclaimed shipments are placed in warehouse at carrier's option and are afterwards sold, transportation, storage and other charges incidental to the transportation shall be paid out of the amount realized from sale.</p> <p>(C) Freight held 30 days account of inability of carrier to effect delivery will be sold for accrued charges.</p>
250	<p><u>SHIPPING INSTRUCTIONS:</u></p> <p>The owner or consignor shall, at the time of the delivery of the property to be transported, furnish the transportation company with the correct address to which the property is to be delivered and designate a suitable or proper person to receive and receipt for same when delivered.</p>
260	<p><u>SPECIAL PERMITS:</u></p> <p>When Federal, State or Municipal laws or regulations require that a special permit be secured prior to the performance of transportation service, the carrier will secure such special permit and the cost thereof, plus carrier cost for securing the permit, shall be in addition to all other applicable charges. The additional charge will be shown separately on the freight bill, and the original of the permit will be delivered to the party paying the freight charges.</p> <p>When special permit is required by governmental authority because of height or width of the lading, the minimum transportation charge per vehicle used shall be the charge for 20,000 pounds at the rate applicable thereto.</p>
265	<p><u>DESCRIPTION OF PLAINS AND MOUNTAIN TERRITORIES:</u></p> <p>Plains Territory shall constitute that territory lying on and east of the following described line:</p> <p>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 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 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 through Walsenburg to Trinidad; thence west along Colorado Highway 12 to Stonewall; thence via airline due south to the Colorado-New Mexico State Line.</p> <p>Mountain Territory shall constitute that portion of the state west of the above-described line.</p>

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 9

Item No.

Rules and Regulations

4th Revised Page No. 16

SPECIAL SERVICE OR ADDITIONAL CHARGES:

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)

	Hourly Rate
7,000 lbs. and under	\$ (A) 8.25
Over 7,000 lbs. and under 9,000 lbs.	(A) 9.50
Over 9,000 lbs. and under 12,000 lbs.	(A) 11.25
Over 12,000 lbs. and under 15,000 lbs.	(A) 14.00
Over 15,000 lbs. and under 19,000 lbs.	(A) 16.75
Over 19,000 lbs. and under 24,000 lbs.	(A) 18.50
Over 24,000 lbs. and under 30,000 lbs.	(A) 22.50
(A) 30,000 lbs. and Over	23.50

270 Crane, with driver and operator, less than 75 ft. of Boom 23.00

Crane, with driver and operator, 75 feet of boom and over 26.00

(1) Low-Boy (underslung) Trailer, with or without platform, not more than 2 axles and not more than 8 wheels 6.25

(1) Low-Boy (underslung) Trailer, with or without platform, more than 2 axles and/or 8 wheels, but not more than 3 axles 12.75

(1) Low-Boy (underslung) Trailer, with or without platform, 4 axles or more, or 16 or more wheels 20.00

(1) Tandem Dolly or Bogie 3.25

(1) 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" (A) 4.00

Time to be computed as actual travel and working time.

Subject to Item No. 300.

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 9

2nd Revised Page No. 20

SECTION NO. 1

Distance Commodity rates in cents per 100 pounds 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, and 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 pick-up thereof.

		MINIMUM WEIGHT		
		10,000 Pounds	15,000 Pounds	20,000 Pounds
(E)				
10 and under		38	28	25
20 and under	10	41	33	29
30 and over	20	45	37	33
40 and over	30	48	41	37
50 and over	40	53	46	40
60 and over	50	58	51	44
70 and over	60	60	56	47
80 and over	70	65	58	50
90 and over	80	69	62	54
100 and over	90	71	66	57
110 and over	100	76	71	61
120 and over	110	81	76	64
130 and over	120	86	78	68
140 and over	130	89	80	71
150 and over	140	93	83	73
160 and over	150	96	86	75
170 and over	160	101	90	77
180 and over	170	104	92	80
190 and over	180	108	95	81
200 and over	190	110	97	84
210 and over	200	115	99	86
220 and over	210	119	101	88
230 and over	220	122	104	91
240 and over	230	128	108	92
250 and over	240	131	110	95
260 and over	250	134	112	97
270 and over	260	140	115	98
280 and over	270	142	118	100
290 and over	280	144	121	101
300 and over	290	152	127	108
310 and over	300	154	132	109
320 and over	310	156	134	110
330 and over	320	159	136	111
340 and over	330	166	138	113
350 and over	340	168	139	118
360 and over	350	171	144	119
370 and over	360	175	147	120
380 and over	370	181	149	121
390 and over	380	183	151	122
400 and over	390	186	153	124
410 and over	400	190	158	126

ALL RATES ON THIS PAGE ARE INCREASES.

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 9

2nd Revised Page No. 21

SECTION NO. 1

Distance Commodity rates in cents per 100 pounds 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, and 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 pick-up thereof.

Distance--Miles	MINIMUM WEIGHT		
	10,000 Pounds	15,000 Pounds	20,000 Pounds
420 and over 410	194	160	129
430 and over 420	198	162	131
440 and over 430	201	164	132
450 and over 440	205	168	135
460 and over 450	208	172	136
470 and over 460	212	174	137
480 and over 470	217	176	138
490 and over 480	219	179	142
500 and over 490	223	186	147
510 and over 500	228	190	148
520 and over 510	231	192	149
530 and over 520	234	195	150
540 and over 530	238	197	152
550 and over 540	241	203	158
560 and over 550	247	205	159
570 and over 560	249	208	160
580 and over 570	253	211	161
590 and over 580	256	215	163
600 and over 590	260	216	167
610 and over 600	263	218	169
620 and over 610	266	221	171
630 and over 620	271	224	173
640 and over 630	274	227	175
650 and over 640	277	228	177
660 and over 650	284	231	179
670 and over 660	286	234	180
680 and over 670	289	237	182
690 and over 680	293	239	183
700 and over 690	296	241	185

ALL RATES ON THIS PAGE ARE INCREASES.

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 9

SECTION 1
COMMODITY RATES

3rd Revised Page No. 22

PIPE OR CASING (including OIL WELL TUBING AND DRILL PIPE), Iron or Steel, new or used, with or without tool joints, fittings, set shoes, clamps or protectors attached, plain, coated or wrapped, and/or cement lined, plastic lined or rubber lined, minimum weight 30,000 pounds. Subject to loading by shipper or consignor.

FROM: FORT COLLINS, MINNEQUA AND PUEBLO, COLORADO, and from all points and places located within two airline miles of the corporate limits thereof.

TO: (A) (C) POINTS IN PLAINS TERRITORY, as described in Item 265.

DISTANCE (MILES)		RATES IN CENTS PER 100 POUNDS				DISTANCE (MILES)		RATE
		DISTANCE (MILES)		RATE				
(E)	(A)							
10		25.5	240	71.5	480	108.5		
20		29.5	250	73.5	490	109.5		
30		33.5	260	75.5	500	110.5		
40		36.5	270	76.5	510	112.5		
			280	77.5	520	113.5		
50		39.5	290	78.5	530	114.5		
60		43.5	300	80.5	540	115.5		
70		47.5	310	82.5	550	116.5		
80		49.5	320	84.5	560	117.5		
90		51.5	330	85.5	570	119.5		
100		52.5	340	86.5	580	120.5		
110		53.5	350	88.5	590	122.5		
120		54.5	360	89.5	600	123.5		
130		55.5	370	90.5	610	124.5		
140		57.5	380	91.5	620	125.5		
150		58.5	390	92.5	630	126.5		
160		60.5	400	93.5	640	127.5		
170		61.5	410	96.5	650	128.5		
180		63.5	420	97.5	660	129		
190		65.5	430	99.5	670	131		
200		66.5	440	100.5	680	133		
210		67.5	450	101.5	690	136		
220		69.5	460	106.5	700	140.5		
230		70.5	470	107.5				

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Motor Freight Tariff No. 9

SECTION 1
COMMODITY RATES

ALL RATES ON THIS PAGE ARE INCREASES.

PIPE OR CASING (including OIL WELL TUBING AND DRILL PIPE), Iron or Steel, new or used, with or without tool joints, fittings, set shoes, clamps or protectors attached, plain, coated or wrapped, and/or cement lined, plastic lined or rubber lined, minimum weight 30,000 pounds. Subject to loading by shipper or consignor.

FROM: FORT COLLINS, MINNEQUA AND PUEBLO, COLORADO, and from all points and places located within two airline miles of the corporate limits thereof.

✱ (A) TO: POINTS IN MOUNTAIN TERRITORY, as described in Item 265.

RATES IN CENTS PER 100 POUNDS

DISTANCE (MILES)	RATE	"	DISTANCE (MILES)	RATE	"	DISTANCE (MILES)	RATE
10	28	"	250	77	"	490	115
20	31	"	260	79	"	500	116
30	35	"	270	80	"	510	118
40	37	"	280	81	"	520	119
50	40	"	290	82	"	530	120
		"			"		
60	44	"	300	84	"	540	121
70	48	"	310	87	"	550	122
80	51	"	320	88	"	560	123
90	53	"	330	89	"	570	125
100	54	"	340	90	"	580	126
110	55	"	350	92	"	590	129
120	56	"	360	93	"	600	130
130	57	"	370	94	"	610	131
140	58	"	380	95	"	620	133
150	60	"	390	96	"	630	134
		"			"		
160	62	"	400	97	"	640	135
170	63	"	410	100	"	650	136
180	65	"	420	102	"	660	137
190	67	"	430	104	"	670	139
200	68	"	440	106	"	680	141
		"			"		
210	69	"	450	109	"	690	144
220	71	"	460	112	"	700	148
230	72	"	470	113	"		
240	73	"	480	114	"		
		"			"		

✱ denotes addition

(A) denotes increase

(C) denotes a change resulting in neither an increase nor a reduction

(E) denotes elimination.

(Decision No. 76637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE KEN R. WHITE COMPANY, FOR AUTHOR-)
ITY TO TRANSFER ALL OF ITS STOCK IN)
ROCKY MOUNTAIN AIRWAYS, INC., RECORD)
OWNER OF PUC NO. AC-9, TO RMA, INC.,)
STAPLETON INTERNATIONAL AIR TERMINAL,)
DENVER, COLORADO.)

APPLICATION NO.
24478-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
THE KEN R. WHITE COMPANY, FOR AUTHOR-)
ITY TO TRANSFER ALL OF ITS STOCK IN)
ROCKY MOUNTAIN AIRWAYS, INC., RECORD)
OWNER OF PUC NO. ACS-45, TO RMA, INC.,)
STAPLETON INTERNATIONAL AIR TERMINAL,)
DENVER, COLORADO.)

APPLICATION NO.
24479-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
THE KEN R. WHITE COMPANY, FOR AUTHOR-)
ITY TO TRANSFER ALL OF ITS STOCK IN)
ROCKY MOUNTAIN AIRWAYS, INC., RECORD)
OWNER OF PUC NO. ACS-62, TO RMA, INC.,)
STAPLETON INTERNATIONAL AIR TERMINAL,)
DENVER, COLORADO.)

APPLICATION NO.
24480-Stock Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 12, 1971

Appearances: Robert S. Wham, Esq., Denver,
Colorado, for Applicants.

Leslie R. Kehl, Esq., Denver,
Colorado, for Jones, Meiklejohn,
Kehl & Lyons, Esqs., Protestants.

PROCEDURE AND RECORD

Under date of July 24, 1970, Applicants filed the above-entitled applications for authority to transfer all of the stock of Rocky

Mountain Airways, Inc., record owner of PUC No. AC-9, PUC No. ACS-45, and PUC No. ACS-62, as specifically set forth in said applications.

The Commission assigned No. 24478-Stock Transfer, No. 24479-Stock Transfer, and No. 24480-Stock Transfer to the respective applications.

Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on these applications and, after due and proper notice to all interested persons, firms, or corporations, set the herein matters for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 17, 1970, at 10 a.m. The hearings were held at the aforesaid time and place.

Applications No. 24478-Stock Transfer, No. 24479-Stock Transfer, and No. 24480-Stock Transfer were heard on a joint record.

The law firm of Jones, Meiklejohn, Kehl & Lyons voluntarily withdrew its Protest prior to the hearing.

Gordon F. Autry testified in support of the applications.

Exhibits 1, 2, and 3 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Rocky Mountain Airways, Inc. is the owner of Certificates of Public Convenience and Necessity PUC No. AC-9, PUC No. ACS-45, and PUC No. ACS-62, which generally provide for air transportation out of Denver to ski areas on the Western Slope plus an air charter service.

2. Transferor, The Ken R. White Company, now owns 80% of the stock in Rocky Mountain Airways, Inc. The other 20% of the stock in Rocky Mountain Airways, Inc. is owned individually by Mr. Gordon F. Autry. (A small block of less than 1% of the stock in Rocky Mountain Airways, Inc. is held under separate ownership).

3. The Ken R. White Company is a wholly owned subsidiary of URS Systems Corporation which is involved in this proceeding only by reason of an indebtedness from Rocky Mountain Airways, Inc. that will be secured by a first lien upon the operating rights of Rocky Mountain Airways, Inc.

4. Transferee, RMA, Inc., is a Colorado corporation organized by Gordon F. Autry and will be put into operation at the time these transfers are concluded.

5. By the instant applications, The Ken R. White Company proposes to transfer all of the stock it owns in Rocky Mountain Airways, Inc. (80% of the total stock) to RMA, Inc. and, upon receipt of said stock, Gordon F. Autry will transfer all of the stock he now owns in Rocky Mountain Airways, Inc. (20% of the total amount of said stock) to RMA, Inc. Except for the small block of less than 1% of stock in Rocky Mountain Airways, Inc., RMA, Inc. will, upon the consummation of these transfers, own 100% of the stock of Rocky Mountain Airways, Inc.

6. Following the transfers, all of the stock of Rocky Mountain Airways, Inc. except the small block of less than 1% which is held under separate ownership, will be owned by RMA, Inc., subject to the security

pledge referred to above; and RMA, Inc. will be owned 100% by Gordon F. Autry.

7. The present officers of Rocky Mountain Airways, Inc. are Gordon F. Autry, President, George Koonsman, Secretary, and Donald Preszler, Treasurer. The officers of both Rocky Mountain Airways, Inc. and RMA, Inc., following these transfers, will be Gordon F. Autry, President, Vice-President not yet determined, and Larry Mugge, Secretary-Treasurer.

8. There is presently due from Rocky Mountain Airways, Inc. for monies advanced at various times by The Ken R. White Company and by URS Systems Corporation, a sum as recited in the contract of approximately \$164,000. Said sums are carried on the books of the respective corporations as "intercompany indebtednesses" and are payable upon demand.

9. As a part of the contract for the sale of the stock, The Ken R. White Company and URS Systems Corporation have agreed to accept a promissory note for the amount of the intercompany indebtednesses (\$164,000) payable to The Ken R. White Company and URS Systems Corporation over a period of four years secured by a first lien upon all operating rights of Rocky Mountain Airways, Inc. Said lien should be approved upon the filing of the proper documents.

10. Transferee does not hold previously granted authority from this Commission.

11. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authorities sought to be transferred herein.

12. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted,

promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have or will make adequate provision for insurance.

13. If these transfers are approved, Transferee intends to and will engage in bona fide air carrier operations under the operating rights set forth herein.

14. The transfers as applied for are compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The transfers sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That The Ken R. White Company, 3955 East Exposition Avenue, Denver, Colorado, be, and hereby is, authorized to transfer all of its stock of Rocky Mountain Airways, Inc., a Colorado corporation, record owner of Certificates of Public Convenience and Necessity PUC No. AC-9, PUC No. ACS-45, and PUC No. ACS-62, to RMA, Inc., Stapleton Air Terminal, Denver, Colorado, subject to encumbrances, if any, against said authorities.

2. That the encumbrance to be placed upon the authorities be, and hereby is, approved upon the filing of the proper documents.

3. That said transfer of stock shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock 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 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 stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

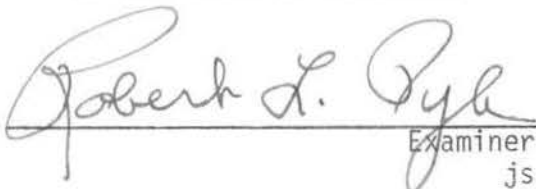
4. That the right of Transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of the annual report by Transferor herein covering the operations under the said Certificates up to the time of the transfer of said Certificates.

5. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own

motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	
TARIFF SHEETS ACCOMPANYING ADVICE)	
LETTER NO. 606 FILED BY MOUNTAIN)	<u>INVESTIGATION AND SUSPENSION</u>
STATES TELEPHONE AND TELEGRAPH COM-)	<u>DOCKET NO. 660</u>
PANY FOR REVISION OF TARIFF COLORADO)	<u>SUPPLEMENTAL ORDER</u>
PUC NO. 5, MOBILE TELEPHONE SERVICE.)	
- - - - -	

- - - - -
January 11, 1971
- - - - -

Appearances: Pauline Nelson, Esq., Denver, Colorado,
for Mountain States Telephone and
Telegraph Company;
Brian H. Goral, Esq., Denver, Colorado,
for the City and County of Denver;
Karl E. Ranous, Esq., Lakewood, Colorado,
for Lakewood Broadcasting Company;
J. E. Pound, Esq., Alamosa, Colorado,
for Wayne Escherman;
K. H. Costello, Broomfield, Colorado,
pro se;
Rev. Mark Prophet, Colorado Springs,
Colorado, for the Summit Lighthouse;
Tom Crump, Denver, Colorado, for
The Crump Company;
E. H. Cooper, Protestant, Denver, Colorado,
for Cooper Tool Company;
Fred Kramer, Protestant, for Kramer
Industrial Supply;
Max Graham, Denver, Colorado, for
Empire Cranes;
C. W. Clark, Protestant, Denver, Colorado,
for Plains Mud Company;
M. T. Gerszewski, Esq., Denver, Colorado,
for Exeter Drilling Company;
Robert Westbrook, Westminster, Colorado,
pro se;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, by Decision No. 75857, the Commission
suspended the effective date of certain tariff revisions filed by The
Mountain States Telephone and Telegraph Company until January 28, 1971,
and, further, set the matter for hearing commencing on December 21, 1970.

Said Decision No. 75857, which is incorporated herein by reference, more specifically describes the tariff revisions at issue.

The matter has now been heard by the Examiner. However, certain late-filed exhibits are due on or before January 22, 1971 and statements of position of parties have been ordered to be filed not later than February 26, 1971. Under the circumstances it appears impossible to render a decision in this matter prior to the expiration date of the present suspension period, and the Commission finds on its own motion that the effective date of the said tariff revisions should be further suspended as set forth in the Order hereinbelow.

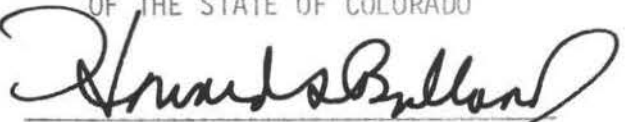

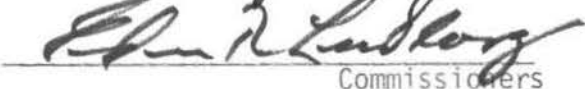
O R D E R

THE COMMISSION ORDERS THAT:

The effective date of the tariff revisions filed by The Mountain States Telephone and Telegraph Company under Advice Letter No. 606, as more particularly identified in Decision No. 75857, be, and hereby are suspended until April 28, 1971, or until further Order of the Commission.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

, Dated at Denver, Colorado,
this 11th day of January, 1971.
hj

(Decision No. 76639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED PAPPAS, 2610 NORTH BROADWAY,)
GERING, NEBRASKA, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO PAPPAS TRUCKING, INC., A NEBRASKA)
CORPORATION, 2610 NORTH BROADWAY,)
GERING, NEBRASKA.)

PUC NO. 3526-I-Transfer

January 11, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Ted Pappas, Gering, Nebraska, was granted a certificate of public convenience and necessity, being PUC No. 3526-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. 3526-I to Pappas Trucking, Inc., a Nebraska corporation, Gering, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

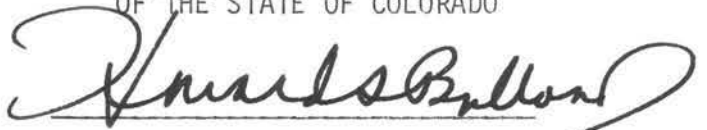
O R D E R

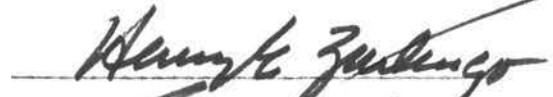
THE COMMISSION ORDERS:

That Ted Pappas, Gering, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3526-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Pappas Trucking, Inc., a Nebraska corporation, Gering, Nebraska, 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 11th day of January, 1971.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CARTAGE COMPANY, INC., 5275)
QUEBEC STREET, COMMERCE CITY, COLORADO,)
80022, FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY AUTHORIZING EX-)
TENSION OF OPERATIONS UNDER PUC NO. 692)
AND PUC NO. 692-I TO INCLUDE THE TRANS-)
PORTATION, OVER REGULAR ROUTES, OF (1))
BUSINESS PAPERS, RECORDS, AND AUDIT AND)
ACCOUNTING MEDIA, (2) EXPOSED AND PRO-)
CESSED FILM AND PRINTS, COMPLIMENTARY)
REPLACEMENT FILM, CAMERA REPLACEMENT)
PARTS, AND INCIDENTAL DEALER HANDLING)
SUPPLIES AND ADVERTISING LITERATURE)
MOVING THEREWITH (EXCLUDING MOTION)
PICTURE FILM USED PRIMARILY FOR COM-)
MERCIAL THEATRE AND TELEVISION EXHIBI-)
TION), (3) DENTISTRY MATERIALS AND)
SUPPLIES, WHEN MOVING TO OR FROM)
DENTISTS, (4) OPHTHALMIC GOODS AND)
ORDER FORMS, WHEN MOVING TO OR FROM)
OPHTHALMOLOGISTS, (5) PRESCRIPTION)
PHARMACEUTICALS, RADIO PHARMACEUTICALS,)
MEDICAL ISOTOPES, NARCOTICS, BLOOD AND)
BLOOD DERIVATIVES, BIOLOGICAL SPECIMENS)
AND RELATED RECORDS, AND EXPOSED X-RAY)
FILMS AND MATERIALS, (6) REPLACEMENT)
PARTS FOR COMPUTERS, DATA PROCESSING)
EQUIPMENT, PHOTOCOPY EQUIPMENT AND OF-)
FICE MACHINES AND (7) CUT FLOWERS, (A))
BETWEEN POINTS IN THAT PART OF COLORADO)
LOCATED IN AND EAST OF LARIMER, BOULDER,)
JEFFERSON, TELLER, FREMONT, PUEBLO,)
HUERFANO AND LAS ANIMAS COUNTIES; (B))
BETWEEN POINTS IN MESA, DELTA, MONTROSE,)
OURAY, SAN JUAN, LA PLATA, MONTEZUMA)
AND GARFIELD COUNTIES, COLORADO; and)
(C) BETWEEN THE POINTS LISTED IN (A))
ABOVE, ON THE ONE HAND, AND, ON THE)
OTHER HAND, THE POINTS LISTED IN (B))
ABOVE. APPLICANT SEEKS A WAIVER OF)
RULE 385 IN CASE NO. 1585 PERTAINING)
TO PRESCRIBED MOTOR CARRIER RATES AND)
ALSO SEEKS AUTHORITY, IN CONNECTION)
WITH THE OPERATIONS DESCRIBED IN (C))
ABOVE, OPTIONALLY TO SUBSTITUTE SERVICE)
BY AIRCRAFT FOR ITS OWN OVER-THE-ROAD)
SERVICE.)

APPLICATION NO. 24713-Extension

SUPPLEMENTAL ORDER

January 11, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 29, 1970, Denver-Boulder Bus Company and Colorado Motorway, Inc., by their attorneys, filed a Protest and Petition to Intervene in the above-captioned proceeding and caused copies of said Protest and Petition to Intervene to be served by mail upon Edward T. Lyons, Jr., attorney for Applicant, Colorado Cartage Company, Inc.

The Commission states and finds that protestants for intervention, Denver-Boulder Bus Company and Colorado Motorway, Inc., are parties who may or might be interested in or affected by any order which may be entered in this proceeding, and that the intervention should be authorized.

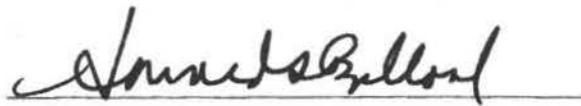

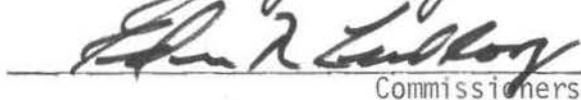
O R D E R

THE COMMISSION ORDERS THAT:

The Protest and Petition to Intervene by Denver-Boulder Bus Company and Colorado Motorway, Inc., be, and the same hereby is, granted.

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
11th day of January, 1971.

vjr

(Decision No. 76641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A. F. WATERS, SAM J. ALLEN AND)	
ELMER JOHNSON ON BEHALF OF THEM-)	APPLICATION NO. 24584
SELVES AND OTHERS SIMILARLY SITUATED)	
FOR AN ORDER AUTHORIZING PUBLIC)	RECOMMENDED DECISION OF
SERVICE COMPANY OF COLORADO TO RENDER)	CHRISTIAN O. IGENBERGS,
STREET LIGHTING SERVICE IN AN UNINCOR-)	EXAMINER
PORATED AREA IN MESA COUNTY.)	

January 12, 1971

Appearances: A. F. Waters, Clifton,
Colorado, pro se;
Sam J. Allen, Clifton,
Colorado, pro se;
James M. Robb, Esq.,
Grand Junction, Colorado,
for Public Service Company
of Colorado.

PROCEDURE AND RECORD

Under date of October 6, 1970, Applicants filed the above-entitled application seeking an order of the Commission authorizing the Public Service Company of Colorado to render street lighting service in an unincorporated area in Mesa County as specifically designated in the application.

The Commission assigned No. 24584 to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Grand Junction, Colorado, on December 29, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

A. F. Waters, Sam J. Allen, Joe Hicks, Virgil Beauchem, Nelly Britner, Ethel Walck, Lita Miller, Thomas Brennan, and D. E. Lichtenwalter

testified in support of the application. A. Lucille Cronk, Nettie M. Hutchinson, and Faye Hickman testified in protest of the granting of the application.

Exhibits 1, 2, and 3 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The Public Service Company of Colorado is a public utility providing service in the area covered by the application herein.
2. This Commission has jurisdiction over said public utility and the subject matter of this proceeding.
3. The area covered by the application herein is an unincorporated area in the County of Mesa, State of Colorado, platted, known, and described as follows: Clifton No. 1.
4. The Public Service Company of Colorado is willing and able to provide street lighting service in the said area, to-wit: Clifton No. 1, in accordance with its tariff, Colorado PUC No. 4 - Electric, Substitute Tenth Revised Sheet No. 264, Substitute Original Sheet No. 264A, and Substitute Original Sheet No. 264-B, as presently filed with the Commission or as it may be changed or modified pursuant to law and the rules of the Commission. If this application is approved, the Public Service Company of Colorado will install a sufficient number of 7,000 lumen mercury vapor dusk-to-dawn electric street lights in the said area, namely 15.

5. Of the 109 customers presently served in the area by Public Service Company of Colorado, 93 customers signed the Petitions for Street Lighting Service (Exhibits 2 and 3) or a percentage of 85.3 of the total number of customers.

6. The tariff, Colorado PUC No. 4 - Electric, provides the basis and rates under which street lighting service shall be supplied in similar unincorporated areas.

7. The cost of installing the 15 street lights in the subject area is estimated at \$2,700 and will be financed through the use of internal funds of the Public Service Company of Colorado.

8. The tariff charges for street lighting, in accordance with the present tariff, will be 55¢ per month per customer.

9. The preservation of the public peace and safety requires the installation of a street lighting system in the area described in Exhibit 1.

10. Public convenience and necessity requires, and will require, that Application No. 24584 be granted and that the Public Service Company of Colorado be authorized to provide street lighting service in Clifton No. 1, Mesa County, Colorado.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24584 should be granted and the Public Service Company of Colorado authorized to provide street lighting service as sought herein.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

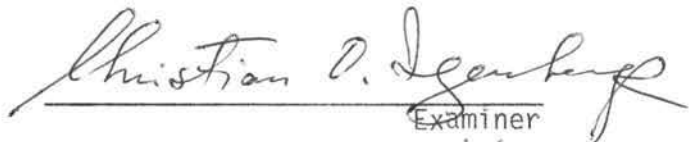
THE COMMISSION ORDERS:

1. That the Public Service Company of Colorado be, and hereby is, authorized and directed to provide street lighting service in the area known, described, and designated as Clifton No. 1, in the County of Mesa, State of Colorado, by installing, operating, and maintaining a non-ornamental, mercury vapor street lighting system in accordance with the provisions of its tariff, Colorado PUC No. 4 - Electric, Substitute Tenth Revised Sheet No. 264, Substitute Original Sheet No. 264-A, and Substitute Original Sheet No. 264-B, now existing or as it may be changed or modified pursuant to law and the rules of this Commission.

2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr/rm

(Decision No. 76642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HITCHRACK STABLES, INC., 310 SOUTH)
31ST STREET, COLORADO SPRINGS,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24672-TA

SUPPLEMENTAL ORDER

January 13, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application for temporary authority was filed November 24, 1970. By Decision No. 76413, dated December 8, 1970, the Commission denied the temporary authority. On January 8, 1971, the Applicant filed its Petition to Reconsider the said decision.

The Commission states and finds that there exists a serious question as to whether or not the proposed operations of the Applicant constitute either common or contract carriage subject to the jurisdiction of the Commission. Accordingly, the Commission finds that Applicant should be ordered to file a brief, memorandum of authorities or other argument in this matter as set forth in Order to follow.

O R D E R

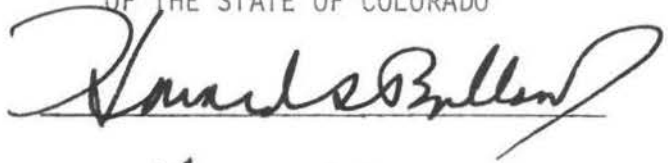
THE COMMISSION ORDERS THAT:

1. Applicant be, and hereby is, ordered to file a brief or memorandum of authorities on the question of Commission jurisdiction over the operations proposed in this application.

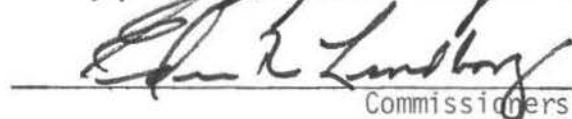
2. Unless such brief or memorandum of authorities is filed with the Commission on or before February 1, 1971, Applicant's Petition to Reconsider be, and hereby is, denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
13th day of January, 1971.

vjr

(Decision No. 76643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN COR-)
PORATIONS, PARTNERSHIPS, AND/OR)
PERSONS TO COMPLETE ACTIONS INSTI-)
TUTED 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.)

January 12, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

<u>NAME</u>	<u>ADDRESS</u>
Clarence L. Bellew dba C. L. Bellew & Sons	1008 Woodlawn Canon City, Colo. 81212
Vernon Calhoun Packing Co.	P.O. Box 709 Palestine, Texas 75801
Carnes Co., Division of Wehr Corp.	448 So. Main St. Verona, Wisconsin 53593
Lowell Clark	Box 34, Champion, Nebraska 69023
James R. & John M. Colburn	P. O. Box 52, Kremmling, Colo. 80549
Conco, Inc., Barker Equipment Div.	Franklin St., Keosauqua, Iowa 52565
Dexter Axle Co. Inc.	4509 Springfield St. Dayton, Ohio 45431
Drew Dier	Box 162, Firestone, Colo. 80520
Fred Dominguez	913 - 11th St. Alamosa, Colo. 81101
E & E Manufacturing Co.	P. O. Box 135 Moore, Oklahoma 73060
Jno B. Stephens Jr., dba E-Tex Packing Co.	P. O. Box 1178 Mt. Pleasant, Texas 75455
Jimmie L. Elliott dba J. L. Elliott Co.	Box 135, Moore, Oklahoma 73060

<u>NAME</u>	<u>ADDRESS</u>
Empak Industries Inc.	20th & Williams Omaha, Nebraska 68108
Fort Scott Iron & Metal Inc.	P. O. Box 767 Fort Scott, Kansas 66701
Jack Frost Inc.	2260 Dayton St., Aurora, Colo. 80010
H and M Wrecking	1526 College, Goodland, Kansas 67735
Hancock Textile Co., Inc.	P. O. Box 1627 Tupelo, Mississippi 38801
Jack E. Hassig dba Hi-Country Oil Co.	P. O. Box 479 Gunnison, Colo. 81230
J-C Campers, Inc.	1108 No. College Ave. Fort Collins, Colo. 80521
Ronald D. Jones	1213 Cottonwood Raton, New Mexico 87740
Bonnie Lambeth	9491 Dorothy Blvd. Thornton, Colo. 80229
Magnachem Limited	626 - 58th Ave., S. E. Calgary 27, Alberta, Canada
Joe Micklich dba Micklich Excavating	Route 1, Box 367 Salida, Colo. 81201
Mountain Valley Milk, Inc.	13141 East 13th Place Aurora, Colo. 80010
G. W. Murphy Industries, Inc., Petroleum & Mining Division	600 Petroleum Bldg. Denver, Colo. 80202
Pan American Sales Corporation	301 No. Seventh St. Corsicana, Texas 75110
Ralph Gould dba Parr Auto Parts Co.	1021 - 8th Ave. Greeley, Colo. 80631
L. David Patterson dba Patterson Construction Co.	P. O. Box 163 Westcliffe, Colo. 81252
Jack Peak	1210 Cedar, Pueblo, Colo. 81004
Kenneth E. Pinnt & Sidney A. Nichols Sr., dba Pinnt & Nichols	582 - 29 - Road Grand Junction, Colo. 81501

NAMEADDRESS

Milton E. Presler dba
Presler Trucking

1631 So. Ames St.
Denver, Colo. 80226

Paul Ducommun dba
Rocky Mountain Car Rental

219 So. 8th St.
Colorado Springs, Colo. 80905

S. W. Shattuck Company, Inc.

1805 So. Bannock St.
Denver, Colo. 80223

Cecil E. Shoemaker

General Delivery
Wellington, Colo. 80549

Siltex Corporation

4858 Space Center Dr.
San Antonio, Texas 78218

Southwest Wire Rope Inc.

1838 Federal Road
Houston, Texas 77015

Steel Fixture Manufacturing Co.

P. O. Box 917
Topeka, Kansas 66601

Lester Tafoya

Box 339, Center, Colo. 81125

Melvin J. Wallace

Box 917, Canon City, Colo. 81212

J. L. Ward

608 So. 9th St.
Memphis, Texas 79245

Billy W. West

339 Main St., Delta, Colo. 81416

Western Bearings Inc. of Utah

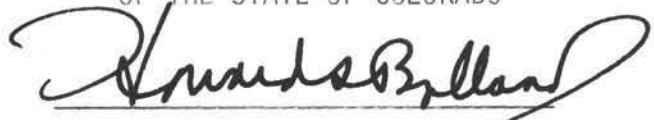
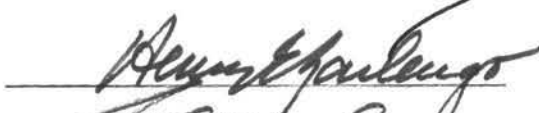

5678 Eudora St.
Commerce City, Colo. 80022

Henry J. Witt

Star Route, Granada, Colo. 81041

This Order shall become effective ten days from the day and
date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1971.
js

(Decision No. 76644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

WELDON JONES)
Gatesville, Texas 76528)

AUTHORITY NO. M 9954

CASE NO. 6481-M-Ins.

January 12, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.


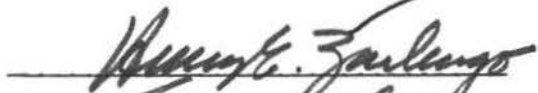
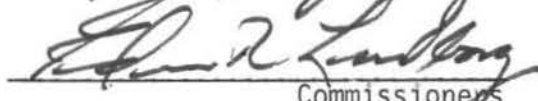
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1971

(Decision No. 76645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CHESTER BAY, DOING BUSINESS AS)
"CHESTER BAY TRUCKING," ROUTE 3,)
512 MAIN, LA JUNTA, COLORADO 81050,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO EXTEND)
OPERATIONS UNDER PUC NO. 641 AND)
PUC NO. 641-I,)

APPLICATION NO. 24685-Extension

January 13, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed by Chester Bay, doing business as "Chester Bay Trucking," on December 4, 1970. Due and proper notice of the filing of the application was given to all interested parties on December 9, 1970.

On January 4, 1971, Robert L. Harris, doing business as "Las Animas Transfer Co." timely filed a protest to the application in letter form. On January 7, 1971, the Applicant filed his Motion To Strike Protest of the aforementioned protestant.

The Commission finds that the said protest does not conform to the Commission's Rules of Practice and Procedure and more particularly does not set forth a clear and concise statement of the matters relied upon as a basis for such protest. The protest was not prepared by an attorney. The protest does appear to be made in good faith, and the Commission finds that good cause exists for granting of an extension of time within which to amend such protest in conformance with the rules of the Commission, as set forth in the Order hereinbelow.

O R D E R


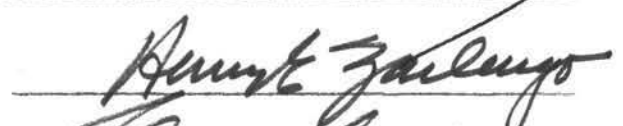

THE COMMISSION ORDERS THAT:

1. Robert L. Harris, doing business as "Las Animas Transfer Co." be, and hereby is, granted permission to amend his protest herein within twenty (20) days of the effective date of this Order.

2. The said protest of Robert L. Harris, doing business as "Las Animas Transfer Co." be, and hereby is, stricken unless amended to conform with the Commission's Rules of Practice and Procedure within the time provided for in paragraph 1 hereof.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1971.
hbp

(Decision No. 76646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, DONALD J. SEBERN, T. W.)
RINKER, TED P. RINKER, KENT D. SEBERN,)
AND LEONARD L. DeLUE, INDIVIDUALLY)
AND AS TRUSTEE AND EXECUTOR OF THE)
ESTATE OF ELEANOR L. DeLUE, DOING)
BUSINESS AS "ARMORED MOTORS SERVICE,")
970 YUMA STREET, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-958.)

APPLICATION NO. 24706-PP-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

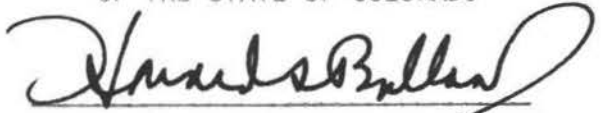
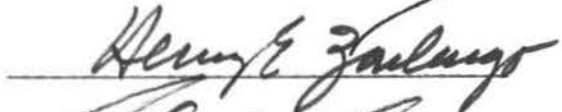

January 12, 1971

The above-entitled application under CRS 1963, 115-6-20 (1), being
under consideration, and

It appearing, That the Applicants have not shown that there is an
immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority be,
and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1971.

(Decision No. 76647)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. L. GREGG TANK SERVICE, INC., 709)
MADISON, HUGOTON, KANSAS, FOR TEMPO-)
RARY APPROVAL TO TRANSFER CONTRACT)
CARRIER PERMIT NO. B-4507 TO LOWELL)
M. McKINLEY, JR., DOING BUSINESS AS)
"McKINLEY OIL FIELD SERVICE," P. O.)
BOX 793, PERRYTON, TEXAS.)

APPLICATION NO. 24712-PP-Transfer-TA

ORDER DENYING TEMPORARY APPROVAL

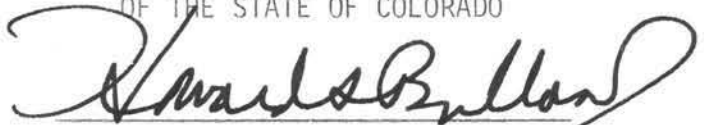
January 13, 1971

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That the Applicants have not shown that there
is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary approval
be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioner

Dated at Denver, Colorado,
this 13th day of January, 1971.

js

(Decision No. 76648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

KEITH PETTIT
P. O. BOX 707
HALE CENTER, TEXAS 79041

AUTHORITY NO. 7897-I

CASE NO. 2531-H-Ins.

January 12, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

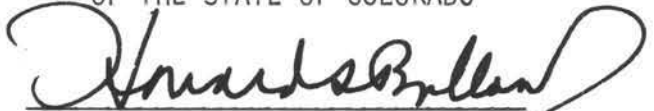
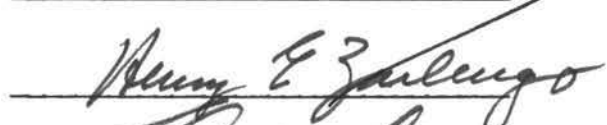

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1971 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLOBE TRANSPORTATION CO., A CORPORATION,)
2065 DELGANY STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23220

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 13, 1971

Appearances: John J. Conway, Esq.,
Denver, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of May 23, 1968, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 23220 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Commissioner's Room, 5th Floor Middle Building, Courthouse, Boulder, Colorado, on December 7, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

On the basis of the filing by the Applicant of a restrictive amendment, which is identified as Exhibit 2, prior to the hearing, Protestants withdrew their Protests to the application. Also, Applicant was authorized to file, as a late-filed Exhibit, an Abstract of Shipments under Permit No. A-748 between certain points involved in the application, to-wit: Between

Denver and Boulder and radii thereof or points intermediate thereto. Further, Applicant was requested and did file an Abstract of Shipments showing transportation performed by Applicant under Permit No. A-748 which would be outside the scope of this application.

James Qualteri, Roger L. Olander, Dick B. Rossmiller, Sally Dunn, Robert Habenicht, Harry Petrak, and Glenn Sisson testified in support of the application. No person appeared at the hearing to protest the granting of the application.

Exhibits 1 and 2 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado and presently holds authority from this Commission designated as Permit No. A-748, which provides as follows:

"Transportation of freight, Denver to Colorado-Wyoming line and intermediate points via US 85 and 287 and Colorado 1;

Denver to Limon and intermediate points via US 40;

Denver to Nederland and intermediate points via Boulder on Colorado 119 and 7 and US 287;

Denver to Estes Park and intermediate points via US 287 and Colorado 16 and 66;

Denver to Wiggins and intermediate points via Colorado 81 (now US 6) and

Denver to Littleton via US 85.

EXTENDED TO: Include the right to conduct its operations by use of the Denver-Boulder Turnpike, and/or State Highway Nos. 72, 93, and 17, as alternate routes,

excluding the right to serve intermediate points on said highways."

2. By this instant application as finally amended, Applicant seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the

"transportation of general commodities (except uncrated and unpacked household goods, livestock and commodities in bulk) on schedule, between Denver, Colorado, and points within five miles thereof, on the one hand, and, on the other, Boulder, Colorado, and points within five miles thereof, via Interstate Highway 25 or U.S. Highway 287 and U.S. Highway 36 (also known as the Denver-Boulder Turnpike), serving no intermediate points; via U.S. Highway 287 to its junction with Colorado Highway 7, thence via Colorado Highway 7 to Boulder, serving all intermediate points and all points within one mile of said highways; and via Colorado Highways 72 and 93, serving no intermediate points."

3. This application fits into the category of what has been generally referred to as a conversion application so as to convert certain portions of authority contained in Permit No. A-748 to a certificate of public convenience and necessity. However, it should be pointed out that the instant application does not seek to convert the entire Permit No. A-748, but only a portion thereof, namely, that portion providing generally for service between Denver and Boulder. All other portions of Permit No. A-748, namely, that between Denver and the Colorado-Wyoming line, Denver to Limon, Denver to Nederland, Denver to Estes Park, Denver to Wiggins, and Denver to Littleton, would remain a separate authority designated as Permit No. A-748 and, if granted, that portion of Permit No. A-748 providing for transportation between Denver and Boulder would become a certificate of public convenience and necessity.

4. The application was not protested.

5. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

6. The chief corporate officers as well as the employees of Applicant are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

7. There is a present and special need for the service as proposed by Applicant.

8. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

9. To grant this application and allow the rest of Permit No. A-748 to remain "as is" would be equivalent to a "split-off" of an authority and would not be in the public interest. Further, the operation of Permit No. A-748 has been negligible except as between Denver and Boulder and for all practical purposes has been abandoned except as to transportation between Denver and Boulder. Therefore, the granting of this application should be contingent upon the cancellation of Permit No. A-748 in its entirety.

10. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority as requested should be granted.
2. The granting of the authority herein should be contingent upon the cancellation of Applicant's present authority, namely, Permit No. A-748.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Globe Transportation Co., a corporation, 2065 Delgany Street, Denver, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

"Transportation -- on schedule -- of

General commodities

Between Denver, Colorado, and a five (5) mile radius thereof, and Boulder, Colorado, and a five (5) mile radius, over the following described routes:

- (1) Over Interstate Highway No. 25 (I-25) or U.S. Highway No. 287 to their junction with U.S. Highway No. 36; thence over U.S. Highway No. 36 to Boulder, and return over the same route;
- (2) Over U.S. Highway No. 287 to its junction with Colorado Highway No. 7; thence over Colorado Highway No. 7 to Boulder, with return over the same route, serving all intermediate points and those off-route points located within one (1) mile of said highways;
- (3) Over Colorado Highway No. 72 to its junction with Colorado Highway No. 93; thence over Colorado Highway No. 93 to Boulder, Colorado, and return over the same route.

RESTRICTION:

This Certificate is restricted against the transportation of uncrated and unpacked household goods, livestock, and commodities in bulk";

and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. That the granting of the authority hereinabove set out be, and hereby is, contingent upon the cancellation of Permit No. A-748 in its entirety.

3. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

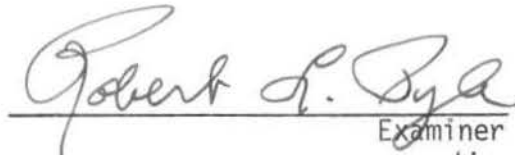
4. That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

6. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/js

(Decision No. 76650)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

WALTER P. BATTERMAN
7971 Xavier Street
Westminster, Colorado 80030

AUTHORITY NO. M 15565

CASE NO. 6504-M-Ins.

January 12, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

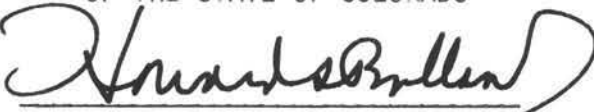


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1971

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 419)
BY: BAUDINO TRANSFER)
AGUILAR, COLORADO 81020)
RESPONDENT)
-----)

CASE NO. T-22

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 13, 1971

Appearances: Ralph H. Knull, Denver, Colorado
of the Staff of the Commission

PROCEDURE AND RECORD

On November 13, 1970, Respondent, Baudino Transfer, ceased to participate in Colorado Motor Carriers' Association and thus automatically eliminated its participation in tariffs of said Association.

Since, in accordance with the Public Utilities Law of the State of Colorado, a carrier by motor vehicle cannot operate without having published a valid tariff of rates and charges, said Respondent was ordered to file said tariff with the Commission by November 23, 1970. Respondent did not file said tariff within the time specified by this Commission.

By Decision No. 76415, dated December 8, 1970, the Commission found as fact that Respondent was in violation of the Public Utilities Law of the State of Colorado, and ordered said Respondent to appear before the Commission on January 6, 1970, at 9:00 o'clock a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, 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 Respondent's Certificate No. 419.

The Commission, pursuant to law, designated Christian O. Igenbergs, Examiner, for the purpose of conducting the hearing.

The hearing was held at the aforesaid time and place.

Witness Irven T. Burke, of the Staff of the Commission, testified concerning this matter.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963) as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent 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 Respondent's Certificate No. 419.

2. Respondent, Baudino Transfer, is a common carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado.

3. The Commission has jurisdiction over said Respondent and the subject matter in these proceedings.

4. Respondent received due notice by registered mail from this Commission on October 24, 1970, that its participation in said tariff had been eliminated, and Respondent has written for participation and a copy of said correspondence is on file with the Commission.

5. On October 24, 1970, by Certified mail No. 269841, Respondent was notified and required to publish and file a valid tariff with this Commission on or before November 23, 1970.

6. Respondent failed to so publish and file the aforesaid tariff.

7. This Commission, by Decision No. 76415, dated December 8, 1970, Case No. T-22, issued an Order to Show Cause and Notice of Hearing

to the Respondent.

8. Hearing was held on January 6, 1971.

9. The Respondent has since applied to the Colorado Motor Carriers' Association for participation as required.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Since the Respondent has complied by filing for said tariff participation, Case No. T-22 should be dismissed.

2. Respondent is admonished that it shall file all and any future tariffs as required by and in accordance with the rules and regulations as promulgated by the Commission.

3. Failure in the future by the Respondent to comply with the rules and regulations of the Commission, in any respect, may cause its motor vehicle operating rights to be revoked and cancelled.

4. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 5 of this Order,

1. Case No. T-22, be, and the same hereby is, dismissed.

2. Respondent is admonished that it shall file all and any future tariffs, including the classification tariff, as required by and in accordance with the rules and regulations as promulgated by the Commission.

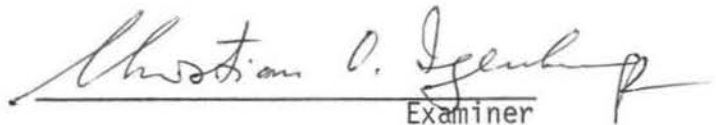
3. Failure in the future by the Respondent to comply with the rules and regulations of the Commission, in any respect, may cause its motor vehicle operating rights to be revoked and cancelled.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

Dated at Denver, Colorado this
13th day of January, 1971. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AIRPORT LIMOUSINE SERVICE, INC.,)
DOING BUSINESS AS "AIRPORT TRANS-)
PORTATION SERVICE, INC." "ATCO)
CHARTER SERVICE, INC.," AND "ATCO)
SIGHTSEEING SERVICE, INC.," 3455)
RINGSBY COURT, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 2778.)

APPLICATION NO. 22867-
Extension-Amended

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 13, 1971

Appearances: Walter M. Simon, Esq.,
Denver, Colorado, for
Applicant.
Isaac H. Kaiser, Esq.,
Denver, Colorado, for
Independent Drivers Associ-
ation of Denver, Protestant.
Dalton O. Ford, Denver,
Colorado, of the Staff of
the Commission.

PROCEDURE AND RECORD

Under date of October 13, 1967, Applicant filed an application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 22867-Extension-Amended to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 1, and December 14, 1970, at 10 a.m. The hearing was held at the aforesaid times and place.

The Protests of Cabs, Inc., doing business as "Dollar Cab Company," operating "Zone Cabs"; Ida Lewis, doing business as "Ritz Cab Company"; and International Brotherhood of Teamsters Local Union 775 are dismissed for their failure to appear at the hearing.

Jerry C. Wilson, Thomas E. Dawson, Howard D. Hicks, and Joe Gareis testified in support of the application. Ben E. Stone, Jr., and Dr. Duane W. Pettijohn testified in protest of the granting of the application.

Exhibits 1 through 15, inclusive, were tendered and admitted into evidence. Exhibits 16 and 17 were tendered but rejected by the Examiner.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation and the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I. Said certificate, for purposes of this application, presently provides for

"The transportation of passengers and their personal baggage in limousines of rated seating capacity of twelve, including the driver, from and to the Airport Terminal Building at Stapleton Airfield in Denver, Colorado, to and from all transient hotels and motels, and all bus stations and railway stations, within an area bounded as follows:

Commencing at 20th Street and Broadway; thence northwest along 20th Street to Wynkoop Street; thence southwest along Wynkoop Street to Speer Boulevard; thence southeast along Speer Boulevard to West Colfax Avenue; thence east on West Colfax Avenue to Broadway; thence south on Broadway to 10th Avenue; thence east on 10th Avenue to Logan Street; thence north on Logan Street to 20th Avenue; thence west on 20th Avenue to Broadway; thence north on Broadway to the point of beginning.

A transient hotel or motel being defined as a hotel or motel ordinarily reserving fifty (50) or more rooms for the accommodation of the traveling public."

2. The certificate provides for other and additional authority which is not material to this application.

3. By the instant application, Applicant seeks authority to extend the authority contained in PUC No. 2778 and PUC No. 2778-I to

"(1) use buses in addition to limousines for the transportation of passengers and their personal baggage and,

(2) provide service to hotels and motels in the vicinity of Stapleton International Airfield between East 32nd Avenue and Smith Road and along Smith Road between Quebec and Holly Streets."

These two portions of the application will hereinafter be referred to by number, as indicated, or by description.

4. The application was protested by INDEPENDENT DRIVERS ASSOCIATION OF DENVER which represents approximately 850 taxicab drivers in Denver who will be interested in or affected by any rule or order that may be made by the Commission in this proceeding.

5. Applicant's present authority under PUC No. 2778 authorizes the transportation of passengers and their personal baggage in limousines of rated seating capacity of 12, including the driver, and also authorizes services to hotels and motels in the general downtown area of Denver.

6. There is considerable talk at the present time of the use of so-called "jumbo jets" at Stapleton International Airfield which presumably will carry in excess of 300 passengers. However, there is nothing definite at this time and, in fact, considerable changes would have to be made at Stapleton International Airfield before the jumbo jets could be put into use.

7. Applicant showed that its limousines were sometimes loaded to capacity and that it obviously takes more time to deliver the passengers in a loaded limousine. However, there is still taxi service available for those who wish a more expedient type of service.

8. Applicant failed to show that its present load factor was such as to warrant the use of equipment such as buses having an unlimited seating capacity.

9. Applicant failed to show that the public convenience and necessity requires or will require the expansion of this restriction, in this regard, and more specifically to allow Applicant to use buses or vehicles having an unlimited seating capacity.

10. As to the second portion of the Applicant's request for an extension to its certificates, namely, the right to serve the hotels and motels in the vicinity of Stapleton International Airfield between East 32nd Avenue and Smith Road and along Smith Road between Quebec and Holly Streets, there is presently substantial patronage from airline passengers to those hotels and motels. Further, said hotels and motels presently furnish numerous courtesy cars, which are usually a multiple passenger vehicle either in the form of a station wagon or small bus, to pick up passengers at the Airport and bring them to the hotel or motel furnishing such courtesy car. This creates a hazardous private type of transportation which is not the best means of serving the public.

11. It is also to be noted that the area involved is within a few blocks of Stapleton International Airfield and is therefore a non-profitable trip for a taxicab driver.

12. Applicant did, in fact, show that the public convenience and necessity requires or will require twelve-passenger limousine service to those hotels and motels in the vicinity of Stapleton International Airfield and particularly in the area outlined above.

13. The authority to which extension is hereby sought, PUC No. 2778 and PUC No. 2778-I, has been continually operated in the past and is presently in good standing with the Commission.

14. The second portion of the extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.

15. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority to be granted herein.

16. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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.

17. There is a present and special need for the second portion of the proposed service and the granting of the second portion of the extension, as hereinafter set forth, will be in the public interest.

18. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

19. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The Protest of Independent Drivers Association of Denver, as it pertains to furnishing limousine service "to and from all transient hotels and motels located on the west side of Quebec Street, between East 32nd Avenue and Smith Road, and located along Smith Road between Quebec and Holly Streets" should be, and hereby is, dismissed.

2. The application to extend Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I so as to include the use of buses and vehicles having an unlimited seating capacity should be denied.

3. The application to extend Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I so as to include hotels and motels located on the west side of Quebec Street between East 32nd Avenue and Smith Road and located along Smith Road between Quebec and Holly Streets should be granted.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That the first portion of Application No. 22867-Extension, being an application by Airport Limousine Service, Inc., doing business as "Airport Transportation Service, Inc.," "ATCO Charter Service, Inc.," and "ATCO Sightseeing Service, Inc.," 3455 Ringsby Court, Denver, Colorado, for authority to extend operations under Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I so as to provide an unlimited seating capacity in the form of bus service in lieu of, or as a supplement to, limousine service be, and hereby is, denied.

2. That Airport Limousine Service, Inc., doing business as "Airport Transportation Service, Inc.," "ATCO Charter Service, Inc.," and "ATCO Sightseeing Service, Inc.," 3455 Ringsby Court, Denver, Colorado, be, and hereby is, authorized to extend operations under Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I as follows:

"To provide limousine service to and from all transient hotels and motels located on the west side of Quebec Street, between East 32nd Avenue and Smith Road, and located along Smith Road between Quebec and Holly Streets."

3. That henceforth the full and complete authority under this portion of Certificates of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-I shall read and be as follows, to-wit:

"The transportation of passengers and their personal baggage in limousines having a rated seating capacity of 12, including the driver, from and to the Airport Terminal Building at Stapleton Airfield, in Denver, Colorado,

- (1) To and from all transient hotels and motels and all bus stations and railway stations, within an area bounded as follows:

Commencing at 20th Street and Broadway; thence northwest along 20th Street to Wynkoop Street; thence southwest along Wynkoop Street to Speer Boulevard; thence southeast along Speer Boulevard to West Colfax Avenue; thence east on West Colfax Avenue to Broadway; thence south on Broadway to 10th Avenue; thence east on 10th Avenue to Logan Street; thence north on Logan Street to 20th Avenue; thence west on 20th Avenue to Broadway; thence north on Broadway to the point of beginning.

- (2) To and from all transient hotels and motels located on the west side of Quebec Street, between East 32nd Avenue and Smith Road, and located along Smith Road between Quebec and Holly Streets.

A transient hotel or motel being defined as a hotel or motel ordinarily reserving at least fifty (50) or more rooms for the accommodation of the traveling public."

4. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

5. That Applicant shall operate its carrier system in accordance with this Order, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

7. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time

by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/js

(Decision No. 76653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GENE W. HARDING, DOING BUSINESS AS)
"APEX DELIVERY SERVICE," 4147 NORTH)
26TH, BOULDER, COLORADO, TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6518.)
- - - - -

APPLICATION NO. 24501-PP-
Extension

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

- - - - -
January 13, 1971
- - - - -

Appearances: Richard J. Bernick, Esq.,
Denver, Colorado, for
Applicant.
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Weicker Transfer & Storage
Co.; City Storage & Transfer,
Inc.; Continental Moving & Storage,
Inc.; and Boulder-Mayflower Moving
& Storage, Inc., Protestants.

PROCEDURE AND RECORD

Under date of August 10, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle for hire as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on August 31, 1970, was granted such temporary authority.

The Commission assigned No. 24501-PP-Extension to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 29, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Gene W. Harding, Edward Rhinehart, Marvin Pfannensteil, and Mel Sisson testified in support of the application. Virgil Pugh and Joseph J. Scheib testified in protest of the application.

The Financial Statement and List of Power Equipment were furnished by the Applicant with his application, which items were included in the evidence and made a part of the file in this proceeding.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual doing business as "Apex Delivery Service," and presently holds authority from this Commission designated as Permit No. B-6518, which provides as follows:

"(1) Transportation of general merchandise, for commercial customers only, weighing less than 350 pounds per item from point to point within a radius of 10 miles of the Boulder County Courthouse, subject to the following restrictions; this authority shall exclude the transportation of the following commodities: documents, messages, letters (not including sack mail), drugs and film.

"(2) Transportation of general merchandise weighing not less than 100 pounds nor more than 350 pounds per item so as to deliver goods sold at retail, handle returns and trade-ins returning to the retail store, and bring goods to the store for repair or servicing, returning the same to the customer after repair, between points within 10 miles of the Boulder Courthouse and points in Longmont, Colorado, on the one hand; and on the other hand, points within 40 miles of the Boulder County Courthouse, for the following named customers only: Sears Roebuck & Company, Perschbacher Furniture Company, K-Mart, Gil and Hal Furniture, J. C. Penney Store, Rymill Interiors, Joslin's Department Store."

2. By the instant application, Applicant seeks to extend Permit B-6518 so as

"to delete Gil and Hal Furniture, Rymill Interiors, and Joslin's Department Store and to add in their stead, Montgomery Ward & Co., Design Products, Inc., and Arrow Office Supply."

3. Applicant holds no other authority from this Commission.

4. The application was protested by Weicker Transfer & Storage Co. under its Certificate of Public Convenience and Necessity PUC No. 141. However, said Protestant can serve Boulder only under its occasional service provision only and the Protest of Weicker Transfer & Storage Co. should therefore be dismissed. Further, the application was protested by City Storage & Transfer, Inc., under its Certificate of Public Convenience and Necessity PUC No. 540; Continental Moving & Storage, Inc., under its Certificate of Public Convenience and Necessity PUC No. 2; and Boulder-Mayflower Moving & Storage, Inc., under its Certificate of Public Convenience and Necessity PUC No. 352, all of which conflict to a certain extent at least with the authority sought in this application.

5. There was no showing of any requirement for a specialized type of service designed and tailored to meet the particular needs of a particular shipper nor was there any showing that special equipment would be required to perform the service or that special ancillary services would be required in connection with the transportation.

6. There was no showing that the existing service of Protestants was inadequate or that the proposed operation of the Applicant would not impair the efficient public service of said Protestants.

7. Protestants are ready, willing, and able to perform the services sought in this application.

8. The only thing shown by the supporting testimony of shippers was that they would prefer to have their own personal carrier and, in the case of Montgomery Ward & Co., they desire to have the carrier's employees wear a removable Montgomery Ward "patch" on their uniforms so that it would appear to the public that the carrier's employees were in fact Montgomery Ward and Co. employees.

9. The ancillary services proposed to be rendered are all unskilled and unlicensed and could be rendered by most any one.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24501-PP-Extension should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

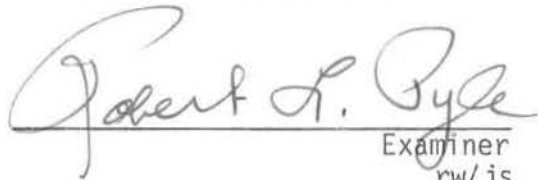
1. That Application No. 24501-PP-Extension, being an application of Gene W. Harding, doing business as "Apex Delivery Service," 4147 North 26th, Boulder, Colorado, for authority to extend operations under Permit No. B-6518, be, and hereby is, denied.

2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall

become the Decision of the Commission and subject to the provisions of
115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE EAGLE VALLEY TELEPHONE COMPANY,)	
EAGLE, COLORADO, TARIFF COLO. PUC)	<u>INVESTIGATION AND SUSPENSION</u>
NO. 2, FIRST REVISED SHEETS 2, 3,)	
4, and 10.)	<u>DOCKET NO. 664</u>

January 13, 1971

S T A T E M E N T

BY THE COMMISSION:

By Decision No. 76003 of September 29, 1970, the Commission suspended for a period of 120 days the filing made by the Eagle Valley Telephone Company under Advice Letter No. 5. The suspension by said order will expire on January 28, 1971, unless otherwise ordered by the Commission.

During the period of suspension, to date, the Commission has received several complaints from the customers of the Eagle Valley Telephone Company regarding the proposed increase in rates. The Commission believes that the matter of the increase in rates is of sufficient importance to continue the suspension of the tariff filing for an additional ninety days from January 28, 1971, and during the further suspension period to hold a hearing on the matter of the rate increase.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of the tariff filing made by the Eagle Valley Telephone Company under its Advice Letter No. 5 should be further suspended for an additional ninety days, or until March 28, 1971, unless otherwise ordered by the Commission.

That the matter of the increase in rates should be set for hearing in Denver, Colorado on February 25, 1971 at the hearing room of the Commission.

O R D E R

THE COMMISSION ORDERS THAT:

The effective date of the tariff filing made by the Eagle Valley Telephone Company under its Advice Letter No. 5 be, and hereby is, further suspended for an additional ninety (90) days from January 28, 1971 until April 28, 1971, unless otherwise ordered by the Commission.

The matter of the proposed increase in rates be, and hereby is, set for hearing before the Commission on:

DATE: Thursday, February 25, 1971



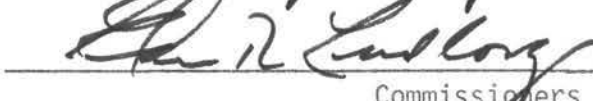
TIME: 10:00 o'clock A.M.

PLACE: Hearing Room
507 Columbine Building
1845 Sherman Street
Denver, Colorado.

A copy of this Order shall be sent to Mr. N. D. Morgan, Vice President of Eagle Valley Telephone Company, and to those customers who have filed written complaints with the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1971
hbp

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 AN ORDER AUTHORIZING THE ISSU-)
ANCE OF \$40,000,000 PRINCIPAL AMOUNT)
OF ITS FIRST MORTGAGE BONDS.)

APPLICATION NO. 24714-Securities

January 13, 1971

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by E. A. Stansfield, Esq.,
for Applicant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission; and
James VanderWal, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Public Service Company of Colorado, a Colorado corporation,
herein called "Applicant," filed with this Commission on December 22,
1970, its application for an order authorizing it to issue and sell at
a price and at an interest rate to be determined by competitive bidding
\$40,000,000 principal amount of First Mortgage Bonds, to be dated
February 1, 1971, and to mature February 1, 2001. The proposed bonds
are to be issued as a new series under and to be secured by Applicant's
Indenture of Mortgage and Deed of Trust to Guaranty Trust Company of
New York (now Morgan Guaranty Trust Company of New York), as Trustee,
dated as of December 1, 1939, and indentures supplemental thereto, and
a proposed new supplemental indenture to be dated as of February 1, 1971.

By order of the Commission dated December 24, 1970, due and
proper notice was given to all interested persons, firms or corporations
of the filing of the aforesaid application and that the same had been
set for hearing on January 5, 1971, at 9 a.m. in the Commission Hearing
Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

Pursuant to said notice, petitions for intervention were to be filed with the Commission on or before the hearing date. No petitions for intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

This matter was heard at the aforesaid time and place by Commissioner Howard S. Bjelland, to whom the matter was assigned. At the conclusion of the hearing, the matter was taken under advisement.

Applicant's exhibits identified as Exhibits A, B, C, D, E, Revised Exhibit F, G, H and I were offered and were admitted into evidence in the proceeding.

Witness James N. Bumpus, Applicant's Manager, Financial Services and Assistant Treasurer, testified to the following matters:

Applicant is a corporation organized and existing under the laws of the State of Colorado and is a public utility operating company, subject to the jurisdiction of this Commission, engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution and sale of natural gas. Applicant's operations are wholly within the State of Colorado, the principal center for distribution and sale of electricity and natural gas being in the five counties comprising the Denver Metropolitan Area.

Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Western Slope Gas Company, a Colorado corporation; Green and Clear Lakes Company, a New York corporation; The Pueblo Gas and Fuel Company, a Colorado corporation; Fuel Resources Development Co., a Colorado corporation, and 1480 Welton, Inc., a Colorado corporation. Applicant also holds a controlling interest in four other relatively small companies whose operations are not significant and are not consolidated in Applicant's financial and statistical statements.

A certified copy of Applicant's Articles of Incorporation, as amended to date, heretofore has been filed with the Commission.

The authorized capital of Applicant consists of \$250,000,000 divided into 20,000,000 shares of Common Stock of the par value of \$5 each, and 1,500,000 shares of Cumulative Preferred Stock of the par value of \$100 each which is issuable in series. At September 30, 1970, there were issued and outstanding 14,447,700 shares of Common Stock, and 800,000 shares of its Cumulative Preferred Stock consisting of the various series set forth in the aforesaid application. Since September 30, 1970, Applicant has issued an additional 1,010,106 shares of Common Stock, authorized by Commission Decision No. 75472 dated July 24, 1970.

At December 31, 1970, the funded indebtedness of Applicant was \$338,800,000 consisting of First Mortgage Bonds issued in the various series set forth in Exhibit A, pursuant to Applicant's aforesaid Indenture of Mortgage and Deed of Trust, dated as of December 1, 1939, as supplemented.

Applicant's statement of income and earned surplus for the twelve months ended September 30, 1970 (Exhibit D) showed that Applicant for such period had operating revenues of \$199,192,961 and net income of \$30,074,678, and that during such period the amount of \$3,668,650 was appropriated for dividends on its Cumulative Preferred Stock, and the amount of \$15,747,993 for dividends on its Common Stock. Applicant, as shown from its Exhibit D, incurred interest charges during such period of \$16,474,259.

Applicant's aggregate outstanding short-term indebtedness at December 31, 1970, was \$21,100,000 consisting of short-term bank notes of \$8,000,000 and \$13,100,000 in commercial paper with a composite rate of interest of 6.25%. Applicant's witness testified that at the time the proceeds from the sale of Applicant's proposed new series of first mortgage bonds are realized, Applicant's short-term indebtedness would be approximately \$22,100,000.

Applicant's Exhibit E contained a description of Applicant's proposed construction program for the years 1971, 1972 and 1973, and the estimated cost thereof as of September 30, 1970. Construction expenditures for 1971 are estimated at \$90,925,000, for 1972 at \$85,813,000, and for 1973 at \$79,453,000.

Applicant anticipates that under present circumstances approximately 37% of this three-year construction program will be generated internally from operations after repayment of the short-term debt outstanding, with the balance thereof to be provided from external sources.

Applicant seeks authority to issue and sell at a price and at an interest rate to be determined by competitive bidding, \$40,000,000 principal amount of First Mortgage Bonds to be dated February 1, 1971, and to mature February 1, 2001, herein called the "New Bonds." The New Bonds are to be issued as a new series under and to be secured by Applicant's Indenture of Mortgage and Deed of Trust, as supplemented, hereinabove referred to, and a new Supplemental Indenture to be dated as of February 1, 1971, specifying the form, provisions and particulars of the New Bonds. Such new Supplemental Indenture, a December 28, 1970, proof copy of which was received in evidence as Exhibit H will contain, inter alia, the interest rate, the redemption provisions relating to the New Bonds, and a provision that none of the New Bonds may be redeemed prior to February 1, 1976, from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having a cost of money to Applicant (calculated in accordance with accepted financial practice) of less than the interest rate of the New Bonds.

Exhibit I was a copy of Applicant's Registration Statement on Form S-9 filed on December 30, 1970, with the Securities and Exchange Commission under the Securities Act of 1933, including a prospectus relating to the proposed issuance and sale of the New Bonds. The New Bonds are to be offered to underwriters at competitive bidding pursuant

to a public invitation for bids. Each bid will be required to specify the interest rate and the price (not less than 99% of the principal amount and exclusive of accrued interest) to be paid to Applicant. Applicant proposes to accept the bid which will provide it with the lowest annual cost of money. In the bid invitation, Applicant will reserve the right to revoke the same before the bid opening, or to reject all bids received. The interest rate, price and redemption premiums will be determined by the bid Applicant accepts. Applicant anticipates that its Registration Statement with respect to the New Bonds will become effective on or about January 21, 1971. The New Bonds will be listed on the New York Stock Exchange.

Applicant's witness also testified that if the present bond market continues, Applicant should be able to sell the New Bonds at a net cost to Applicant of between 7.75% and 8%. Applicant estimates that its expense in issuing and selling the New Bonds to be approximately \$120,000. The net proceeds derived by Applicant from such issuance and sale will be added to the general funds of the Company and used to retire its short-term indebtedness, for its 1971 construction program and to reimburse its treasury for funds expended for such purposes.

After giving effect to the proposed issuance and sale of \$40,000,000 principal amount of New Bonds, the pro forma capital structure of Applicant as of September 30, 1970, as shown by Revised Exhibit F will be as follows, with the percentages of each item to total capitalization being shown in the right-hand column:

First Mortgage Bonds, including short-term debt	\$378,800,000	55.0%
Preferred Stock, including premium	80,007,500	11.6%
Common Stock	77,278,455)	
Premium on Common Stock	80,248,283)	
Earned Surplus	61,789,901)	
Earned Surplus Restricted	<u>11,078,685)</u>	<u>33.4%</u>
Total Capitalization	\$689,202,824	100%

FINDINGS OF FACT

From the record herein, the Commission finds as fact, that:

1. Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility as defined in Colorado Revised Statutes, 1963, 115-1-3;

2. This Commission has jurisdiction of Applicant and the subject matter of the aforesaid application;

3. This Commission is fully advised in the premises;

4. The facts contained in the foregoing Procedure and Record be, and they hereby are, made a part of these Findings by reference;

5. The proposed issuance and sale by Applicant of \$40,000,000 principal amount of First Mortgage Bonds as a new series as hereinabove set forth is reasonably required and necessary for Applicant's proper financing;

6. The aforesaid proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115 of Colorado Revised Statutes, 1963, as amended;

7. The due and timely execution of the Commission's functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted, and that the Commission make the initial decision in this case, even though it has not presided at the taking of evidence.

CONCLUSION

It is the conclusion of the Commission that the authorization sought in the aforesaid application should be granted, and that the following order should be entered and made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Public Service Company of Colorado, be, and it hereby is, authorized to issue and sell a new series of its First Mortgage Bonds in the principal amount of \$40,000,000, at the best price obtainable through competitive bidding but not less than 99% of the principal amount thereof, to be dated February 1, 1971, to mature February 1, 2001, and to bear interest at a rate to be established by the bid the Applicant accepts which shall provide Applicant with the lowest annual cost of money. The First Mortgage Bonds authorized to be issued and sold hereunder are to be issued as a new series under and to be secured by the Indenture of Applicant to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, dated as of December 1, 1939, as supplemented, and a new Supplemental Indenture to be dated as of February 1, 1971, substantially in the form of Exhibit H received in evidence at the hearing in this matter, with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in arranging for the issuance and sale of such bonds. Such Supplemental Indenture shall contain the interest rate, the redemption premiums, and other provisions applicable to the bonds, including a provision that none of the bonds may be redeemed prior to February 1, 1976, from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having a cost of money to Applicant (calculated in accordance with the accepted financial practice) of less than the interest rate of the bonds herein authorized.

That the securities authorized to be issued and sold hereunder shall bear on their face a serial number for proper and easy identification; and within ninety (90) days from the issuance and delivery of the First Mortgage Bonds authorized to be issued and sold hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities.

That Applicant be, and it hereby is, authorized to add the net proceeds to be derived from the issuance and sale of the securities authorized herein to its general funds to be used to retire short-term indebtedness, for its 1971 construction program and to reimburse its treasury for funds expended for such purposes.

That Applicant be, and it hereby is, authorized in reflecting in its accounts the consummation of the financing authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities adopted by this Commission.

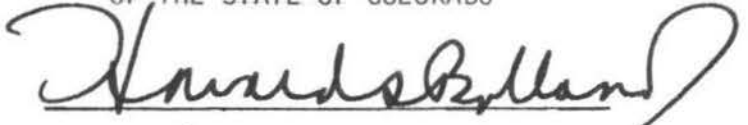
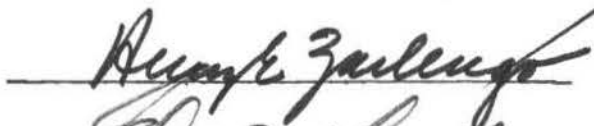

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the aforesaid securities to be issued by Applicant as herein authorized, on the part of the State of Colorado.

That Applicant, within twenty (20) days after the issuance and sale of the First Mortgage Bonds authorized to be issued and sold hereunder, shall file with this Commission a copy of all amendments to its Registration Statement filed with the Securities and Exchange Commission in connection with the issuance and sale of the bonds; a statement showing all bids received, the bid accepted, the coupon rate, the price to Applicant, the annual cost of money to Applicant resulting from such sale and a conformed copy of the Supplemental Indenture dated as of February 1, 1971, as executed covering the issuance of the bonds; and shall within ninety (90) days after such issuance and sale make a verified report to this Commission of the issue and disposition of the bonds, the fees, commission, and expenses incident to such issuance and sale.

That the 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 or desirable.

That the authority herein granted shall be exercised from and after the date of this Order, this Order being effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
13th day of January, 1971.
vjr

(Decision No. 76656)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR SCHUMAN AND ROGER SCHUMAN,)
DOING BUSINESS AS "SCHUMAN & SON,")
P. O. BOX 811, GOLDTHWAITE, TEXAS,)
FOR AUTHORITY TO TRANSFER INTER-)
STATE OPERATING RIGHTS TO SCHUMAN)
TRUCK LINE, INC., P. O. BOX 267,)
GOLDTHWAITE, TEXAS.)

PUC NO. 7132-I - Transfer

January 14, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Arthur Schuman and Roger Schuman, doing business as "Schuman & Son," Goldthwaite, Texas, were granted a certificate of public convenience and necessity, being PUC No. 7132-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. 7132-I to Schuman Truck Line, Inc., Goldthwaite, Texas.

In as much 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.

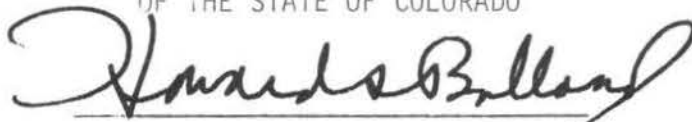
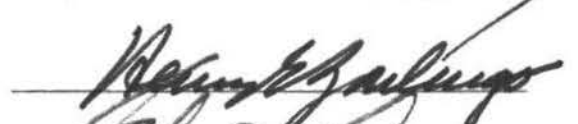
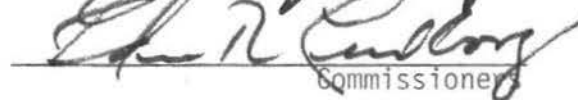
O R D E R

THE COMMISSION ORDERS:

That Arthur Schuman and Roger Schuman, doing business as "Schuman & Son," Goldthwaite, Texas, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 7132-I -- with authority as set forth in the statement preceding which is made a part hereof by reference -- to Schuman Truck Line, Inc., Goldthwaite, Texas, 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




Commissioner

Dated at Denver, Colorado,
this 14th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, THE WANDELL & LOWE)
TRANSFER AND STORAGE COMPANY, A)
COLORADO CORPORATION, 4425 SINTON)
ROAD, COLORADO SPRINGS, COLORADO,)
UNDER CERTIFICATES OF PUBLIC CON-)
VENIENCE AND NECESSITY, PUC NO.)
342 AND PUC NO. 342-I.)
-----)
CASE NO. 5417

January 14, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 27, 1970 by Decision No. 74228, Respondent was directed to appear before the Commission to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate with respect to alleged violation of Rule 5 of the Commission's Rules and Regulations Governing Common Carriers By Motor Vehicle For Hire.

The Commission finds that since the entry of the said Order, Respondent has complied with the said Rule in that Commission approval has been obtained for a transfer of the capital stock in question, and concludes that this Case should be dismissed.

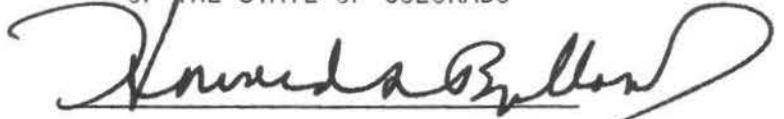
O R D E R

THE COMMISSION ORDERS THAT:

Case No. 5417 be, and hereby is, dismissed.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1971.
js

(Decision No. 76658)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RINGSBY TRUCK LINES, INC., A NEBRASKA)
CORPORATION, 3201 RINGSBY COURT,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-329 TO HARP)
TRANSPORTATION LINE, INC., A)
COLORADO CORPORATION, DOING BUSINESS)
AS "HARP TRANSPORTATION LINE," MEEKER,)
COLORADO.)

APPLICATION NO. 24317-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
RINGSBY TRUCK LINES, INC., A NEBRASKA)
CORPORATION, 3201 RINGSBY COURT,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-347 TO HARP)
TRANSPORTATION LINE, INC., A COLORADO)
CORPORATION, DOING BUSINESS AS "HARP)
TRANSPORTATION LINE," MEEKER,)
COLORADO.)

APPLICATION NO. 24318-PP-Transfer

SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

January 14, 1971

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

Warren D. Braucher, Esq., Wheat
Ridge, Colorado, for Rio Grande
Motor Way, Inc., Protestant;

Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1970, by Decision No. 76358 in Application No.
24318-PP-Transfer, and on December 1, 1970, by Decision No. 76382 in

Application No. 24317-PP-Transfer, the Recommended Decisions of Robert L. Pyle, Examiner, were filed with this Commission and served upon the parties. On December 11, 1970, Applicants were granted an extension of time within which to file exceptions to the said Recommended Decisions of the Examiner until January 15, 1971, by Decision No. 76427.

On April 29, 1970, Applicants filed with the Commission their application for authority to transfer PUC No. 717 and PUC No. 717-I from Ringsby Truck Lines, Inc. to Harp Transportation Line, Inc., doing business as "Harp Transportation Line", and this application was designated as Application No. 24316-Transfer. At this date, Robert L. Pyle, Examiner, has not filed with the Commission his Recommended Decision and Order.

On January 7, 1971, Applicants, by their attorney, John H. Lewis, filed in letter form a request for an extension of time beyond the date of January 15, 1971, to file his Exceptions to the Recommended Decisions in the above-entitled applications, until twenty (20) days after the date the Recommended Decision and Order in Application No. 24316-Transfer is entered.

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

O R D E R

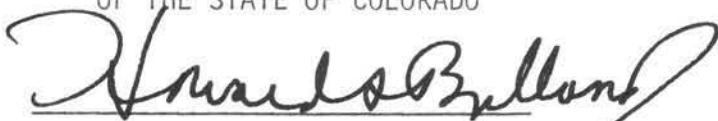
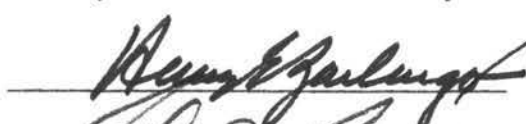

THE COMMISSION ORDERS:

That the Applicants, Ringsby Truck Lines, Inc., and Harp Transportation Line, Inc., doing business as "Harp Transportation Line," be, and hereby are, granted an extension of time within which to file exceptions to the said Recommended Decisions of the Examiner in Applications No. 24317-PP-Transfer and 24318-PP-Transfer, until twenty

(20) days after the date the Recommended Decision and Order in Application No. 24316-Transfer is entered.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1971.
js

(Decision No. 76659)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO FOR AUTHORITY TO RECON-)
STRUCT AN EXISTING STATE HIGHWAY/)
RAILROAD GRADE CROSSING (3 TRACKS))
AND TO INSTALL GRADE CROSSING PRO-)
TECTION DEVICES CONSISTING OF AUTO-)
MATIC FLASHING LIGHT SIGNALS AND)
SHORT ARM GATES WITH AUDIBLE WARN-)
ING DEVICE AT MILEPOST 404.43 ON)
THE BURLINGTON NORTHERN'S DENVER/)
CHICAGO MAINLINE TRACK IN YUMA,)
YUMA COUNTY, COLORADO.)

APPLICATION NO. 24613

DECISION OF THE COMMISSION

January 14, 1971

S T A T E M E N T

BY THE COMMISSION:

On September 17, 1970, the Division of Highways of the State of Colorado (Division) filed its application, in accordance with the rules of this Commission, seeking approval for installation of automatic flashing light signals with short-arm gates and bell and for reconstruction of the highway-railroad grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

Exhibit A: White print copy of Plan Sheet in Project S 0059 (8) to show highway right of way, roadway profile, and proposed roadway widening for Colorado Highway No. 59 at public grade crossing on east side of Yuma, Colorado, over 3 tracks of Burlington-Northern, Inc. at Milepost 404.43.

With reference to the instant application and other investigation data of the Commission, it appears that Colorado State Highway No. 59 is a north-south asphalt paved double-lane highway which extends northward for some 40 miles from U.S. No. 34 at Yuma to U.S. Route 6 at Haxtun. Installation of present flasher signals at Burlington-Northern Milepost No. 404.43 was approved by this Commission in Application No. 11676, Decision No. 39336, dated September 19, 1952; at which time the line was owned and operated by Chicago, Burlington and Quincy Railroad Company. Following a railroad merger in March, 1970, the line is now a part of Burlington-Northern, Inc.

During the past years there has been extensive enlargement of the grain elevator facilities at Yuma which are served by the instant industry trackage. Colorado Highway No. 59 serves a large grain production area to the north; it also provides access over the tracks for vehicles moving to and from the nearby U.S. Highway No. 36 and from an additional agricultural area to the south toward Joes and Cope, Colorado.

Increased vehicular traffic and use of new and larger grain truck and trailer units now indicate the need for the proposed roadway reconstruction and crossing improvements. Crossing traffic averages 1,100 vehicles per day at 35 miles per hour. There are 10 scheduled trains daily, as well as numerous non-scheduled movements. Train speeds are variable up to 79 miles per hour.

In the instant highway reconstruction project the present crossings at 29 feet will be widened to 48 feet for each of the three tracks from south to north as follows:

Track No. 6 - Industry

Main Line - Denver to Chicago (former Chicago, Burlington and Quincy)

Track No. 7 - Industry and Grain Elevator

Approach grades on the roadway at each side of the tracks and low trackage will be raised to secure a more uniform roadway grade line over the crossing.

New installation of automatic flashing light signals with short-arm gates and bell will replace present bell and flashing light devices. The existing signal wiring system installed under State Highway Department Project No. SP 19-59-503 of March 1952 will be utilized for the new protection devices.

An Agreement between the Division and the Burlington-Northern, Inc. has been prepared covering the work to be performed at this crossing and the basis of payment therefor. A copy of said Agreement has been received by the Commission as a late-filed Exhibit herein. Subject Agreement provides that the Division shall reimburse the Railroad for all expenses incidental to constructing the highway over land on which the license for the crossing has been granted under the Agreement with the Railroad dated March 20, 1952 as a part of the Department's Project SP 19-59-503. The instant Agreement also provides that the Railroad shall be reimbursed for ninety percent (90%) of the total costs incurred by the Railroad in connection with the removal of the existing warning devices and the installation of the new system. The estimated costs for the work performed by the Railroad for the reconstructed highway is \$7,756. The total estimated costs for the installation of the new warning devices less the salvage value of the replaced system is \$9,813. Actual costs shall be determined by the final audit of the accounts involved.

Meanwhile, the Commission has forwarded a copy of the instant application, together with a Notice, to the interested parties herein. Said Notice, dated October 20, 1970, was to ascertain if any other action be considered within the period of thirty (30) days as designated therein. No adverse reply or suggestion has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that effectiveness of automatic flashing light signal protection is accepted by the utility and the public agencies involved herein. The proposed addition of short-arm gates in addition to the flasher signal and bell protection will provide a further measure of motorist guidance and control with respect to both main line and industry track rail movements. The new roadway work will provide an upgrading of the route in the form of a wider highway and more uniform grade line over the multiple track crossing.

It is therefore the belief of the Commission that work of proposed crossing modification and additional protection control is compatible with the public interest, and pursuant to Chapter 115-6-9 (5), CRS 1963, as amended, the Commission determined to hear, and has heard, said matter forthwith upon the records and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the records and files herein, the Commission is informed in the matter and finds as follows:

That Notice of the proposed highway widening and added signal devices has been given by the Commission to interested parties, and no protest in the matter has been received.

That public safety, convenience and necessity require and will be served by the new work as proposed herein.

That the authority sought in the instant application should be granted by initial decision of the Commission since due and timely execution of its functions imperatively and unavoidably so requires.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Division of Highways - State of Colorado, be, and it hereby is, granted authority and approval for the following:

1. Reconstruction and widening of existing highway/railroad grade crossing as required for proposed double-lane widening of the instant roadway.
2. To adjust location of flashing light signals by installation of two combination units of short-arm gates and automatic flashing light signals and a bell;




all being a part of and located at the grade crossing of State Highway No. 59, over 3 tracks of Burlington-Northern, Inc. at Milepost 404.43, City of Yuma, Yuma County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement and Agreement; said Agreement being accepted as a late-filed exhibit herein. The Statement, Agreement, and Location Exhibits are by reference made a part hereof.

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

This Order shall become effective forthwith as the initial decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1971.
hbp

(Decision No. 76660)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION TO)
TRANSFER CERTIFICATE OF AUTHORITY PUC)
NO. 871 FROM OLIVER FELLIN, SR., AND)
ANGELO J. FELLIN, PARTNERS, TO)
OLIVER FELLIN, SR., THENCE TO TRANSFER)
FROM THE ESTATE OF OLIVER FELLIN, SR.,)
DECEASED, TO HIS HEIRS AT LAW, THENCE)
TO TRANSFER FROM THE ESTATE OF ALICE)
C. FELLIN, DECEASED (AN HEIR AT LAW OF)
OLIVER FELLIN, SR., DECEASED, AN UN-)
DIVIDED 1/2 INTEREST TO HER HEIRS AT)
LAW), THENCE TO TRANSFER FROM ALENE S.)
RIVER, SERAFINA F. CALHOON AND VIOLA)
MARIE OSBORNE (HEIRS AT LAW OF OLIVER)
FELLIN, SR., DECEASED, AND ALICE C.)
FELLIN, DECEASED) TO OLIVER L. FELLIN,)
JR., THENCE TO TRANSFER FROM OLIVER)
L. FELLIN, JR., DECEASED, TO DAVID G.)
WOOD, ADMINISTRATOR OF THE ESTATE OF)
OLIVER L. FELLIN, JR., DECEASED.)

APPLICATION NO.
23206-Transfer-Amended

IN THE MATTER OF THE APPLICATION OF)
DAVID G. WOOD, ADMINISTRATOR OF THE)
ESTATE OF OLIVER L. FELLIN, JR.,)
DECEASED, FORMERLY DOING BUSINESS AS)
"FELLIN BROTHERS," OURAY, COLORADO,)
(IN THE EVENT AUTHORITY SOUGHT IN)
APPLICATION NO. 23206-Transfer-)
Amended IS GRANTED) FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF AUTHORITY PUC)
NO. 871 TO RED MOUNTAIN TRANSPORTATION)
COMPANY, A COLORADO CORPORATION, R.)
R. 2, BOX 170, MONTROSE, COLORADO.)

APPLICATION NO.
23207-Transfer-Amended

IN THE MATTER OF THE APPLICATION TO)
TRANSFER PERMIT NO. A-872 FROM OLIVER)
FELLIN, SR., AND ANGELO J. FELLIN,)
PARTNERS, TO OLIVER FELLIN, SR.,)
THENCE TO TRANSFER FROM THE ESTATE OF)
OLIVER FELLIN, SR., DECEASED, TO HIS)
HEIRS AT LAW, THENCE TO TRANSFER FROM)
THE ESTATE OF ALICE C. FELLIN,)
DECEASED (AN HEIR AT LAW OF OLIVER)
FELLIN, SR., DECEASED, AN UNDIVIDED)
1/2 INTEREST TO HER HEIRS AT LAW),)
THENCE TO TRANSFER FROM ALENE S.)
RIVER, SERAFINA F. CALHOON AND VIOLA)
MARIE OSBORNE (HEIRS AT LAW OF OLIVER)
FELLIN, SR., DECEASED, AND ALICE C.)
FELLIN, DECEASED) TO OLIVER L. FELLIN,)
JR., THENCE TO TRANSFER FROM OLIVER L.)
FELLIN, JR., DECEASED, TO DAVID G.)
WOOD, ADMINISTRATOR OF THE ESTATE OF)
OLIVER L. FELLIN, JR., DECEASED.)

APPLICATION NO.
23208-PP-Transfer-Amended

IN THE MATTER OF THE APPLICATION OF)
 DAVID G. WOOD, ADMINISTRATOR OF THE)
 ESTATE OF OLIVER L. FELLIN, JR.,)
 DECEASED, FORMERLY DOING BUSINESS)
 AS "FELLIN BROTHERS," OURAY,)
 COLORADO, (IN THE EVENT AUTHORITY)
 SOUGHT IN APPLICATION NO. 23208-PP-)
 Transfer-Amended IS GRANTED) FOR)
 AUTHORITY TO TRANSFER PERMIT NO.)
 A-872 TO RED MOUNTAIN TRANSPORTATION)
 COMPANY, A COLORADO CORPORATION,)
 R. R. 2, BOX 170, MONTROSE,)
 COLORADO.)

APPLICATION NO.
23209-PP-Transfer-Amended

SUPPLEMENTAL ORDER

 January 14, 1971

Appearances: John J. Conway, Esq., Denver,
 Colorado, for Applicants;
 Charles A. Petrie and Victor Roushar,
 Esqs., Montrose, Colorado, for
 Applicants;
 Warren D. Braucher, Esq., Denver,
 Colorado, for Rio Grande Motor Way,
 Inc., and Robert F. Schuler, doing
 business as "Telluride Transfer Co.,"
 Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 19, 1969, Decision No. 73860 was entered in the above-entitled matters. Subsequently the said Decision became the decision of the Commission and in due course was appealed to the District Court in and for the County of Montrose, State of Colorado. The District Court on December 7, 1970 entered a judgment amending the said Commission Decision. The said judgment has now become final.

Accordingly, the Commission finds that the said Decision No. 73860 should be amended and modified in accordance with the said District Court judgment.

O R D E R

THE COMMISSION ORDERS THAT:

1. Decision No. 73860 be, and hereby is, amended and modified as hereinafter set forth.

2. Finding No. 3 of said Decision No. 73860 be, and hereby is, amended to read as follows:

"The Town of Sneffels has long ago ceased to exist as a community and the daily service on schedule between Ouray and Sneffels under Certificate No. 871 has been long abandoned. Further, Oliver L. Fellin, Jr. and his predecessors have operated out of an office in Ouray, Colorado, only and Certificate No. 871 should contain an office restriction to Ouray, Colorado."

3. Conclusion No. 2 in said Decision No. 73680 be, and hereby is, amended to read as follows:

"The transfer of Permit No. A-872 as sought by Applicants in Application No. 23208-PP-Transfer-Amended should be granted."

4. That the ordering provisions of said Decision No. 73860 be, and hereby are, amended to read as follows:

"1. That Applications No. 23206-Transfer-Amended and No. 23208-PP-Transfer-Amended, be, and hereby are, granted.

2. That Applications No. 23207-Transfer-Amended, and 23209-PP-Transfer-Amended, be, and hereby are, denied.

3. That henceforth the full and complete authority under Certificate of Authority PUC No. 871 shall be and read as follows, to-wit:

1. Transportation -- on call and demand -- of

Freight, including ore

From point to point within a radius of forty (40) miles of Ouray, Colorado.

RESTRICTION:

Item No. 1 is restricted against service between points on U. S. Highway 550 served by Rio Grande Motor Way, Inc.

2. Transportation -- on call and demand -- of

Mining machinery, mine supplies, household goods and furniture, building materials and farm products

From and to all points within a forty (40) mile radius of Ouray, Colorado, to and from all points within the State of Colorado.

3. Transportation -- on call and demand -- of

Ore and concentrates

From and to points within a forty (40) mile radius of Ouray, Colorado, to and from points in the State of Colorado.

RESTRICTION:

Item No. 3 is restricted against serving points in the Counties of San Miguel and Hinsdale, State of Colorado.

RESTRICTION:

This Certificate shall be subject to the following restriction:

- a. The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Ouray, Colorado; and further is prohibited, without further order from this Commission, from having an agent employed in any other city or town than Ouray, Colorado, for the purpose of developing or conducting business.

4. That henceforth Permit No. A-872 shall be and read as follows:

Transportation of freight between Grand Junction, Colorado and Durango, Colorado and intermediate points via U. S. Highway 550.

5. That said transfers shall become effective only if and when, but not before, said Transferors and Transferees, in writing have advised this Commission that said 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 any of them, kept and performed.

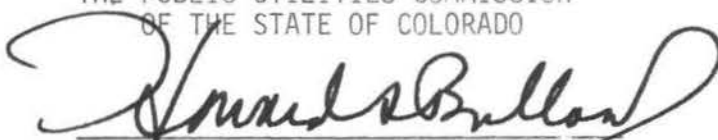
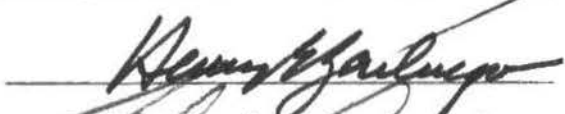
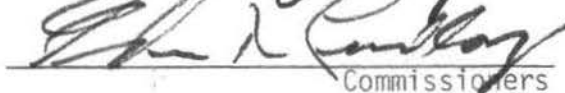
Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of Decision No. 76660 shall automatically revoke the authority herein granted to make the transfers, without further Order on the part of this Commission, unless such time shall be extended by this Commission, upon proper application.

6. That the common carrier 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.
7. The right of Transferees to operate under this Order shall depend upon a prior filing of an annual report by Transferors herein, covering the operations under the aforesaid Certificate of Authority up to the time of transfer of said Certificate."

5. Decision No. 73860, as herein amended and modified, be, and hereby is adopted as the Order of the Commission and Decision No. 74260 be, and hereby is, modified in accordance herewith.

6. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1971.
js

(Decision No. 76661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
RANADA MOBILE HOMES INC.
Post Office Box 368
Burleson, Texas 76028

AUTHORITY NO. M 7361

CASE NO. 6392-M-Ins.

January 13, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970, 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.

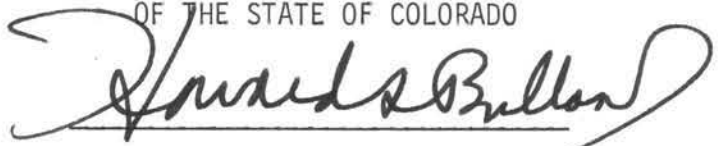


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1971 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO AVIATION, INC., DOING BUSI-)
NESS AS "COLORADO AIRLINES," 2120)
BROADWAY, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
SCHEDULED COMMON CARRIER BY AIR-)
CRAFT (EXCEPT HELICOPTER).)

APPLICATION NO. 24110

IN THE MATTER OF THE APPLICATION OF)
COLORADO AVIATION, INC., DOING BUSI-)
NESS AS "COLORADO AIRLINES," 2120)
BROADWAY, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY AIRCRAFT (EX-)
CEPT HELICOPTER).)

APPLICATION NO. 24111

January 14, 1971

Appearances: Truman A. Stockton, Jr., and
Roger Sollenbarger, Esqs.,
Denver, Colorado,
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28, 1970, Recommended Decision No. 75003 was submitted by
Christian O. Igenbergs, Examiner.

On June 10, 1970, Applicant Colorado Aviation, Inc., doing business
as "Colorado Airlines", by its attorney, Roger Sollenbarger, Esq., filed with
the Commission a petition requesting an extension of time within which to file
exceptions to the Recommended Decision of the Examiner until twenty (20) days
after the certification of the transcript by the reporter. On June 16, 1970,
by Decision No. 75107, the Commission granted the extension of time within
which to file exceptions.

On August 4, 1970, Applicant, by and through its attorney, John H. Lewis, of Stockton and Lewis, Attorneys at Law, filed Exceptions to said Recommended Decision of Christian O. Igenbergs, Examiner.

Upon consideration of the record in the above-entitled applications including the Recommended Decision and Order by Examiner Christian O. Igenbergs, and it appearing that the Exceptions filed on August 4, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions;

WHEREFORE, and good cause appearing therefor:

We find that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Igenbergs being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

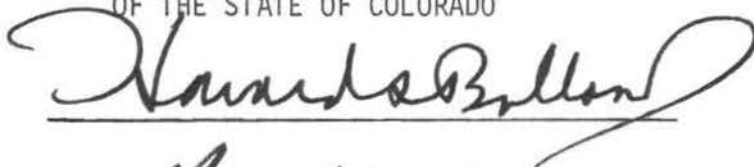
O R D E R

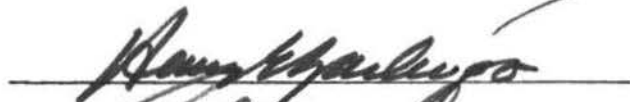
THE COMMISSION ORDERS THAT:

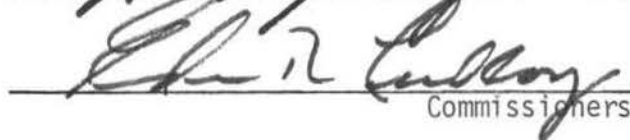
1. The Exceptions of Applicant, Colorado Aviation, Inc., doing business as "Colorado Airlines," be, and hereby are, overruled and denied.
2. The Recommended Decision and Order by Examiner Christian O. Igenbergs, being Decision No. 75003, dated May 28, 1970, be, and hereby is, affirmed and adopted as our own.
3. The Recommended Decision and Order of Examiner Christian O. Igenbergs be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof.

4. This Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioners

Dated at Denver, Colorado, this
14th day of January, 1971.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. A-755)	
)	
BY: FSF TRUCK LINE	)	<u>CASE NO. 97-AR</u>
2218 Cortez Drive)	
Security, Colorado 80911)	
)	
Respondent	)	<u>SUPPLEMENTAL ORDER</u>
-----)	

SUPPLEMENTAL ORDER

January 14, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 9, 1970, the Commission entered Decision No. 75821, in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, FSF Truck Line, being Permit No. A-755, be and the same hereby is, revoked and cancelled as of October 9, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars, to the Treasurer of the State of Colorado, on or before October 9, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before October 9, 1970.

On January 12, 1971, Mr. Emerson Finch, the owner of FSF Truck Line appeared in the Commission office to discuss the events leading up to the revocation of his authority.

There appears to be cause for confusion due to the fact that there were two Commission actions in process at the same time. One of these actions involved reinstatement of authority which had been under voluntary suspension. The other involving the filing of the Annual Report.

Within less than a week Respondent received Revocation Order, Decision No. 75821, involving his Annual Report, and also Commission Decision No. 75784 which reinstated the authority which had been under voluntary suspension.

Through misunderstanding of the above Orders the Respondent was led to believe that his authority was in good standing.

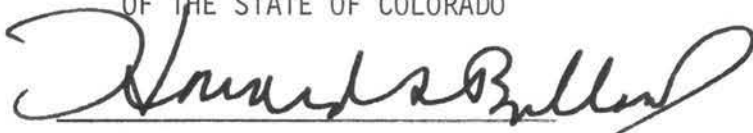


In view of these unusual circumstances and the fact that the Respondent has now filed his Annual Report as required, the Commission states and finds that Permit No. A-755 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75821, dated September 9, 1970, providing for the revocation and cancellation of Permit No. A-755, be, and the same hereby is, vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
14th day of January, 1971. av

(Decision No. 76664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

FRANK McKAY)

BOX 192)

LENORA, KANSAS 67645)

PUC NO. 7848-I

January 19, 1971

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.

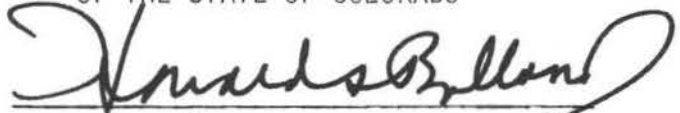
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 5, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
hj

(Decision No. 76665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SPENCER L. TRYON AND JAMES TRYON)
d/b/a TRYON AND TRYON TRUCKING)
RFD #1)
MINATARE, NEBRASKA 69356)

PUC NO. 7634-I

January 19, 1971

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.

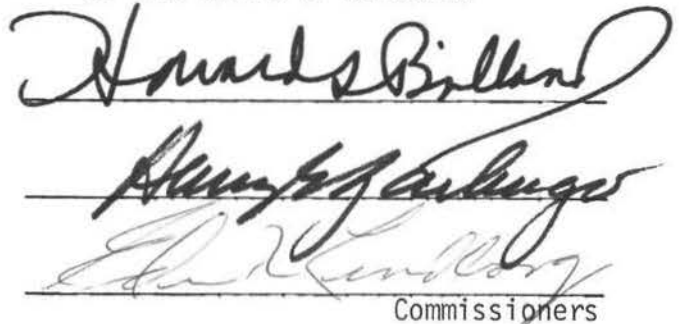
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 5, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
hj

(Decision No. 76666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. B. MONTGOMERY, INC., AN IOWA)
CORPORATION, 5150 BRIGHTON BOULEVARD,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24245

SUPPLEMENTAL ORDER

January 15, 1971

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant.

Leslie R. Kehl and Arthur R. Hauver, Esqs.,
Denver, Colorado, for North Eastern
Motor Freight, Inc.; Westway Motor Freight,
Inc.; Ward Transport, Inc.; Ruan Transport
Corporation; Groendyke Transport, Inc.; and
Petco, Inc. of Colorado, Protestants.

William M. Griffith, Esq., Denver,
Colorado, for Atwood Truck Line, Inc.,
Protestant.

Joseph F. Nigro, Esq., Denver, Colorado,
for Acme Delivery Service, Inc.; Amick
Transfer & Storage Co.; Bekins Van &
Storage Co.; Bonanza Moving & Storage;
Buehler Transfer; Colorado Cartage Company,
Inc.; Denver Moving & Storage; Duffy
Storage & Moving; G. I. Express; Gulf
Atlantic Warehouse Co.; Imperial Warehouse
Co.; Morgan Transfer; Johnson Storage &
Moving; Kamp Moving & Storage; Merchants
Transfer & Storage Co., Inc.; Murph's
Express, Inc.; Craig Montbello Warehouse
Corp.; Service Transfer; Thomas & Son
Transfer; United States Transfer & Storage
Co.; Weicker Transfer & Storage Co.;
Young Brothers Storage & Transfer; North
Denver Transfer; Colorado Transfer &
Storage, Inc.; and Tiller Moving & Storage,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1970, the Recommended Decision and Order of Robert L. Pyle, Examiner, was duly entered.

On December 16, 1970, the Commission by Decision No. 76460 granted Protestant, North Eastern Motor Freight, Inc., up to and including January 5, 1971 to file exceptions to the Recommended Decision.

On January 5, 1971, Protestant, North Eastern Motor Freight, Inc., by and through its attorney, Leslie R. Kehl, filed Exceptions on Behalf of North Eastern Motor Freight, Inc.

Upon consideration of the record in the above-entitled application including the Recommended Decision and Order by Examiner Robert L. Pyle, and it appearing that the Exceptions filed on January 5, 1971, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions.

Accordingly the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Pyle being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS:

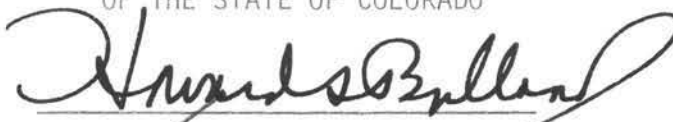

1. That the Exceptions of Protestant, North Eastern Motor Freight, Inc., be, and hereby are, overruled and denied.

2. That the Recommended Decision and Order by Examiner Robert L. Pyle, being Decision No. 76367, dated November 27, 1970, be, and hereby is, affirmed and adopted as our own.

3. That the Recommended Decision and Order of Examiner Robert L. Pyle, be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except for the effective date which shall be 21 days from the date of this Order.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

DISSENTING OPINION OF COMMISSIONER
EDWIN R. LUNDBORG TO FOLLOW.

Dated at Denver, Colorado, this
15th day of January, 1971.

js

COMMISSIONER LUNDBORG DISSENTING:

I must respectfully dissent. In adopting the Examiner's Recommended Decision, the majority base the involved grant of authority on a finding that the service of North Eastern is substantially inadequate. I cannot join in this finding. The service performed by North Eastern is not inadequate or unsatisfactory. To the contrary, North Eastern performs a very good service and has a substantial investment on the involved route -- consisting of terminals and equipment. It has numerous employees and performs an overnight service on approximately 95 percent of its shipments. I think that the nature and importance of the stated complaints are grossly overstated and overdone. The Recommended Decision makes them appear much more serious "in print" than they are in fact. Considering the size of North Eastern's operations, the complaints constitute nothing more than the usual amount of dissatisfaction which any common carrier must experience in the conduct of its operations. While there are some shipments which undoubtedly are mishandled, the vast remainder are very readily accounted for when one considers "will call" shipments, "C.O.D." shipments, "residential" deliveries, and so on. The test of adequacy is not perfection. This is not only the law of Colorado -- it is just plain common sense. The standard of adequacy of service adopted by the majority in the instant proceeding very clearly makes the service of every carrier in the State of Colorado inadequate.

In Application of Ephraim Freightways, Inc., Decision No. 74435, dated February 27, 1970, and Decision No. 75775, dated August 31, 1970, we found the service of the protestant to be adequate and satisfactory where the protestant's overnight deliveries were 88.30 percent or 86.54 percent, depending upon the area involved. The protestant in the aforesaid cited decisions was the Rio Grande Motor Way, Inc. It is true that the line-haul or intercity distances in the Ephraim case were greater than in

in the instant proceeding. That, however, is not the real issue. The real issue is whether or not overnight service is feasible from a practical point of view. In the Ephraim case, overnight service was practical and the Protestant, Rio Grande Motor Way, Inc., performed such service 86 percent to 88 percent of the time. Here, in this proceeding, overnight service is feasible and the majority finds North Eastern's service to be materially inadequate even though it actually performs an overnight service on in excess of 94 percent of its shipments. In the Ephraim case, I concurred in my colleague's (Commissioner Bjelland) finding that the service of Protestant, Rio Grande Motor Way, Inc., was entirely adequate and satisfactory. I cannot make any different finding in this proceeding.

As filed, the involved application requests authority to serve between Denver, Colorado and Julesburg, Colorado, serving all intermediate points between Fort Morgan, Colorado and Julesburg, Colorado. Also requested was authority to serve, as off-route points, all points located within five miles of Denver, five miles of Fort Morgan, five miles of Julesburg, and all points within five miles of U.S. Highways 6 and 138 and Interstate Highway 80S, commencing at Fort Morgan and ending in Julesburg. The only evidence presented, no matter how it may be evaluated, relates only to service between Denver, on the one hand, and Sterling, Atwood and Julesburg, on the other. Even if I were convinced that North Eastern's service was inadequate between Denver and Sterling (which I am not), I fail to see how we could authorize service and competition to such points as Brush and Fort Morgan. Furthermore, not one public witness -- from those communities -- even appeared at the hearing to testify in support of service thereto.

Two other matters deserve mention. First, I doubt the feasibility of Applicant's operation. This would not prevent me from voting to grant the application were it shown to be truly needed. Secondly, a more difficult problem is presented by the fact that it appears that the Applicant must at least commence his operation in violation of this

Commission's leasing rules and regulations. The burden of proof is on the Applicant as to every issue and it was incumbent upon the Applicant to demonstrate that his proposed operation could in fact be conducted in accordance with law and the appropriate Commission rules and regulations.

I have stated my position before. The authorization of duplicative service which is not shown to be needed can only result in wasteful and duplicative facilities. Dividing the existing traffic between two carriers can only serve to raise the cost of doing business with resulting needs for additional revenue. (See my dissenting opinion in Decision No. 75775, dated August 31, 1970, as above cited.)

Before the Commission may authorize a new competitive service -- in my view -- we must find that the existing service is materially inadequate and unsatisfactory. This finding, in turn, must be based on substantial competent evidence. I do not believe any such finding is justified on the record as made in this proceeding.

For the reasons stated, I would deny the instant application in its entirety.


Commissioner

Dated at Denver, Colorado,
this 20th day of January, 1971.
hj

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.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 668
INTERIM ORDER

January 14, 1971

Appearances: Fred M. Winner, Esq., Denver, Colorado,
James A. Clark, Esq., Denver, Colorado,
and
T. M. Ledingham, Esq., Denver, Colorado,
for Respondent;

Leonard M. Campbell, Esq., Denver, Colorado,
Richard R. Harvey, Esq., Denver, Colorado,
and
Kenneth G. Bueche, Esq., Boulder, Colorado,
for Colorado Municipal League;

Charles R. Frederickson, Esq., Denver,
Colorado, for Control, Inc.;

Dellan E. Coker, Esq., Washington, D. C.
for Department of Defense and all other
Executive Agencies of the United States;

Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 1, 1970, under Advice Letter No. 616, The Mountain States Telephone and Telegraph Company (hereinafter referred to as "Company" or "Respondent"), filed certain tariff revisions to become effective December 7, 1970. In its Advice Letter, the Company disclosed that the therein tariff revisions would result in an increase in revenues to the Company in an approximate amount of \$16,000,000 annually. On November 12, 1970, the Commission by Decision No. 76236, suspended the effective date of the aforesaid tariff revisions and set the matter for hearing to commence on November 23, 1970. After several

additional hearings, the proceeding was recessed to January 18, 1971 for the purpose of cross-examination of Company's witnesses. Upon completion of the aforesaid cross-examination, further hearings will be scheduled for the purpose of receiving evidence to be presented by the Protestants and by the Staff of the Commission.

On December 11, 1970, the Company filed a Motion for immediate relief requesting Commission approval to place the increased rates in effect immediately subject to refund. The Motion was heard by the Commission on December 22, 1970. At the hearing, a new motion was filed by the Company -- amending and supplementing its previously filed motion -- to the effect that its request was not for specific rates or amount of increase but was to cover any rates that would produce additional revenue up to the original \$16,000,000 filing.

Upon careful consideration of the instant matter, the Commission finds and concludes that, since it will continue to handle all matters embraced in this docket as expeditiously as possible, the Motion of the Company, as amended and supplemented, should be denied as set forth in the following Order.


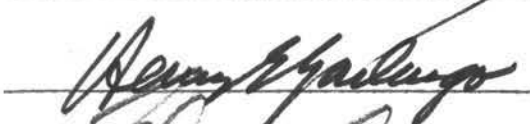

O R D E R

THE COMMISSION ORDERS THAT:

The Motion for immediate relief filed by The Mountain States Telephone and Telegraph Company on December 11, 1970, as subsequently amended and supplemented, be, and hereby is, denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1971.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RINGSBY TRUCK LINES, INC., A NEBRASKA)
CORPORATION, 3201 RINGSBY COURT,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 717 TO HARP TRANS-)
PORTATION LINE, INC., A COLORADO)
CORPORATION, DOING BUSINESS AS)
"HARP TRANSPORTATION LINE," MEEKER,)
COLORADO.)

APPLICATION NO. 24316-Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 15, 1971

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicants.
Warren D. Braucher, Esq.,
Denver, Colorado, for
Rio Grande Motor Way,
Inc., Protestant.
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 29, 1970, Applicants filed the above-entitled application for authority to transfer Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I from Ringsby Truck Line, Inc., to Harp Transportation Line, Inc., doing business as "Harp Transportation Line."

The Commission assigned No. 24316-Transfer to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 26, 1970, at 10 a.m. and was continued for hearing to be held in the District Court, Courthouse, Craig, Colorado, on October 27, 1970, at 9:30 a.m. The hearing was held at the aforesaid times and places.

Application No. 24316-Transfer was heard on a joint record with Applications No. 24317-PP-Transfer and No. 24318-PP-Transfer.

Exhibits numbered 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, and 16 were tendered and admitted into evidence. Exhibits numbered 7, 8, and 9 were tendered at the hearing but were rejected by the Examiner.

Eugene Hamilton, Traffic Manager of Transferor; Bern H. Harp, Manager and Secretary-Treasurer of Transferee; Robert H. Walker; Duane Dunnica; John Harding; Don R. Showalter; Jim Snyder; Tom Parks; Delbert Findley; Jarold Rohde; and Floyd Reid testified in support of the application. Wally Fletchinger testified in opposition to the granting of the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Transferor herein is a Nebraska corporation duly organized and existing under the laws of the State of Nebraska and authorized to do business in the State of Colorado.
2. Transferor is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I, 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. Transferee herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

5. Transferee holds previously granted authority from this Commission, to-wit: Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I.

6. By this application, the parties seek to transfer Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I from Ringsby Truck Line, Inc., a Nebraska corporation, to Harp Transportation Line, Inc., doing business as "Harp Transportation Line." Further, the application requests that Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I be amalgamated and otherwise joined with Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I so as to authorize through transportation service between points now served under PUC No. 717 and PUC No. 152.

7. The public convenience and necessity requires or will require that Transferee be permitted to provide a through transportation service between points now authorized to be served under Certificate of Public Convenience and Necessity PUC No. 717 and those points now being served under Certificate of Public Convenience and Necessity PUC No. 152, and the failure to permit the amalgamation of the authorities to so provide for through transportation services would deprive the shipping public of a service that is now available to them by way of interlining. Therefore, unless the certificates were joined, there would be no through service available.

8. Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I should be canceled, the authority contained therein be joined with and made a part of Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I, and henceforth Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I should read in its entirety as follows:

- (1) Transportation -- on schedule -- of
General commodities

Between Grand Junction and the Colorado-Wyoming
state line over the following described route:

From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 24 to Rifle; thence over Colorado Highway No. 13 to the Colorado-Wyoming state line, serving all intermediate points.

(2) Transportation -- on schedule -- of

General commodities

Between Grand Junction and the Colorado-Utah state line over the following described routes, serving all intermediate points:

- (a) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 24 to Rifle; thence over Colorado Highway No. 13 to Craig, Colorado; thence over U.S. Highway No. 40 to the Utah state line.
- (b) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 24 to Rifle; thence over Colorado Highway No. 13 to its junction with Colorado Highway No. 64; thence over Colorado Highway No. 64 to its junction with U.S. Highway No. 40; thence over U.S. Highway No. 40 to the Colorado-Utah state line.
- (c) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 50 to its junction with Colorado Highway No. 139; thence over Colorado Highway No. 139 to its junction with Colorado Highway No. 64; thence over Colorado Highway No. 64 to its junction with U.S. Highway No. 40; thence over U.S. Highway No. 40 to the Colorado-Utah state line.

RESTRICTIONS:

Items (1) and (2) are restricted as follows:

- (a) Against the transportation of commodities in bulk in tank vehicles.
- (b) Against rendering transportation service that both originate and terminate at points located on Interstate Highway No. 70 (I-70), U.S. Highways No. 6 and 24 between Grand Junction, Colorado, and Rifle, Colorado.

(3) Transportation -- on schedule -- of

General commodities

Between Denver, Colorado, and Rangely, Colorado, and the Rangely oil fields over the following described route: From Denver over U.S. Highways No. 6 or 24 and Interstate Highway No. 70 (I-70) to Rifle; thence over Colorado Highways No. 13 and 64 serving all intermediate points between Rifle, Colorado, and Rangely, Colorado.

RESTRICTION:

Item (3) is restricted against transportation of commodities in bulk in tank vehicles.

- (4) Service is authorized to be combined between all points described in Items (1), (2), and (3) above so as to permit the rendition of transportation service to and from any and all points authorized to be served in said items.

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

General commodities

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

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

General commodities

Between all points located within a fifty (50) mile radius of Massadona, Colorado; Fortification, Colorado; and Hamilton, Colorado.

RESTRICTION:

Item (6) is restricted as follows:

- (a) Against transportation of commodities in bulk in tank vehicles.
- (b) Against rendering transportation service to points on U.S. Highway No. 40 between Craig, Colorado, and the junction of Colorado Highway No. 14.
- (c) Against rendering transportation service to points located south of Meeker, Colorado, on Colorado Highway No. 13.

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

General commodities

Between Craig, Colorado, on the one hand, and points located on Colorado Highway No. 14 between the junction of U.S. Highway No. 40 and Colorado Highway No. 14 to and including Walden, Colorado, and points on Colorado Highways No. 125 and 127 to the Colorado-Wyoming state line, on the other hand.

RESTRICTION:

Item (7) is restricted against transportation of commodities in bulk in tank vehicles.

- (8) 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.

9. The above and foregoing description of the authority corrects certain ambiguities and duplications contained in PUC No. 717 and PUC No. 152 and the draft of the authority as outlined above would amalgamate the authorities and be in the public interest.

10. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

11. The Certificate is free and clear of any debts, encumbrances, or obligations.

12. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

13. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have or will make adequate provision for insurance.

14. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

15. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The Protest of Protestant, Rio Grande Motor Way, Inc., should be, and hereby is, dismissed.

2. The transfer sought by Applicants should be granted as herein-after set forth.

3. The authority contained in Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I should be consolidated and amalgamated with Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I and Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I should be canceled.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Ringsby Truck Lines, Inc., a Nebraska corporation, 3201 Ringsby Court, Denver, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I to Harp Transportation Line, Inc., a Colorado corporation, doing business as "Harp Transportation Line," Meeker, Colorado, subject to encumbrances, if any, against said authority.

2. That the authority contained in Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I should be, and hereby is, consolidated and amalgamated with Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I; Certificates of Public Convenience and Necessity PUC No. 717 and PUC No. 717-I should be, and hereby are, canceled; and Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I should be, and hereby are, redrafted as hereinafter set forth.

3. That henceforth the full and complete authority under Certificates of Public Convenience and Necessity PUC No. 152 and PUC No. 152-I shall read and be as follows, to-wit:

- (1) Transportation -- on schedule -- of
General commodities

Between Grand Junction and the Colorado-Wyoming
state line over the following described route:
From Grand Junction over Interstate Highway No.
70 (I-70) or U.S. Highways No. 6 and 24 to Rifle;

thence over Colorado Highway No. 13 to the Colorado-Wyoming state line, serving all intermediate points.

(2) Transportation -- on schedule -- of

General commodities

Between Grand Junction and the Colorado-Utah state line over the following described routes, serving all intermediate points:

- (a) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 24 to Rifle; thence over Colorado Highway No. 13 to Craig, Colorado; thence over U.S. Highway No. 40 to the Utah state line.
- (b) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 24 to Rifle; thence over Colorado Highway No. 13 to its junction with Colorado Highway No. 64; thence over Colorado Highway No. 64 to its junction with U.S. Highway No. 40; thence over U.S. Highway No. 40 to the Colorado-Utah state line.
- (c) From Grand Junction over Interstate Highway No. 70 (I-70) or U.S. Highways No. 6 and 50 to its junction with Colorado Highway No. 139; thence over Colorado Highway No. 139 to its junction with Colorado Highway No. 64; thence over Colorado Highway No. 64 to its junction with U.S. Highway No. 40; thence over U.S. Highway No. 40 to the Colorado-Utah state line.

RESTRICTIONS:

Items (1) and (2) are restricted as follows:

- (a) Against the transportation of commodities in bulk in tank vehicles.
- (b) Against rendering transportation service that both originate and terminate at points located on Interstate Highway No. 70 (I-70), U.S. Highways No. 6 and 24 between Grand Junction, Colorado, and Rifle, Colorado.

(3) Transportation -- on schedule -- of

General commodities

Between Denver, Colorado, and Rangely, Colorado, and the Rangely oil fields over the following described route: From Denver over U.S. Highways No. 6 or 24 and Interstate Highway No. 70 (I-70) to Rifle; thence over Colorado Highways No. 13 and 64 serving all intermediate points between Rifle, Colorado, and Rangely, Colorado.

RESTRICTION:

Item (3) is restricted against transportation of commodities in bulk in tank vehicles.

(4) Service is authorized to be combined between all points described in Items (1), (2), and (3) above so as to permit the rendition of transportation service to and from any and all points authorized to be served in said items.

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

General commodities

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

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

General commodities

Between all points located within a fifty (50) mile radius of Massadona, Colorado; Fortification, Colorado; and Hamilton, Colorado.

RESTRICTIONS:

Item (6) is restricted as follows:

- (a) Against transportation of commodities in bulk in tank vehicles.
- (b) Against rendering transportation service to points on U.S. Highway No. 40 between Craig, Colorado, and the junction of Colorado Highway No. 14.
- (c) Against rendering transportation service to points located south of Meeker, Colorado, on Colorado Highway No. 13.

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

General commodities

Between Craig, Colorado, on the one hand, and points located on Colorado Highway No. 14 between the junction of U.S. Highway No. 40 and Colorado Highway No. 14 to and including Walden, Colorado, and points on Colorado Highways No. 125 and 127 to the Colorado-Wyoming state line, on the other hand.

RESTRICTION:

Item (7) is restricted against transportation of commodities in bulk in tank vehicles.

(8) 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.

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

5. That the common carrier 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.

6. That the right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

7. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ASPEN AIRWAYS, INC.)
STAPLETON INTERNATIONAL AIRPORT)
DENVER, COLORADO,)

Complainant,)

vs.)

ROCKY MOUNTAIN AIRWAYS, INC.)
1421 COURT PLACE)
DENVER, COLORADO,)

Respondent.)

CASE NO. 5389

ROCKY MOUNTAIN AIRWAYS, INC.)
1421 COURT PLACE)
DENVER, COLORADO,)

Complainant,)

vs.)

ASPEN AIRWAYS, INC.)
STAPLETON INTERNATIONAL AIRPORT)
DENVER, COLORADO,)

Respondent.)

CASE NO. 5425

ROCKY MOUNTAIN AIRWAYS, INC.)
1421 COURT PLACE)
DENVER, COLORADO, AND)
MONARCH AVIATION, INC.)
WALKER FIELD)
GRAND JUNCTION, COLORADO,)

Complainants,)

vs.)

ASPEN AIRWAYS, INC.)
STAPLETON INTERNATIONAL AIRPORT)
DENVER, COLORADO,)

Respondent.)

CASE NO. 5428

- - - - -
January 15, 1971
- - - - -

RECOMMENDED DECISION
HENRY E. ZARLENGO, COMMISSIONER

NOTICE TO PARTIES

Section 115-6-9 (2), CRS 1963, as amended, provides that copies of the Commissioner's Recommended Decision and Requirements shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, this Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

* * * * *

CERTIFICATION

I certify that after the Recommended Decision was entered, it, the record, and the exhibits, were all promptly transmitted to the Commission and that a copy of said Decision is simultaneously with the execution of this certification being mailed, first class, to all parties.

Dated at Denver, Colorado,
this 15th day of January, 1971.


Secretary (S. E. A. L.)

Appearances: John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways, Inc.;
Robert S. Wham, Esq., Denver, Colorado,
for Rocky Mountain Airways, Inc.;
William H. Nelson, Esq., Grand Junction,
Colorado, for Monarch Aviation, Inc.

STATEMENT, FINDINGS OF FACT, AND CONCLUSIONS

Heretofore, the above-entitled complaints were filed by the Complainants against the Respondents alleging certain violations of their authority.

Orders to Satisfy or Answer were issued by the Commission, directed to the respective Respondents, and Answers thereto were duly filed by said Respondents.

After due and proper notice, Case No. 5389 was heard by Commissioner Henry E. Zarlengo, to whom the matter was assigned pursuant to law, and at the conclusion of said hearing said matter was taken under advisement.

Statements of Position were filed by the parties, and thereafter it was indicated that the parties might settle their differences and avoid further litigation in the above matters.

On December 23, 1970, the parties filed a Stipulation, the effect of which is that agreement was reached to dismiss Case Nos. 5389, 5425 and 5428. In Case No. 5428, counsel for Monarch Aviation, Inc., an intervenor, by letter dated December 24, 1970, stated that Monarch had no objection to the dismissal of the Complaint Case No. 5428.

With regard to Case Nos. 5425 and 5428, the same are pending before the Commission, and since the Stipulation specifically includes said Cases, and there is no objection, the Commissioner FINDS the same should be dismissed.

Having considered the record herein, and it appearing that the Stipulation, to which no objection was made, is in the public interest, the Commissioner FINDS that Case Nos. 5389, 5425 and 5428 should be dismissed as compatible with the public interest.

O R D E R

THE COMMISSION ORDERS:

That Case Nos. 5389, 5425 and 5428 be, and the same hereby are,
dismissed.

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



Commissioner
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RONALD W. SMITH, DOING BUSINESS AS)	
"R. S. DRYWALL HAULING," 8200)	<u>APPLICATION NO. 24734-PP-TA</u>
TENNYSON STREET, WESTMINSTER,)	
COLORADO, FOR A TEMPORARY AUTHORITY)	<u>ORDER GRANTING TEMPORARY AUTHORITY</u>
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

January 15, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for the
motor carrier service described in the appendix attached hereto, and that
there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted
temporary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

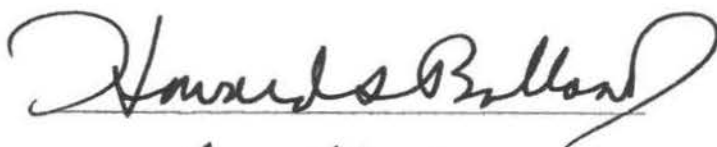
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicant has received notice in writing from the Commission that
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

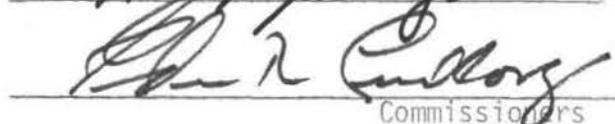
It is further ordered, That if Applicant fails to comply with
all applicable statutory and Commission requirements, rules and regulations
within fifteen (15) days from the date hereof, this Order shall be of no
further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1971.
hbp

APPENDIX

Application No. 24734-PP-TA

Ronald W. Smith
Doing Business As
"R. S. Drywall Hauling"
8200 Tennyson Street
Westminster, Colorado

By Order of the Commission, which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

Drywall

Between all points located within the City and County of Denver, State of Colorado, and from said points to all points within a fifty (50) mile radius thereof.

RESTRICTION: This Permit restricted to rendering transportation service for only Kroonenberg Lumber Company, Denver, Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAY D. FIDLER III, DOING BUSINESS AS)	
"D. F. AND R. TRASH SERVICE," 1205)	
UPLAND, P. O. BOX 2156, BOULDER,)	APPLICATION NO. 24723-Transfer-TA
COLORADO, FOR TEMPORARY APPROVAL TO)	
CONDUCT OPERATIONS UNDER CERTIFICATE)	ORDER GRANTING TEMPORARY APPROVAL
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 3720, PENDING THE DETERMIN-)	
ATION OF THE APPLICATION TO ACQUIRE)	
SAID CERTIFICATE.)	

January 15, 1971

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of Public
Convenience and Necessity PUC No. 3720 to the above-named Transferee.

It further appearing, That failure to grant temporary approval
may result in destruction of, or injury to, the Applicants or interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted
temporary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and
in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in the
Order shall not be commenced until all requirements have been met and
Transferee has received notice in writing from the Commission that
compliance has been effected and service may be instituted.

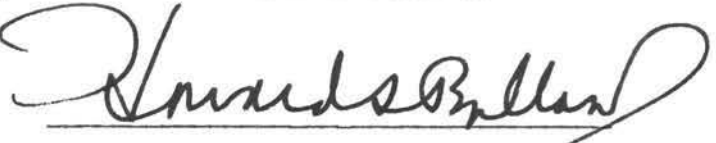
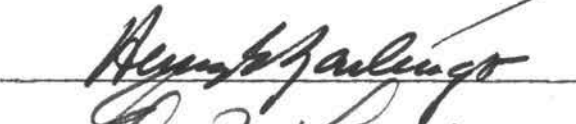

It is further ordered, That upon the approval herein granted
becoming effective, failure of the Transferee to maintain compliance

with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1971.
hbp

(Decision No. 76672)
January 15, 1971

APPENDIX

Application No. 24723-Transfer-TA

Ray D. Fidler III
Doing Business As
"D. F. and R. Trash Service"
1205 Upland
P.O. Box 2156
Boulder, Colorado

By Order of the Commission, which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 3720 with authority as follows:

"Transportation of

Ash, trash, and other refuse

From points located within the City of Boulder, Colorado, and a five (5) mile radius thereof, to designated and approved dumps and disposal sites located within said area."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GOLDEN TRANSFER COMPANY OF)
LONGMONT, A COLORADO CORPORATION,)
111 SOUTH PRATT PARKWAY, LONGMONT,)
COLORADO, 80501, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24728-PP

January 15, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 30, 1970, application was filed in the above-captioned matter in which Applicant seeks a Class "B" Permit to operate as a contract carrier by motor vehicle on both temporary authority and permanent authority.

On January 11, 1971, Lamb Construction, Inc., by and through its attorney, David E. Driggers, filed a Petition for Leave to Intervene as a Protestant to the Temporary and Permanent Authority Applications, and caused copy of said Petition to be served on William T. Secor, attorney for Applicant.

The Commission states and finds that Applicant for intervention has made no showing that it is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be denied.


O R D E R

THE COMMISSION ORDERS THAT:

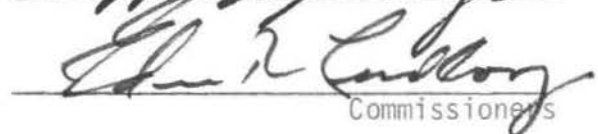
The Petition of Lamb Construction, Inc., for Leave to Intervene as a Protestant to the Temporary and Permanent Authority, be, and hereby is, denied.

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 15th day of January, 1971.
hbp

(Decision No. 76674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE
MOUNTAIN STATES TELEPHONE AND TELEGRAPH
COMPANY, A CORPORATION, 931 - 14TH STREET,
DENVER, COLORADO, FOR AN ORDER OF THE
COMMISSION DETERMINING THE FAIR VALUE OF
APPLICANT'S PROPERTY DEVOTED TO THE
RENDITION OF INTRASTATE TELEPHONE SERVICE
IN COLORADO, A FAIR, REASONABLE, AND
ADEQUATE RATE OF RETURN TO BE APPLIED
THERE TO, AND THE RESULTING AMOUNTS OF
NET EARNINGS AND REVENUES REQUIRED IN THE
FUTURE: AND, UPON SUCH DETERMINATION BY
THE COMMISSION AND THE FILING OF A PRO-
POSED TARIFF AND ADDITIONAL HEARINGS
THEREON FOR AUTHORITY TO FILE A SCHEDULE
OF JUST AND REASONABLE RATES TO PRODUCE
THE REQUIRED REVENUES.

APPLICATION NO. 23116

SUPPLEMENTAL ORDER

January 15, 1971

Appearances: Luis D. Rovira, Esq., and T. M. Ledingham, Esq.,
Denver, Colorado, for Applicant;
Leonard M. Shinn, Esq., Washington, D. C., and
H. Leroy Thurtell, Esq., Denver, Colorado,
for the Federal Government, Protestant;
Leonard M. Campbell, Esq., Denver, Colorado,
for the Colorado Municipal League, Protestant;
Max P. Zall, Esq., and Brian Goral, Esq.,
Denver, Colorado, for the City and County of
Denver, Protestant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

Decision No. 72385, in the above-captioned application, was entered by the Commission on January 7, 1969. Subsequently, the Colorado Municipal League, a corporation, and City and County of Denver, a municipal corporation, protested and appealed the aforesaid Decision to the courts. On June 29, 1970, the Supreme Court of the State of Colorado in Colorado Municipal League, et al. vs. Public Utilities Commission, et al., ___ Colo. ___ 473 P.2d 960, 85 PUR 3d 231 (Advance Sheets), ordered the Case remanded to the District Court of

the City and County of Denver so as to require the imputation of a method of accelerated depreciation and to eliminate the Commission's allowance for abnormal inflation.

On October 29, 1970, the District Court in and for the City and County of Denver, in its Order in this matter, directed the Commission to modify its final Order issued on January 7, 1969 to conform with the opinion of the Colorado Supreme Court, dated June 29, 1970, and as amended September 14, 1970, and to undertake such hearings and to make such findings and issue a revised order so as to cause the Commission's Order and Findings, as revised, to be consistent and consonant with the final opinion, as amended, of the Supreme Court of the State of Colorado.

On November 2, 1970, Mountain States Telephone and Telegraph Company (hereinafter referred to as Applicant or Company), filed a motion -- relative to this matter -- requesting authority to specifically allow it to adopt and use the normalization method of accounting as set forth in Section 167 (1)(3)(G)(i) of the Internal Revenue Code, as amended, both for the purpose of establishing any amount of refund due under the Colorado Supreme Court's Decision in Colorado Municipal League, et al. vs. Public Utilities Commission, et al., supra, and for the purpose of rate making from January 1, 1970 forward and until further ordered by the Commission.

The Commission, on November 30, 1970, by its Order and Decision No. 76234, found that its Decision No. 72385, as above referred to, needed to be amended to conform with the Decision of the Supreme Court; that further evidence was necessary to determine the appropriate reduction in Applicant's revenue requirements to conform to that decision; that Applicant had on November 2, 1970 filed a motion for determination of accounting procedures and that further hearings were necessary before ruling on said motion could be made; that further evidence was necessary before the amount, period of time and method of any refund that might be appropriate, as a result of said Supreme Court Decision, could be determined; and further the matter was set for hearing before the Commission on Wednesday, December 9, 1970 at

10 o'clock a.m., in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Former protestants, The Colorado Municipal League, the City and County of Denver and The United States of America -- through the Department of Defense and the General Services Administration -- by their respective counsels reentered their appearances in the present matter. At the above designated time and place, the matter was called up for hearing and was heard by the Commission. Continued hearings were held on the following days of December 10 and 11 and on December 15, 1970. At the conclusion of the hearing, the parties were asked to file briefs by December 28, 1970. Oral arguments were heard on December 29, 1970 and, upon the conclusion thereof, the instant matter was taken under advisement by the Commission.

The Supreme Court reversed the Denver District Court and the Commission on the matters of (1) the allowance of one percent (1%) for abnormal inflation and (2) for the failure to impute the use of accelerated depreciation for income tax purposes. (It is noted that the Company did not take accelerated depreciation for any purpose prior to January 1, 1970 but commenced doing so for income tax purposes and on a normalized basis as of January 1, 1970.)

At the hearing, Mountain States presented its testimony -- including exhibits -- by its Witnesses, Messrs. J. M. Travers; Robert R. Forester; Dr. Jerome Kesselman; and Carlton H. Griffin. The Staff of the Public Utilities Commission presented its testimony and exhibit by M. Raymond Garrison.

Mr. Travers testified regarding revenue effects of possible refund considerations based on the 1967 test period updated to the current level of operations resulting from rates effective July 19, 1969 through September 30, 1970. He emphasized the possible offsetting factors to the amount of refund and, in so doing, indicated specific information as to bases, periods of time and resulting factors for determining the amount. He developed a theory that no excess charges were made to customers during this period because of changing economic factors such as increased cost of capital and portion of

Federal surtax not collected. His conclusion was that such "losses" more than offset the possible refund amount and that therefore no refund was required, and that in fact the Company has suffered a deficiency in earnings beyond this amount.

With regard to Applicant's motion to use accelerated depreciation for both book and income tax purposes, Mr. Travers sponsored exhibits and gave testimony developing the theory that accelerated depreciation should be taken for book purposes to offset the diminishing purchasing power of the dollar. Utilization of such accounting method of depreciation would tend to maintain the integrity of earlier investment for which the purchasing power of the dollar was higher.

Mr. Kesselman developed the theory that the same method of depreciation should be taken for book purposes as is used for income tax purposes and discussed the theoretical accounting differences under different methods of accounting for income tax effects i.e., flow-through and normalization. He cited the position of the American Institute of Certified Public Accountants as being opposed to flow-through accounting. He stated that, in a period of inflation and diminishing purchasing power of the dollar, using historical cost process of depreciation was unrealistic, particularly with regard to the older property investment under regulation.

Mr. Griffin testified on accounting for depreciation. He stated that the American Institute of Certified Public Accountants, Accounting Principles Board, described depreciation accounting simply as a system of accounting which distributes the cost of tangible capital assets over the estimated useful life of the assets in a systematic and rational manner. Speaking as a certified public accountant, Mr. Griffin stated that the straight line method, declining balance method, and sum of the years digits method were equally acceptable. Also, the AICPA makes no distinction between any of the three as far as general acceptability is concerned. Mr. Griffin favored the use of accelerated depreciation for book purposes in an era of inflation. Mr. Griffin's testimony generally was directed

to the support of Mountain States' motion for authority to adopt the use of normalization method of accounting as described in the Internal Revenue Code Section 167 (1)(3)(G)(i), as amended, both for the purposes of establishing any amount of refund due under the Colorado Supreme Court's decision and for the purpose of rate making from January 1, 1970.

Mr. Garrison presented an exhibit and testimony setting forth a method of determining the amount of refund resulting from the Supreme Court of Colorado Decision in Colorado Municipal League, et al. vs. Public Utilities Commission, et al., supra, including assumed treatment of income tax effects resulting from the taking of accelerated depreciation. The method employed by Garrison was to determine the percentage of each element, abnormal inflation and income tax savings, from imputed accelerated depreciation to revenue requirements in the year 1967 and applying such percentages to the respective revenues billed during the applicable refund period.

The Colorado Municipal League presented its testimony and exhibits by Mr. Melwood W. Van Scoyoc indicating the computation of revised revenue requirements based on decision of Colorado Supreme Court and calculation of refunds to be made for the period July 19, 1969 to December 31, 1969 and for the period January 1, 1970 to effective date of rates to be fixed in Docket No. 668. Mr. Van Scoyoc's method of determining the revenue factor for the abnormal inflation element was similar to that of the Staff. His method, however, relative to imputed accelerated depreciation, was different but, upon clarification questioning, agreed a method similar to the Staff's would be an appropriate method.

FINDINGS OF FACT

After careful review of the entire record herein, the Findings of Fact set forth in initial Commission Decision No. 72385, the Commission finds as additional facts from the record of the instant proceedings that:

1. The Commission is directed by the District Court in and for the City and County of Denver, to modify its Order and Decision No. 72385, issued January 7, 1969, in accordance with the opinion of the Supreme Court,

dated June 29, 1970 and as amended September 14, 1970, and to issue a revised order consistent and consonant with the Supreme Court's final opinion as amended.

2. The Commission has jurisdiction over the subject matter of these proceedings.

3. The Applicant should return to its customers -- in accordance with the opinion of the Supreme Court of Colorado in Colorado Municipal League, et al., vs. Public Utilities Commission, et al., supra -- the following:

- a) Revenues derived from the application of the one percent (1%) inflation factor applied to gross revenues from July 19, 1969 to the effective date of a negative rider to be ordered herein.
- b) Revenues equal to income tax savings that would have resulted from taking accelerated depreciation for the calculation of income taxes on a flow-through basis from July 19, 1969 through December 31, 1969.
- c) Revenues equal to the reduction in revenue requirements that would have resulted from taking accelerated depreciation for income tax purposes on a normalized and deferred account basis from January 1, 1970 to the effective date of a negative rider to be hereinafter ordered. Gross revenues are hereby defined to include all local service, toll service and miscellaneous revenues, but excluding uncollectible revenues and revenues derived from income tax surcharge riders.

4. The spread of the rates is not at issue in this proceeding and therefore it must be presumed that the relationship of the various rates to each other are proper. Consequently, a flat percentage applied to revenues of each customer is the most equitable method of determining the amount of individual refunds.

5. The refund procedure as proposed in Applicant's Exhibit No. 4 is reasonable and proper and should therefore be approved.

6. Simple interest at the annual rate of seven and one-half percent (7-1/2%) is applicable to the refund; and that such rate of interest is reasonable and proper since it is equal to the rate of return previously found fair in this proceeding.

7. Costs of making refunds to customers in the amount of \$71,000 pursuant to Commission's Order following herein is a proper deduction from the amount of interest payable by the Company in accordance with Finding No. 6 above.

8. The request of Protestant, The Colorado Municipal League, that its attorneys' fees and costs be paid out of the refund amount is beyond the jurisdiction of the Commission and therefore should be denied.

9. Revenue requirements on the basis of the 1967 test year for rate making purposes should be modified in the following manner and should be applicable to rates in the periods shown:

	PERIODS	
	7-19-69 To 12-31-69	1-1-70 Forward
Revenue requirements Decision No. 72385	\$121,983,487	\$121,983,487
Reduction for elimination 1% inflation adjustment	1,207,757	1,207,757
Reduction for accelerated depreciation tax effects		
Flow-Through	972,478	
Normalized		36,468
Total modified revenue requirements based upon 1967 test year conditions	\$119,803,252	\$120,739,262

10. The amounts in 3(a), (b) and (c) above should be calculated by applying the following factors to gross revenues as defined herein in the applicable effective periods:

	PERIODS	
	7-19-69 To 12-31-69 %	1-1-70 To Effective Date of New Rates %
a) 1% inflation element	.99009877	.99009877
Accelerated depreciation tax effects		
b) Flow-Through	.79722102	
c) Normalization		.02989585
TOTAL	1.78731979	1.01999462

11. In order to reduce Applicant's rates in accordance with the modified revenue requirements in Finding No. 9, a negative rider equivalent to 1.01999462% of gross revenues should apply to future line one billings by the Company in the same manner as the proposed method of refund, and the refund period should terminate as of the effective date of such negative rider. Such negative rider should remain in effect until new rates are established pursuant to law.

12. The Company did not prove that a real need existed for changing its accounting methods by booking accelerated depreciation. This simply would be an adjustment in its depreciation rates which have been and continue to be under constant review to keep them in accord with the useful life of the property. Accelerated depreciation would complicate this process, increase costs and increase income taxes for the Company to the detriment of the ratepayer. Furthermore, the mere accounting for depreciation does not make rates. The level of rates are determined by costs presented in the rate making process. The accounting of the income tax effects from taking accelerated depreciation is provided by the Uniform System of Accounts prescribed by this Commission and requires no special consideration or action here.

13. Applicant, within thirty (30) days after the effective date of the negative rider, should submit to the Commission, for review and approval, the computations for the amount of refund in accordance with the above Findings of Fact and an outline of the mechanics of refund.

DISCUSSION

The rates resulting from Commission Decision No. 72385 became effective July 19, 1969 and thus set the beginning date of the period over which refunds would apply. It is evident that the one percent (1%) abnormal inflation factor would apply from this date until such rates are discontinued.

The Tax Reform Act of 1969 does not permit a Company taking accelerated depreciation for income tax purposes to flow-through the tax savings if it had not been so doing prior to January 1, 1970. Mountain States Telephone and Telegraph Company did not avail itself of the opportunity to take accelerated depreciation for income tax purposes prior to January 1, 1970 but did advise the Public Utilities Commission that for the year 1970 the Company will use accelerated depreciation for income tax purposes. Therefore, the imputation of accelerated depreciation for flow-through income tax purposes can be considered only for the period from July 19, 1969 to December 31, 1969. The imputation of accelerated depreciation beginning January 1, 1970 to the end of the refund period, because of the 1969 Revenue Code, must be on a normalized basis for Applicant with provision for a deferred income tax reserve. The Uniform System of Accounts prescribed by the Colorado Public Utilities Commission provides for the accounting of such income tax effects.

Although the original record includes data and information relative to possible income savings that may result from adoption of accelerated depreciation on a flow-through basis, from a legal and practical standpoint imputation should apply only to results from taking accelerated depreciation on eligible property additions in the test year 1967. Resulting tax savings would amount to approximately \$456,000.

The determination of the amount of refund in both categories and related to their respective periods of time as presented by the Staff is indicated as follows:

	PERIODS	
	7-19-69 To 12-31-69 %	1-1-70 To Effective Date of New Rates %
a) 1% inflation element	.99009877	.99009877
Accelerated depreciation tax effects		
b) Flow-Through	.79722102	
c) Normalization		.02989585
TOTAL	1.78731979	1.01999462
d) Plus appropriate simple interest applied for amounts and periods in question.		

Applicant's testimony relative to the proposition that customers suffered no excess charges because of purportedly increased costs of doing business, was outside the order of the Supreme Court. The Supreme Court relied on costs of service in the test year upon which rates were set and thus the Commission must amend its Decision No. 72385 so as to be in compliance with the Supreme Court's order. Applicant's proposition that it make no refund because of increased costs would set the stage for guaranteed earnings and rate of return. The result would be that as earnings fluctuate above or below a stated rate of return the Company could immediately increase its rates and by the same reasoning immediately refund amounts earned over the stated return. Public utility regulation does not guarantee a predetermined rate of income and if it could and did then the cost of capital would be reduced accordingly. This Commission regulates rates and not revenues. There is no way to insure either the company or its customers that approved rates will not produce revenues above or below an approved rate of return. Just as the Company is not guaranteed certain earnings, the customers are not guaranteed that revenues will not exceed an approved rate of return. Such financial security cannot be assured by regulation's function of being a

substitute for competition. In any event, the Supreme Court decision, and the subsequent District Court order, is the law of the case; the Commission is limited to the execution of the mandate and can go no further than to modify its original decision and determine the appropriate rates without reference to subsequent or intervening operating results of the Applicant.

Applicant's testimony relative to taking accelerated depreciation for book purposes is a subject also outside the actual record, Application No. 23116, Commission Decision No. 72385, and the Commission's compliance with the Order of the Supreme Court. Although Applicant presented voluminous testimony as to the beneficial effects of taking accelerated depreciation, it did not provide evidence that accelerated depreciation in a real sense represented physical deterioration and obsolescence more accurately than straight line method of depreciation. The benefits claimed would be those resulting from higher revenues from customers because of increased revenue requirements to cover the increase in depreciation expense. The characteristics of depreciation by the double declining or other similar accelerated methods of depreciation is double or approximately so, in the beginning year of depreciation on specific additions of property and decreases year by year to the end of the service life. True, only the full amount of property cost, or nearly so, is accumulated for said additions but in an era of steadily increasing capital expenditures the net result of total depreciation is that it is substantially higher than straight line depreciation and the accumulated "free" cash resulting therefrom is available for use by the Company.

Evidence was lacking that the proposed change in depreciation policy and procedure is essential for proper and adequate renditions of intrastate telephone service in Colorado.

Although Applicant's brief cited legal precedent for offsetting refund amounts with additional costs incurred, the situations cited were not entirely similar to that in the present instance. Briefs of the Protestants

and the Staff held that there is no provision in either the Supreme Court's or District Court's Decisions that would permit the Commission to consider later data as the Court expressly orders the Commission to modify its Decision consistent and consonant with the Supreme Court opinion and includes no reference to later operating results as having any effect upon the Decision.

The allowance for abnormal inflation poses no problem and is readily ascertainable to be an additional one percent (1%) of total revenues as found in Decision No. 72385. Although views differ relative to the imputation of accelerated depreciation for income tax purposes, none the less the Supreme Court stated "In other words, at all times under the Commission's Order, Mountain Bell's customers should have the benefits of the imputation of accelerated depreciation..." Emphasis must be placed on the word benefits; the Court did not talk of imputation and accelerated depreciation as such but of the benefits thereof and from the flow-through method of reduced income tax expense.

In its brief, Applicant makes its plea for authority to take accelerated depreciation for book and rate making purposes. The original proceeding, Application No. 23116, made no claim for book depreciation on an accelerated basis. Now the Company appears to insist this is the proper method of "imputing accelerated depreciation." From the evidence in the instant proceeding, computing depreciation expense by an accelerated method fails to represent actual depreciation and obsolescence and fails in a reduction of income taxes or any other tangible benefits to the ratepayers, but instead, if used for rate making purposes would result in the penalty of substantially higher intrastate telephone rates.

CONCLUSIONS

From the foregoing Findings of Fact and Discussion, the Commission concludes that:

1. The amount of refund relative to abnormal inflation should be for the period beginning July 19, 1969 and continuing to the establishment

of changed rates authorized by the Commission thus ending the refund period and that the mathematical determination be as proposed by the Staff.

2. The amount of refund resulting from the imputation of accelerated depreciation should be on the flow-through basis for the period July 19, 1969 to December 31, 1969 and that the amount of refund on imputed normalized basis be from January 1, 1970 to the end of the refund period established by the Commission's Order as indicated in No. 1 above based upon plant additions during the year 1967, the test year.

3. Simple interest should be added to the amount of refund from date of collection to date of refund.

4. Costs of making refunds to customers pursuant to Commission's Order following herein should be deducted from the amount of refund.

5. Allowance of legal fees of protestants' attorneys is not within the jurisdiction of the Commission.

6. Accounting for the results on a normalized basis of taking accelerated depreciation for income tax purposes is provided for in the Uniform System of Accounts prescribed by the Commission and no action is required; taking accelerated depreciation for book and rate making purposes serves no compelling useful purpose and Applicant's motion therefor should be denied.

7. The Company should be ordered to file an appropriate negative rider on its rates to be effective from the end of the refund period until such time as some new rates are established pursuant to law.

8. The following Order should be entered amending Order and Decision No. 72385.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant shall, pursuant to the Supreme Court of Colorado's Decision in Colorado Municipal League, et al. vs. Public Utilities Commission, et al., supra, refund to its customers the following:

- a) Revenues derived from the application of the one percent (1%) inflation factor applied to gross revenues since July 19, 1969 to the effective date of a negative rider to be ordered herein.
- b) Revenues equal to income tax savings that would have resulted from taking accelerated depreciation for the calculation of income taxes -- flow-through basis from July 19, 1969 through December 31, 1969.
- c) Revenues equal to the reduction in revenue requirements that would have resulted from taking accelerated depreciation for income tax purposes on a normalized and deferred account basis from January 1, 1970 to the effective date of a negative rider to be ordered herein.

2. The amounts in 1(a), (b) and (c) above shall be calculated by applying the following factors to gross revenues as defined herein in the applicable effective periods.

	PERIODS	
	7-19-69 To 12-31-69 %	1-1-70 To Effective Date of New Rates %
a) 1% inflation element	.99009877	.99009877
Accelerated depreciation tax effects		
b) Flow-Through	.79722102	
c) Normalization		.02989585
TOTAL	1.78731979	1.01999462

3. Applicant shall pay to its customers simple interest at the annual rate of seven and one-half percent (7-1/2%) on the refund amounts for the monthly periods collections are held.

4. Costs of making refunds to customers in the amount of \$71,000 shall be deducted from the amount of interest calculated in ordering provision No. 3 above.

5. Any refunds remaining unclaimed on December 31, 1971 shall be handled in accordance with Article 8, Chapter 115, CRS 1963, as amended.

6. The request that Protestant's attorney fees and costs be paid out of the refund amount be, and hereby is, denied.

7. The motion of Applicant, in Application No. 23116, for authority to take accelerated depreciation for book accounting purposes, specifically stated in its motion "Use of the normalization method of accounting described in Section 167 (1)(3)(G)(i) of the Internal Revenue Code, as amended, both for the purpose of establishing any amount of refund due under the Colorado Supreme Court's Decision in Colorado Municipal League, et al. vs. Public Utilities Commission, et al., supra, and for the purpose of accounting and/or rate making from January 1, 1970 forward," be, and hereby is, denied.

8. Within thirty (30) days from the date of this Order, Applicant shall file with this Commission a negative rider equivalent to 1.01999462% of gross revenues to be applied to "line one" billings of the Company, such rider to become effective on not less than five (5) days' notice, and remain in effect until new rates are established pursuant to law.

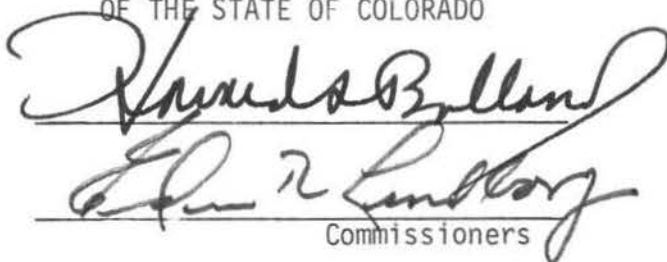
9. Applicant, within thirty (30) days after the effective date of the aforesaid negative rider, shall submit to the Commission, for review and approval, the computations for the amount of refund in accordance with the above Findings together with an outline of the mechanics of refund.

10. Commission Order and Decision No. 72385, be, and hereby is, amended and modified in accordance with this Order and Decision but otherwise shall remain in full force and effect.

11. The Commission retains such further jurisdiction in this matter as is proper and necessary.

12. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
CONCURRING AND DISSENTING IN PART

COMMISSIONER HENRY E. ZARLENGO CONCURRING AND DISSENTING IN PART:

I respectfully dissent.

I concur in the foregoing Supplemental Order, but dissent in the statement therein that the Commission does not have jurisdiction in the matter concerning attorneys' fees and costs to be paid out of the refund amount.

CRS 1963, as amended, reads:


"115-3-2. Regulation of rates--correction of abuses --
The power and authority is hereby vested in the public utilities commission of the state of Colorado, and it is hereby made its duty to adopt all necessary rates, charges, and regulations to govern and regulate all rates, charges and tariffs of every public utility of this state to correct abuses, and prevent unjust discriminations and extortions in the rates, charges and tariffs of such public utilities of this state, and to generally supervise and regulate every public utility in this state and to do all things, whether specifically designated in articles 1 to 7 of this chapter, or in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same by the penalties provided in said articles, through proper courts having jurisdiction."
(Emphasis supplied.)

Said statute, inter alia, in my opinion gives the Commission jurisdiction, and in this case such reimbursement would be not only legal but equitable.

Without the monies paid out and the aggressive and well taken action on the part of the League, higher rates may have been established and, for certain, the refund would have been lost to the ratepayers who now have lower rates and would enjoy an unjust enrichment if the Order is allowed to stand.

In my opinion, the Commission action is arbitrary and capricious.

I would therefore hold a hearing on reimbursement to the League to determine its reasonable costs and attorneys' fees and after said hearing allow the same in an amount found to be reasonable.


Henry E. Zarlengo, Commissioner

Dated at Denver, Colorado,
this 15th day of January, 1971.

16

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LARRY J. PEACOCK AND JAMES E. PEACOCK,)
DOING BUSINESS AS "PEACOCK TRUCKING,")
5573 SOUTH HURON,)
LITTLETON, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-7260,)
PENDING THE DETERMINATION OF THE AP-)
PLICATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 24733-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Permit No. B-7260
to the above-named Transferees.

It further appearing, That failure to grant temporary
approval may result in destruction of, or injury to, the Applicants or
interfere substantially with their future usefulness in the performance
of adequate and continuous service to the public.

It is ordered, That Transferees be, and are hereby, granted
temporary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

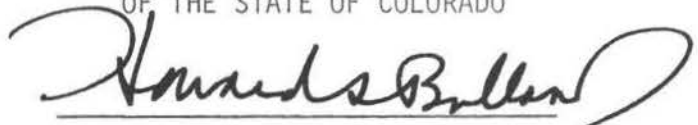
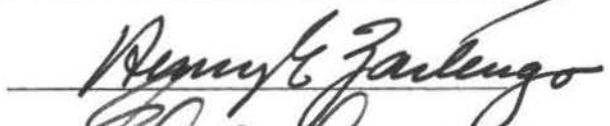

It is further ordered, That the service provided for in the
Order shall not be commenced until all requirements have been met and
Transferees have received notice in writing from the Commission that
compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferees to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferees fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
js

(Decision No. 76675)
January 18, 1971

APPENDIX

Application No. 24733-PP-Transfer-TA

Larry J. Peacock and James E. Peacock
Doing Business As
"Peacock Trucking"
5573 South Huron
Littleton, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary approval to operate under Contract Carrier Permit No. B-7260 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;

4. Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This temporary approval is restricted as follows:

- a. Against the use of tank vehicles when transporting road-surfacing materials.
- b. To serving not more than ten (10) customers at any one time."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT STEPHENS, DOING BUSINESS AS)
"DISPOSAL SERVICE," BOX 273,)
CRIPPLE CREEK, COLORADO, FOR AUTH-)
ORITY TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7185 TO HARRY OHLMAN, DOING)
BUSINESS AS "DISPOSAL SERVICE,")
131 WEST CARR AVENUE, CRIPPLE CREEK,)
COLORADO.)

APPLICATION NO. 24623-Transfer

ORDER OF THE COMMISSION

January 21, 1971

It appearing, That by Order of the Commission dated October 28, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission, together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Albert Stephens, doing business as "Disposal Service," Box 273, Cripple Creek, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7185 to Harry Ohlman, doing business as "Disposal Service," 131 West Carr Avenue, Cripple Creek, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7185 shall read and be as follows, to wit:

"Transportation of

Ash, trash, and other refuse

From all points located within Cripple Creek, Colorado, and a ten (10) mile radius thereof, to designated and approved dumps and disposal sites located within Teller County, State of Colorado";

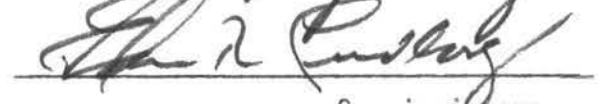
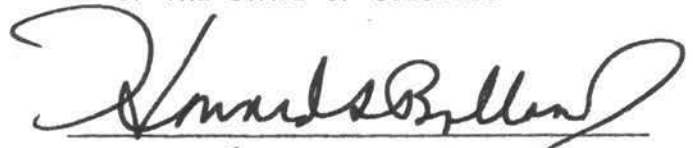
It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future

laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

And it is further ordered, That 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 21st day of January, 1971.
hbp

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, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6530.)

APPLICATION NO. 24494-PP-Extension

SUPPLEMENTAL ORDER

January 18, 1971

Appearances: R. B. Danks, Esq., Denver, Colorado,
for Applicant;

Edward T. Lyons, Jr., Esq., Denver,
Colorado, for Goldstein Transportation
and Storage, Inc., and Westway Motor
Freight, Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 5, 1971, the Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On January 12, 1971, Applicant Denver-Climax Truck Line, Inc., by its attorney R. B. Danks, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner until ten (10) days after the certification of the transcript by the reporter.

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

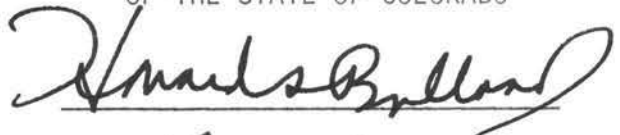


O R D E R

THE COMMISSION ORDERS THAT:

The Applicant, Denver-Climax Truck Line, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until ten (10) days after the certification of the transcript of the proceedings by the official reporter.

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 18th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND L. MAULDIN, OWNER OF ALL THE)
OUTSTANDING CAPITAL STOCK OF COLORADO)
CARTAGE COMPANY, INC., 5275 QUEBEC)
STREET, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
COLORADO CARTAGE COMPANY, INC.,)
RECORD OWNER OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO. 692)
AND PUC NO. 692-I, TO AMERICAN)
COURIER CORPORATION, 2 NEVADA DRIVE,)
LAKE SUCCESS, NEW YORK.)

APPLICATION NO. 24629-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RAYMOND L. MAULDIN, OWNER OF ALL THE)
OUTSTANDING CAPITAL STOCK OF COLORADO)
CARTAGE COMPANY, INC., 5275 QUEBEC)
STREET, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
COLORADO CARTAGE COMPANY, INC.,)
RECORD OWNER OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
1938 AND PUC NO. 1938-I, TO AMERICAN)
COURIER CORPORATION, 2 NEVADA DRIVE,)
LAKE SUCCESS, NEW YORK.)

APPLICATION NO. 24630-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RAYMOND L. MAULDIN, OWNER OF ALL THE)
OUTSTANDING CAPITAL STOCK OF COLORADO)
CARTAGE COMPANY, INC., 5275 QUEBEC)
STREET, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
COLORADO CARTAGE COMPANY, INC.,)
RECORD OWNER OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
2693 AND PUC NO. 2693-I, TO AMERICAN)
COURIER CORPORATION, 2 NEVADA DRIVE,)
LAKE SUCCESS, NEW YORK.)

APPLICATION NO. 24631-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RAYMOND L. MAULDIN, OWNER OF ALL THE)
OUTSTANDING CAPITAL STOCK OF COLORADO)
CARTAGE COMPANY, INC., 5275 QUEBEC)
STREET, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
COLORADO CARTAGE COMPANY, INC.,)
RECORD OWNER OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
3379 AND PUC NO. 3379-I, TO AMERICAN)
COURIER CORPORATION, 2 NEVADA DRIVE,)
LAKE SUCCESS, NEW YORK.)

APPLICATION NO. 24632-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RAYMOND L. MAULDIN, OWNER OF ALL THE)
OUTSTANDING CAPITAL STOCK OF COLORADO)
CARTAGE COMPANY, INC., 5275 QUEBEC)
STREET, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
COLORADO CARTAGE COMPANY, INC.,)
RECORD OWNER OF CONTRACT CARRIER)
PERMIT NO. B-4470, TO AMERICAN)
COURIER CORPORATION, 2 NEVADA DRIVE,)
LAKE SUCCESS, NEW YORK.)
- - - - -

APPLICATION NO. 24635-PP-Stock Transfer

ORDER OF THE COMMISSION

- - - - -
January 18, 1971
- - - - -

Appearances: Edward T. Lyons, Esq., Denver,
Colorado, for Transferee.

John H. Lewis, Esq., Denver,
Colorado, for Transferor.

It appearing, That by Order of the Commission dated October 28, 1970, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in these proceedings has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceedings are therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matters are ones which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfers as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the Transferee is fit, willing and able properly to control the operations called for and required by Certificates of Public Convenience and Necessity PUC Nos. 692 and 692-I, 1938 and 1938-I, 2693 and 2693-I, 3379 and 3379-I, and Contract Carrier Permit No. B-4470; and that the following order should be entered;

And we further find, That the transfers as applied for are compatible with the public interest;

IT IS ORDERED, That Raymond L. Mauldin, owner of all the outstanding capital stock of Colorado Cartage Company, Inc., 5275 Quebec Street, Commerce City, Colorado be, and is hereby, authorized to transfer all the outstanding capital stock in and to Colorado Cartage Company, Inc., record owner of Certificates of Public Convenience and Necessity PUC Nos. 692 and 692-I, 1938 and 1938-I, 2693 and 2693-I, 3379 and 3379-I, and Contract Carrier Permit No. B-4470 to American Courier Corporation, 2 Nevada Drive, Lake Success, New York.

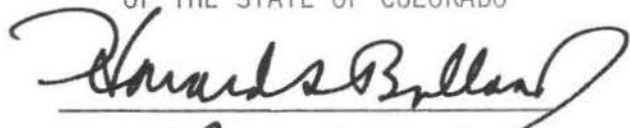
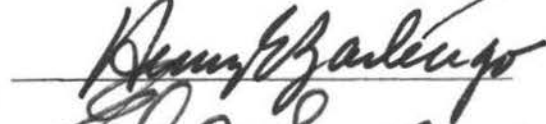

That said transfers of stock shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions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

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

That the right of Transferee to operate under this Order shall be dependent upon 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 Certificates and Permit.

That this Order shall be effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD C. WHEELER AND RICHARD O.)
ROBERTS, DOING BUSINESS AS "D & R)
TRUCKING," 2390 JAMAICA STREET,)
AURORA, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24727-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That Applicants be, and are hereby, granted
temporary authority, conditioned upon full compliance with all
applicable statutory and Commission requirements, rules and regulations,
to engage in the business of transportation by motor vehicle to the
extent and in the manner set forth in the appendix attached hereto.

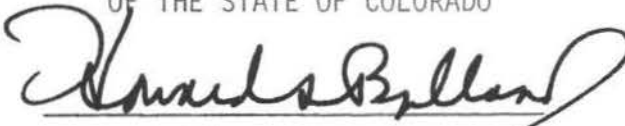
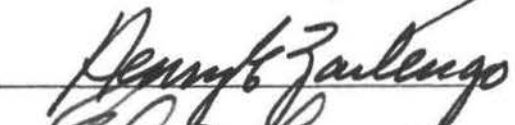

It is further ordered, That the service provided for in this
Order shall not be commenced until all requirements have been met and
Applicants have received notice in writing from the Commission that
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicants to maintain compliance
with statutory and Commission requirements shall constitute sufficient
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
js

(Decision No. 76679)
January 18, 1971

APPENDIX

Application No. 24727-PP-TA

Donald C. Wheeler and Richard O. Roberts
Doing Business As
"D & R Trucking
2390 Jamaica Street
Aurora, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle 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 one hundred (100) miles of said forests;

2. Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION: Items No. 1 and 2 of this temporary authority are restricted as follows:

- (a) Against town-to-town service.
- (b) To serving not more than ten (10) customers at any one time.

3. Rock (natural)

From supply points to points in the State of Colorado.

RESTRICTION: Item No. 3 is restricted to rendering
transportation service for only the Green Ranger Co.,
Thornton, Colorado."

(Decision No. 76680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, DONALD J. SEBERN, T. W.)
RINKER, TED P. RINKER, KENT D. SEBERN,)
AND LEONARD L. DeLUE, INDIVIDUALLY AND)
AS TRUSTEE AND EXECUTOR OF THE ESTATE)
OF ELEANOR L. DeLUE, DOING BUSINESS AS)
"ARMORED MOTORS SERVICE," 970 YUMA STREET,)
DENVER, COLORADO, FOR TEMPORARY AUTHOR-)
ITY TO EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-958.)

APPLICATION NO. 24706-PP-Extension-TA

SUPPLEMENTAL ORDER

January 15, 1971

By Decision No. 76646 dated January 12, 1971, the Commission denied the temporary authority sought. On January 15, 1971, Applicants filed a Petition for Reconsideration of said Decision No. 76646. Upon reconsideration, the Commission states and finds that said petition should be granted and that Decision No. 76646 should be set aside and held for naught.

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That the Petition for Reconsideration of Decision No. 76646, filed by the Applicants on January 15, 1971, be, and hereby is, granted.

It is further ordered, That Decision No. 76646, dated January 12, 1971, be, and hereby is, set aside and held for naught.

It is further ordered, That Applicants be, and are hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

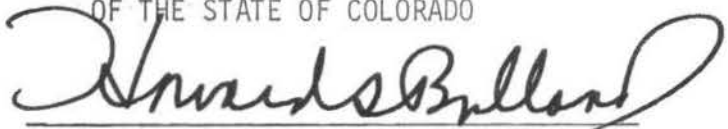
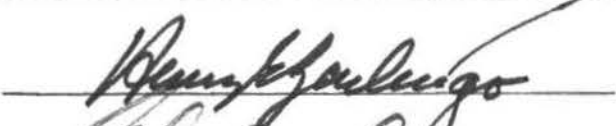
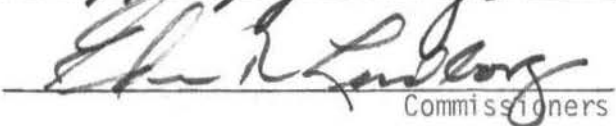
It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicants have received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the Applicants to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
15th day of January, 1971.

vjr

(Decision No. 76680)
January 15, 1971

APPENDIX

Application No. 24706-PP-Extension-TA

Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker,
Kent D. Sebern, and Leonard L. DeLue, Individually and as
Trustee and Executor of the Estate of Eleanor L. DeLue
Doing Business As
"Armored Motors Service"
970 Yuma Street
Denver, Colorado

By order of the Commission which this appendix is a part hereof,
entered under the name and number shown above, Applicants, upon compliance
with the conditions set forth therein and after receipt of notice in writing
from the Commission that said conditions have been met, are authorized to
engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time
as the decision of the Commission on the corresponding permanent applica-
tion of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to extend operations under Contract Carrier Permit No.
B-958 as follows:

"Transportation of

Film (processed and unprocessed), prints, video tape, and
related educational materials,

Between all points located within the State of Colorado.

RESTRICTION: This temporary authority is restricted to
rendering transportation service for only Colorado State
University, Fort Collins, Colorado, and Calandra Photo of
Colorado, Inc., Denver, Colorado."

(Decision No. 76681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

EDWIN P. AND CARLETON HOBBS DBA
LION STONE COMPANY
2041 5th Street
Boulder, Colorado 80301

AUTHORITY NO. M 3960

CASE NO. 6367-M-Ins.

January 15, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970, 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.

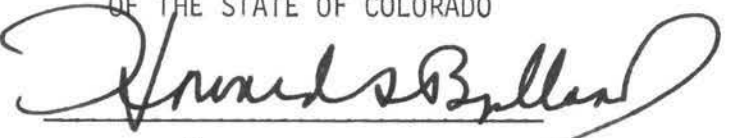


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1971.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WILLIAM J. McCOY DBA
BILLY MACK CONSTRUCTION COMPANY
Post Office Box 625
Alamosa, Colorado 81101

CASE NO. 6375-M-Ins.

STATEMENT AND FINDINGS OF FACT

On January 11, 1971 , 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 Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

James S. Bullen
Henry G. Hastings
Eben A. Lindberg
Commissioners

bb

(Decision No. 76683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

J. J. McGINTY)
461 Rose Street)
Craig, Colorado 81625)

AUTHORITY NO. M 3741

CASE NO. 6460-M-Ins.

January 15, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

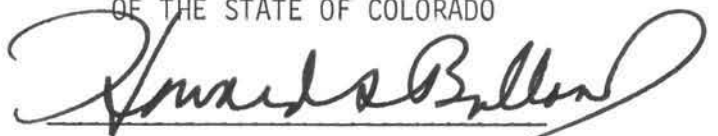


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1971 .

(Decision No. 76684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JOHN F. SKALA DBA)
QUALITY LIQUOR STORE)
309 Harrison)
Leadville, Colorado 80461)

AUTHORITY NO. M 14450

CASE NO. 6497-M-Ins.

January 15, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

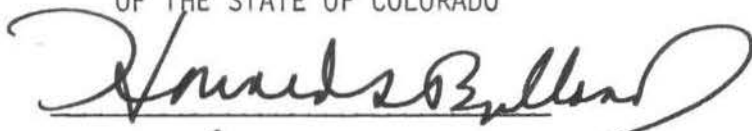


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1971

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
W. W. RODGERS, ROY DOUG RODGERS,
BILLY DON RODGERS DBA
W. W. RODGERS & SONS PRODUCE
1103 So. HARWOOD
DALLAS, TEXAS 75201

AUTHORITY NO. 7460-I
CASE NO. 2524-H-Ins.

January 18, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

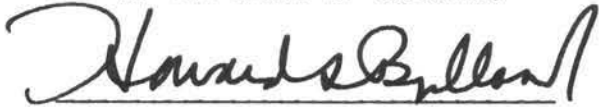
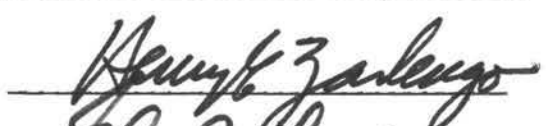

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARTH L. COOK AND GLADE BAGNELL,)
DOING BUSINESS AS "COLORADO WINTER)
TOURS," P. O. BOX D-2, WEST VILLAGE)
BRANCH, ASPEN, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24732-TA
ORDER DENYING TEMPORARY AUTHORITY


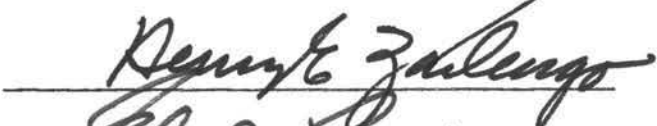
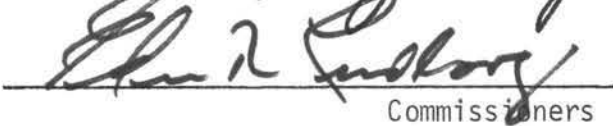
January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (1), being under consideration, and

It appearing, That the Applicants have not shown that there is an immediate and urgent need for the relief herein sought,

It is ordered, That the application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ISIDORO QUINTANA, DOING BUSINESS AS)
"VAIL TAXI SERVICE," P. O. BOX 281,)
MINTURN, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24731-TA
ORDER DENYING TEMPORARY AUTHORITY

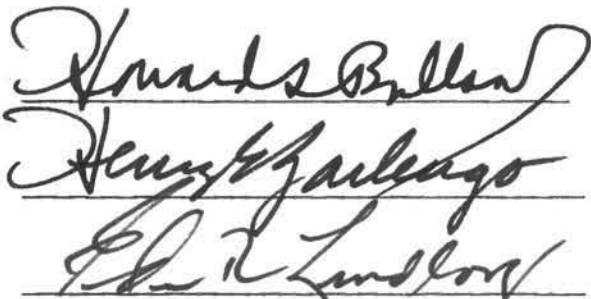
January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (1), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought,

It is ordered, That the application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
hbp

(Decision No. 76688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDEN TRANSFER COMPANY, 111 SOUTH)
PRATT PARKWAY, LONGMONT, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24728-PP-TA

ORDER DENYING TEMPORARY AUTHORITY

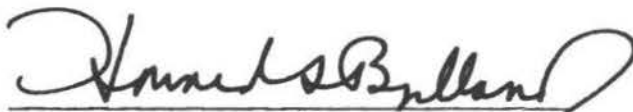
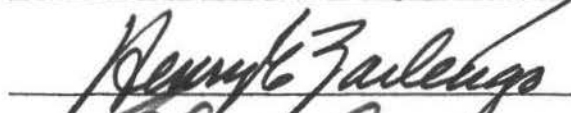
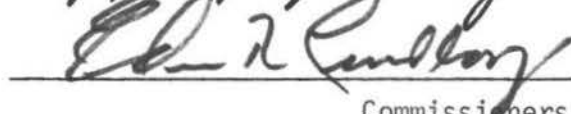
January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (1), being under consideration, and

It appearing, That the Applicant has not shown that there is an immediate and urgent need for the relief herein sought,

It is ordered, That the Application for temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
hbp

(Decision No. 76689)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CARTAGE CO., INC., P. O.)
BOX 7176 PARK HILL STATION, DENVER,)
COLORADO, FOR TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 692 AND PUC NO. 692-I.)

APPLICATION NO. 24628-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

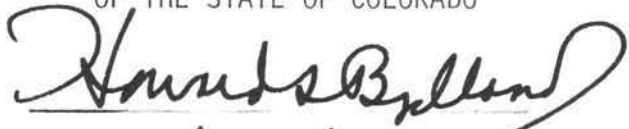


January 18, 1971

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That the Applicant has not shown that there is
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority be,
and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RYBERG-WALDORF HOUSEMOVERS CO., A)
COLORADO CORPORATION, 6122 EATON)
STREET, ARVADA, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
3141 TO H. CARL RYBERG, DOING BUSI-)
NESS AS "RYBERG CONSTRUCTION CO.,")
8317 SOUTH REED STREET, LITTLETON,)
COLORADO.)

APPLICATION NO. 24670-Transfer

ORDER OF THE COMMISSION

- - - - -
January 19, 1971
- - - - -

Appearances: Loye & Bangert, Esqs., Wheat Ridge,
Colorado, for Applicants.

It appearing, That by Order of the Commission dated November 25, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Ryberg-Waldprf Housemovers Co., a Colorado corporation, 6122 Eaton Street, Arvada, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3141 to H. Carl Ryberg, doing business as "Ryberg Construction Co.," 8317 South Reed Street, Littleton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3141 shall read and be as follows, to wit:

"Transportation of

Buildings

Between all points within a sixty (60) mile radius of Colfax Avenue and Broadway, Denver, Colorado, and to and from said points, from and to points within a one hundred (100) mile radius of said Colfax Avenue and Broadway."

It is further ordered, 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

It is further ordered, That 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.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

And it is further ordered, That 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 19th day of January, 1971.
hj

(Decision No. 76691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BIG VALLEY STAGE LINES, INC., BOX	)	<u>APPLICATION NO. 24643</u>
121, WINTER PARK, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A COMMON	)	<u>ORDER OF THE COMMISSION</u>
CARRIER BY MOTOR VEHICLE,)	

January 19, 1971

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Applicant.

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter ordered;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Big Valley Stage Lines, Inc., Box 121, Winter Park, Colorado, be, and is hereby, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation -- on schedule -- of
Passengers and their baggage

Between Tabernash, Colorado and the main (south) entrance of the Winter Park Ski Area, Colorado, over U. S. Highway 40 serving all intermediate points and the off-route points located within one (1) mile of said highway";

and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

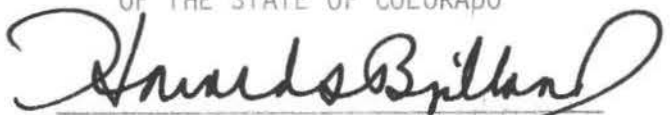
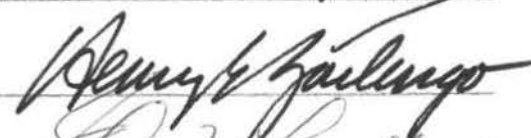
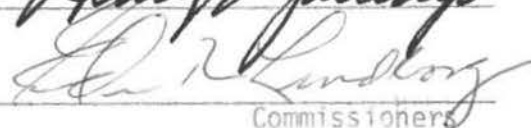
It is further ordered, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from date hereof.

It is further ordered, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

It is further ordered, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That 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 19th
day of January, 1971.

hj

(Decision No. 76692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD C. WHEELER AND RICHARD O.)
ROBERTS, DOING BUSINESS AS "D & R)
TRUCKING," 2390 JAMAICA STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24727-PP

ORDER OF THE COMMISSION

January 19, 1971

It appearing, That by Order of the Commission dated January 6, 1971, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Donald C. Wheeler and Richard O. Roberts, doing business as "D & R Trucking," 2390 Jamaica Street, Aurora, Colorado, be, and are hereby, authorized to operate as a class "B" contract 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 one hundred (100) miles of said forests;

2. Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION: Items No. 1 and 2 of this Permit are restricted as follows:

- a. Against town-to-town service.
- b. To serving not more than ten (10) customers at any one time.

3. Rock (natural)

From supply points to points in the State of Colorado.

RESTRICTION: Item No. 3 is restricted to rendering transportation service for only the Green Ranger Co., Thornton, Colorado";

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

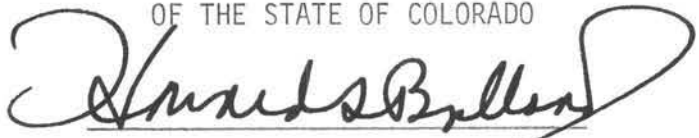


It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

It is further ordered, That the right of Applicants to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That 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 19th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MICHAEL J. DUZIK, DOING BUSINESS AS)
"NORTHWEST TAXI CAB SERVICE," P. O.)
BOX 1162, CRAIG, COLORADO, FOR AUTH-)
ORITY TO LEASE CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
1290 TO SKI COUNTRY STAGES, INC.,)
211 MISSOURI STREET, P. O. BOX 1046,)
STEAMBOAT SPRINGS, COLORADO.)

APPLICATION NO. 24659-Lease

ORDER OF THE COMMISSION

January 19, 1971

Appearances: Kenneth J. Burke, Esq., Denver,
Colorado, for Lessee.

It appearing, That by Order of the Commission dated November 25, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the lease as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Lessee has been satisfactorily established and that the lease is compatible with the public interest;

And we further find, That Lessee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Michael J. Duzik, doing business as "North-west Taxi Cab Service," P. O. Box 1162, Craig, Colorado, be, and is hereby, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1290 to Ski Country Stages, Inc., 211 Missouri Street, P. O. Box 1046, Steamboat Springs, Colorado, in accordance with the terms and conditions of the Agreement of Lease dated June 22, 1970, and amended October 16, 1970, and by reference made a part hereof.

It is further ordered, That the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1290, as herein authorized to be leased, shall 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."

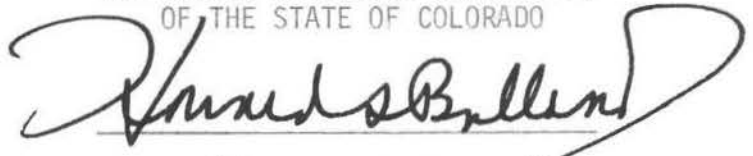


It is further ordered, That said lease shall be effective for a period of five (5) years from the effective date of this Order.

It is further ordered, That the tariff of rates, rules and regulations of Lessor shall upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Lessee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

And it is further ordered, That 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 19th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOWEN TRUCKING CO., A CORPORATION,)
P.O. BOX 387, FARMINGTON, NEW MEXICO,)
AND P.O. DRAWER "J", ABERDEEN,)
MISSISSIPPI, FOR AUTHORITY TO TRANS-)
FER PUC NO. 1370 AND PUC NO. 1370-I)
TO G & L TRACTOR SERVICE, INC., A)
COLORADO CORPORATION, 1015 MIDLAND)
SAVINGS BUILDING, DENVER, COLORADO.)

APPLICATION NO. 24468-
Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 19, 1971

Appearances: Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Applicants.
Kenuff D. Wolford, Esq.,
Denver, Colorado, for
Turner Brothers Trucking
Company, Inc., Protestant.

PROCEDURE AND RECORD

Under date of July 22, 1970, Applicants filed the above-entitled application for authority to transfer Certificates of Public Convenience and Necessity PUC No. 1370 and PUC No. 1370-I, to operate as a common carrier by motor vehicle, from Bowen Trucking Co. to G & L Tractor Service, Inc.

The Commission assigned No. 24468-Transfer to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Robert L. Bowen and Albert E. Goodwin testified in support of the application. Howard Johnson testified in protest of the application.

Exhibits 1, 2, 3, 4, 5, 6, and 7 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Transferor herein is a New Mexico corporation duly organized and existing under the laws of the State of New Mexico and authorized to do business in the State of Colorado.

2. Transferor is the present owner and operator of PUC No. 1370 and PUC No. 1370-I, 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. Transferee herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

5. Transferee holds previously granted authority from this Commission, to-wit: Permit No. B-4678, Permit No. B-4763, Permit No. B-5021, and PUC No. 4647-I, none of which have any bearing on the herein matter.

6. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

7. The Certificate is free and clear of any debts, encumbrances, or obligations.

8. Transferee corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

9. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have or will make adequate provision for insurance.

10. This transfer application was protested by Turner Brothers Trucking Company, Inc., under its Certificates of Public Convenience and Necessity PUC No. 756 and PUC No. 756-I, contending that the Transferor had in fact abandoned Certificates of Public Convenience and Necessity PUC No. 1370 and PUC No. 1370-I and that said Certificate was now dormant.

11. Upon the request of the Examiner, Transferor filed as a late-filed Exhibit an Abstract of Shipments dating back to the year 1967 and it is specifically found that said Certificate has not in fact been abandoned.

12. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

13. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The Protest of Protestant, Turner Brothers Trucking Company, Inc., should be, and hereby is, dismissed.

2. The transfer sought by Applicants should be granted as herein-after set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Bowen Trucking Co., a New Mexico corporation, P.O. Box 387, Farmington, New Mexico, and P.O. Drawer "J", Aberdeen, Mississippi, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 1370 and PUC

No. 1370-I to G & L Tractor Service, Inc., a Colorado corporation, 1015 Midland Savings Building, Denver, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Certificates of Public Convenience and Necessity PUC No. 1370 and PUC No. 1370-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

- (1) Machinery, equipment, materials and supplies used in or in connection with, discovery, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and
- (2) 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 picking up thereof;

Between all points in the State of Colorado.

- (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.

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

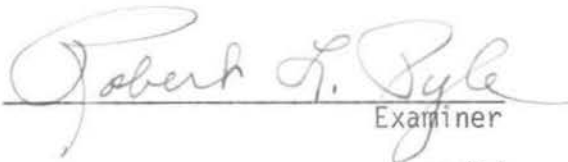
4. That the tariff of rates, rules, and regulations of Transferor, where applicable, shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

5. That 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 of the annual report by Transferor covering the operations under the Certificate up to the time of the transfer of said Certificate.

6. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOUGLAS M. GARNER, DOING BUSINESS AS)
"BIG VALLEY TRANSFER," P. O. BOX 55,)
NORWOOD, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-6636,)
PENDING THE DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 24719-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

IN THE MATTER OF THE APPLICATION OF)
DOUGLAS M. GARNER, DOING BUSINESS AS)
"BIG VALLEY TRANSFER," P. O. BOX 55,)
NORWOOD, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-7014,)
PENDING THE DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 24720-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 19, 1971

The above entitled applications under CRS 1963, 115-6-20 (2), being under consideration, and

It appearing, That appropriate applications have been made to this Commission for permanent authority to transfer Contract Carrier Permit Nos. B-6636 and B-7014 to the above-named Transferee.

It further appearing, That failure to grant temporary approval may result in destruction of, or injury to, the Applicant or interfere substantially with his future usefulness in the performance of adequate and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted temporary approval, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in appendix attached hereto.

It is further ordered, That the service provided for in the Order shall not be commenced until all requirements have been met and Transferee

has received notice in writing from the Commission that compliance has been effected and service may be instituted.

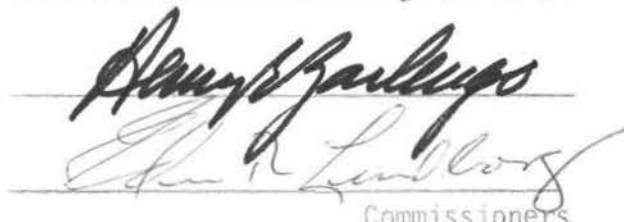
It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
hbp

APPENDIX

Douglas M. Garner
Doing Business As
"Big Valley Transfer"
P. O. Box 55
Norwood, Colorado

By Order of the Commission, which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth herein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary approval to conduct operations under Contract Carrier Permit Nos. B-6636 and B-7014 with authority as follows:

PERMIT NO. B-6636

"Transportation of

sand, gravel, and other road-surfacing materials used in the construction of roads and highways,

from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five (75) miles of said pits and supply points;

sand and gravel,

from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of seventy-five (75) miles of said pits and supply points;

sand, gravel, dirt, stone, and refuse,

from and to building construction jobs, to and from points within a radius of seventy-five (75) miles of said jobs;

insulrock,

from pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points, the transportation of road-surfacing materials being restricted against the use of tank vehicles."

(Decision No. 76695)
January 19, 1971

PERMIT NO. B-7014

"Transportation of

gasoline and diesel fuels in bulk,

for Phillips Petroleum Company only, from the Phillips
Petroleum Company plant near Denver, Colorado, to
Phillips Petroleum Company, Norwood, Colorado,

and to customers of Phillips Petroleum Company located
within a radius of twenty-five (25) miles of Norwood,
Colorado."

(Decision No. 76696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. PEACOCK, 5573 SOUTH HURON,)
LITTLETON, COLORADO, FOR AUTHORITY)
TO TRANSFER CONTRACT CARRIER PERMIT)
NO. B-7260 TO LARRY J. PEACOCK AND)
JAMES E. PEACOCK, DOING BUSINESS AS)
"PEACOCK TRUCKING," 5573 SOUTH)
HURON, LITTLETON, COLORADO.)

APPLICATION NO. 24733-PP-Transfer

ORDER OF THE COMMISSION

January 19, 1971

It appearing, That by Order of the Commission dated January 6, 1971, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferees are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That James E. Peacock, 5573 South Huron, Littleton, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7260 to Larry J. Peacock and James E. Peacock, doing business as "Peacock Trucking," 5573 South Huron, Littleton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That henceforth the full and complete authority under Contract Carrier Permit No. B-7260 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 one hundred (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 one hundred (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 one hundred (100) miles of said jobs;

4. Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

- a. Against the use of tank vehicles when transporting road-surfacing materials.
- b. To serving not more than ten (10) customers at any one time."

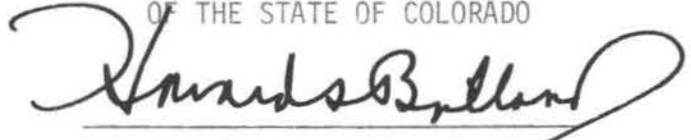


It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions 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 days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

It is further ordered, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferees until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferees to operate under this Order shall be dependent upon 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.

And it is further ordered, That 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 19th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DOUGLAS M. GARNER, DOING BUSINESS AS)	
"BIG VALLEY TRANSFER," P. O. BOX 55,)	<u>APPLICATION NO. 24717-Transfer-TA</u>
NORWOOD, COLORADO, FOR TEMPORARY)	
APPROVAL TO CONDUCT OPERATIONS UNDER)	<u>ORDER GRANTING TEMPORARY APPROVAL</u>
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY PUC NO. 943 AND PUC)	
NO. 943-I, PENDING THE DETERMINATION)	
OF THE APPLICATION TO ACQUIRE SAID)	
CERTIFICATE.)	

IN THE MATTER OF THE APPLICATION OF)	
DOUGLAS M. GARNER, DOING BUSINESS AS)	
"BIG VALLEY TRANSFER," P. O. BOX 55,)	<u>APPLICATION NO. 24718-Transfer-TA</u>
NORWOOD, COLORADO, FOR TEMPORARY)	
APPROVAL TO CONDUCT OPERATIONS UNDER)	<u>ORDER GRANTING TEMPORARY APPROVAL</u>
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY PUC NO. 6812, PENDING)	
THE DETERMINATION OF THE APPLICATION)	
TO ACQUIRE SAID CERTIFICATE.)	

January 19, 1971

The above-entitled applications under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That appropriate applications have been made to
this Commission for permanent authority to transfer Certificates of
Public Convenience and Necessity PUC No. 943, PUC No. 943-I and
PUC No. 6812 to the above-named Transferee.

It further appearing, That failure to grant temporary approval
may result in destruction of, or injury to, the Applicant or interfere
substantially with his future usefulness in the performance of adequate
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted
temporary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

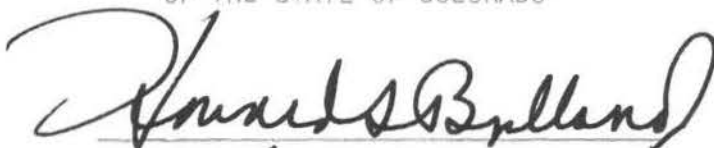

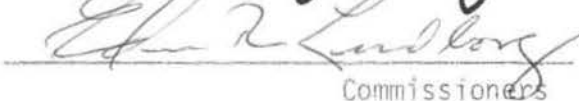
It is further ordered, That the service provided for in the Order shall not be commenced until all requirements have been met and Transferee has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
hbp

APPENDIX

Douglas M. Garner
Doing Business As
"Big Valley Transfer"
P. O. Box 55
Norwood, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to conduct operations under Certificates of Public Convenience and Necessity PUC No. 943, PUC No. 943-I and PUC No. 6812 with authorities as follows:

PUC NO. 943 AND PUC NO. 943-I

"Transportation of

ore, livestock, lumber, grain, hay and hay and general farm products,

from point to point in an area within a radius of fifty (50) miles of Norwood, Colorado, and to and from points in said area, from and to points within the State of Colorado,

provided no service shall be rendered in competition with any line-haul common carrier serving said area.

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."

PUC NO. 6812

"Transportation of

heavy equipment as follows:

Road construction equipment and machinery, mining machinery and equipment, farm machinery and equipment, logging machinery and equipment, and ditching machinery and equipment,

from point to point in an area within a radius of twenty-five (25) miles of Norwood, Colorado, and to and from points in said area, from and to points within the State of Colorado,

provided no service shall be rendered in competition with any line-haul common carrier serving said area;

and further restricted against movements of mining machinery and equipment

between points located within the eastern one-half of said twenty-five (25) mile radius on the one hand, and on the other, points in Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED CHARTER)
COACH CHARGES, NATIONAL BUS TRAFFIC)
ASSOCIATION, INC., AGENT, CHARTER)
COACH TARIFF NO. A-405, COLORADO)
PUC NO. 145)
-----)

Investigation and Suspension
Docket No. 671

January 19, 1971

STATEMENT

BY THE COMMISSION:

On December 28, 1970, National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, 506 South Wabash Avenue, Chicago, Illinois 60605, filed Sixteenth Revised Page B-1, Sixteenth Revised Page B-2, Sixteenth Revised Page B-3, Sixteenth Revised Page B-4, Eighth Revised Page B-5 and Eighth Revised Page B-6 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, on behalf of the motor vehicle common and contract carriers of passengers participating therein, as follows:

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.
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)
Glover Charter Coach Company, Inc., (The Leadville
Transit Company, Inc., (A Colorado Corporation), d/b/a)
Greyhound Lines, Inc., (Greyhound Lines - West Division)
Leadville Transit Company, Inc., The
Pikes Peak-Intermountain Transportation Company (A Division
of the Pikes Peak Automobile Company)
San Juan Tours, Inc.
Transcontinental Bus System, Inc.
Valley Transit Lines, Inc.

Changes in the table numbers to be used in determining the charges under Sections B and C of the tariff result in increased charges for charter coach movements within the State of Colorado, such changes scheduled to become effective February 1, 1971.

F I N D I N G S

THE COMMISSION FINDS:

1. That the increased charges resulting from the changes proposed and published in Sixteenth Revised Page B-1, Sixteenth Revised Page B-2, Sixteenth Revised Page B-3, Sixteenth Revised Page B-4, Eighth Revised Page B-5 and Eighth Revised Page B-6 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, may, if permitted to become effective, result in charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted into and concerning the lawfulness thereof.

2. That Respondents should be notified and required to submit information and supporting data which shall include, among other things, Colorado intrastate actual cost and revenue data, including anticipated revenue, to show the effect of the proposed increase; Colorado intrastate operating ratios specifically related to the traffic and territories involved; overall Colorado intrastate and system operating ratios; detailed data to disclose carrier-affiliate financial and operating relationships and transactions; and, in addition, all pertinent evidence and supporting data for the individual carriers as they relate to their overall Colorado intrastate operations and, specifically, to Colorado intrastate traffic and territories involved.

3. That the data required to be submitted by Respondents shall include the following information:

A. A copy of the income statements of each carrier or affiliate for the years 1968, 1969 and 1970; prepared according to the Uniform System of Accounting as detailed in Section 1206 of the Code of Federal Regulations.

B. The traffic studies to be submitted shall be based upon actual charter operations conducted during identical periods of time for each carrier and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for such cost and traffic studies shall be

shown to be representative and their selection statistically sound.

C. The traffic studies of such charter operations shall include the months of July, August, November and February for the years 1968, 1969 and 1970.

D. Information to be submitted shall include the charter bus miles operated (loaded and empty), vehicle miles operated, passenger miles operated, income derived, number of passengers carried intrastate Colorado and total intrastate and interstate for the carrier and affiliate.

E. In order to assess the impact of transactions between the respondent carriers and their affiliates, the following data shall be submitted:

- (a) The names of each affiliate used by respondent in its motor carrier operation.
- (b) The kinds of service which each affiliate supplied.
- (c) The basis of charge for the service which each affiliate supplied.
- (d) The total charge to the respondent by each affiliate for such service to include, but not limited to, the following items:
 - (1) Lease of vehicles
 - (2) Lease of terminals
 - (3) Lease of other properties
 - (4) Furnishing of materials and supplies
 - (5) Vehicle repair
 - (6) Management of all kinds
 - (7) Property sold to Respondent by affiliate
 - (8) Insurance underwriting
- (e) The percentage revenue from the respondent of the affiliates' total business where it had transactions with persons or corporations other than the respondent in 1969.
- (f) The income statement of each affiliate for the year 1969 and the first three quarters of 1970.
- (g) The amounts of wages, salaries, bonuses and other compensation paid by the affiliate to those individuals who also were officers or directors of the respondent.
- (h) Any other contract agreement or arrangement, written or unwritten, in effect at any time during 1969, or the first three quarters of 1970, between the respondent and companies or persons associated with the respondent, including officers, directors, stockholders, owners, partners, or wives and other close relatives of the aforementioned persons, or their agents, whereby the respondent received management, construction, engineering, financial, legal, accounting, purchasing or other type of service including the furnishing of material and supplies, purchase of equipment, and the leasing of structures, land and vehicles.

F. All of the required data specified in the findings hereof shall be based upon and reflect the annual reporting period for the years 1968, 1969 and 1970. Five (5) copies of all documentary evidence to be presented by the Respondents shall be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

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 it shall enter upon a hearing concerning the lawfulness of the increased charges resulting from changes published on Sixteenth Revised Page B-1 and Page B-2, Sixteenth Revised Page B-3 and Page B-4, Eighth Revised Page B-5 and Page B-6 of the National Bus Traffic Association, Inc., Agent, Charter Coach Tariff No. A-405, Colorado PUC No. 145.

3. That the Operation of said schedules, Sixteenth Revised Page B-1 and Page B-2, Sixteenth Revised Page B-3 and Page B-4, Eighth Revised Page B-5 and Page B-6 of Charter Coach Tariff No. A-405, Colorado PUC No. 145, be, and it is hereby, suspended and the use thereof deferred to and including May 19, 1971, unless otherwise ordered by the Commission.

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

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

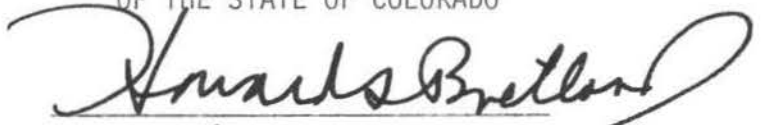
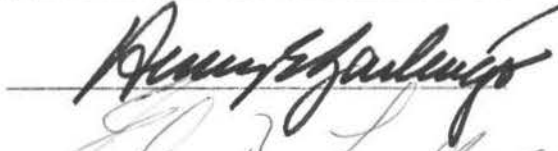
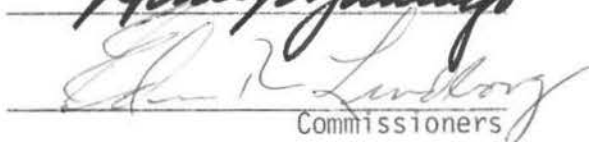
6. That a copy of this Order shall be filed with the schedules in the office of the Commission, and that a copy hereof be served upon P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, Illinois, and that said carriers,

parties thereto, be, and they are hereby, made respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the schedules referred to herein.

7. That Respondents herein shall submit evidence and supporting data and other information as set forth in the findings herein. Copies of all such documentary evidence shall be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date specified in the next ordering paragraph.

8. That this Investigation and Suspension Docket No. 671, be, and the same is hereby, set for hearing before the Commission on the 12th and 13th days of April, 1971, at 10:00 o'clock a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED)	
COLORADO BUS INTRASTATE	)	Investigation and Suspension
PACKAGE EXPRESS RATES	)	<u>Docket No. 672</u>
-----)	

January 19, 1971

STATEMENT

BY THE COMMISSION:

On December 28, 1970, National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, 506 South Wabash Avenue, Chicago, Illinois 60605, filed Original Page D-2 and Original Page D-3 to Western Express Tariff No. A-605-C, Colorado PUC No. 165, for and on behalf of the following Colorado Motor Vehicle Common and Contract 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 Systems, Inc.
- 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. (Greyhound Lines - West Division)
- *Leadville Transit Company, Inc., The
- San Juan Tours, Inc.
- Transcontinental Bus System, Inc.
- Valley Transit Lines, Inc.

* - Interline only

Changes in the table number to be used in determining the charges under Section D of the tariff result in increased charges for package express shipments within the State of Colorado, such changes scheduled to become effective February 1, 1971.

F I N D I N G S

THE COMMISSION FINDS:

1. That the increased charges, resulting from the changes proposed and published in Original Page D-2 and Original Page D-3 to Western Express Tariff No. A-605-C, Colorado PUC No. 165, may, if permitted to become effective, result in charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted into and concerning the lawfulness thereof.

2. That Respondents should be notified and required to submit information and supporting data which shall include, among other things, Colorado intrastate actual cost and revenue data (including anticipated revenue, to show the effect of the proposed increase; Colorado intrastate operating ratios specifically related to the traffic and territories involved, overall Colorado intrastate and system operating ratios; detailed data to disclose carrier-affiliate financial and operating relationships and transactions; and, in addition, all pertinent evidence and supporting data for the individual carriers as they relate to their overall Colorado intrastate operations and, specifically, to Colorado intrastate traffic and territories involved.

3. That the data required to be submitted by Respondents shall include the following information:

A. A copy of the income statement of each carrier or affiliate for the years 1968, 1969 and 1970, prepared according to the Uniform System of Accounting as detailed in Section 1206 of the Code of Federal Regulations.

B. The traffic studies to be submitted should be based upon actual passenger operations conducted during identical periods of time for each carrier and the actual cost studies should be based upon the operations of the same carriers as used in the traffic studies and that the periods of time selected for such cost and traffic studies shall be shown to be representative and their selection statistically sound.

C. The traffic studies of such passenger operations should reflect the amount of revenue, expenses and average haul of package express shipments within the State of Colorado and also the system revenue, expenses and average haul for the carrier or affiliate.

D. In order to assess the impact of transactions between the respondent carriers and their affiliates, the following data shall be submitted:

- (a) The names of each affiliate used by respondent in its motor carrier operation.
- (b) The kinds of service which each affiliate supplied.
- (c) The basis of charge for the service which each affiliate supplied.
- (d) The total charge to the respondent by each affiliate for such service to include but not limited to the following items:
 - (1) Lease of vehicles
 - (2) Lease of terminals
 - (3) Lease of other properties
 - (4) Furnishing of materials and supplies
 - (5) Vehicle repair
 - (6) Management of all kinds
 - (7) Property sold to respondent by affiliate
 - (8) Insurance underwriting
- (e) The percentage revenue from the respondent of the affiliates' total business where it had transactions with persons or corporations other than the respondent in 1969.
- (f) The income statement of each affiliate for the year 1969 and the first three quarters of 1970.
- (g) The amounts of wages, salaries, bonuses and other compensation paid by the affiliate to those individuals who also were officers or directors of the respondent.
- (h) Any other contract agreement or arrangement, written or unwritten, in effect at any time during 1969, or the first three quarters of 1970, between the respondent and companies or persons associated with the respondent, including officers, directors, stockholders, owners, partners, or wives and other close relatives of the aforementioned persons, or their agents, whereby the respondent received management, construction, engineering, financial, legal, accounting, purchasing or any other type of service including the furnishing of material and supplies, purchase of equipment, and the leasing of structures, land and vehicles.

E. All of the required data specified in the findings hereof should be based upon and reflect the annual reporting period for the years 1968, 1969 and 1970. Five (5) copies of all documenting evidence to be presented by the Respondents should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

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 it shall enter upon a hearing concerning the lawfulness of the increased charges resulting from changes published on Original Page D-2 and Original Page D-3 to Western Express Tariff No. A-605-C, Colorado PUC No. 165.

3. That the operation of said schedules, Original Page D-2 and Original Page D-3 of Western Express Tariff No. A-605-C, Colorado PUC No. 165, be, and it is hereby, suspended and the use thereof deferred to and including May 19, 1971, unless otherwise ordered by the Commission.

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

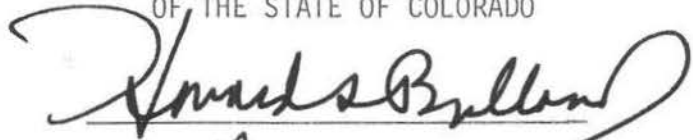


5. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired unless otherwise ordered by the Commission.

6. 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 P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, Illinois, and that said carriers, parties thereto, be, and they are hereby, made respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the schedules referred to herein.

7. That Respondents herein shall submit evidence and supporting data and other information as set forth in the findings herein. Copies of all such documentary evidence shall be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date specified in the next ordering paragraph.

8. That this Investigation and Suspension Docket No. 672 be, and the same is hereby, set for hearing before the Commission on the 12th and 13th days of April, 1971, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971. av

(Decision No. 76700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHWEST TRANSPORT SERVICE, INC.,)
5231 MONROE STREET, DENVER, COLQ-)
RADO, FOR EMERGENCY TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 7728, PENDING DETERMINATION OF)
THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 24740-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY APPROVAL

January 19, 1971

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That appropriate application has been made to this
Commission for permanent authority to transfer Certificate of Public
Convenience and Necessity PUC No. 7728 to the above-named Transferee.

It further appearing, That there is an immediate and urgent need
for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emergency
temporary approval may result in the destruction of, or injury to, such
carrier or carrier properties sought to be acquired, or to interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary approval.

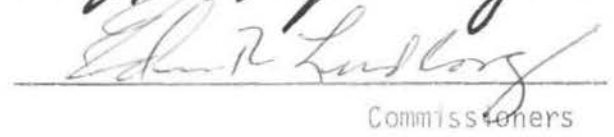
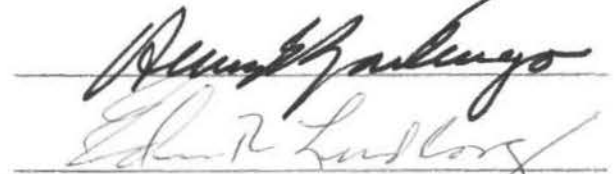
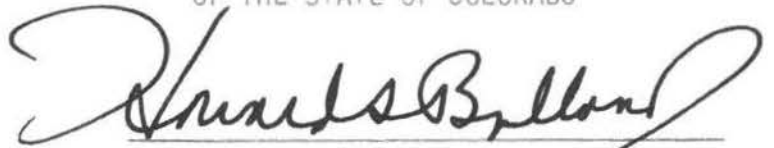
It is ordered, That Northwest Transport Service, Inc.,
5231 Monroe Street, Denver, Colorado, be, and is hereby, granted
emergency temporary approval for a period of fifteen (15) days commencing
January 19, 1971, to operate under Certificate of Public Convenience and

Necessity PUC No. 7728; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
hbp

(Decision No. 76701)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Dowell Division of the Dow)
Chemical Company)
216 Security Life Building)
1616 Glenarm Place)
Denver, Colorado 80202)

PERMIT NO. M-2745

January 19, 1971

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.

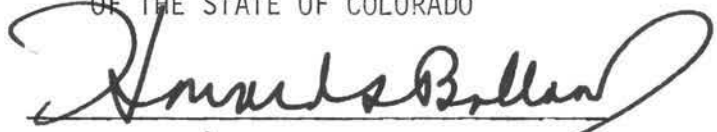

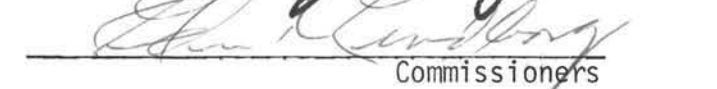
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 5, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
William R. Wolgram)
P O Box 104)
Redwing, Colorado 81066)

PERMIT NO. M-5172

January 19, 1971

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.

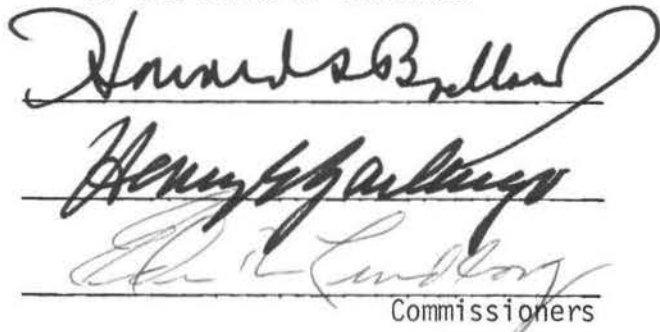
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Orve J. Troyer)
710 First)
Milford, Nebraska 68405)

PERMIT NO. M-5393

January 19, 1971

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.

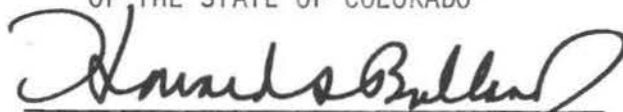
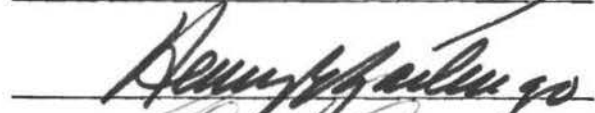

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 19, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.

js

(Decision No. 76704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Colorado Machinery & Supply Co.)
4581 Upham)
Wheat Ridge, Colorado 80033)
-----)

PERMIT NO. M-8391

January 19, 1971

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.

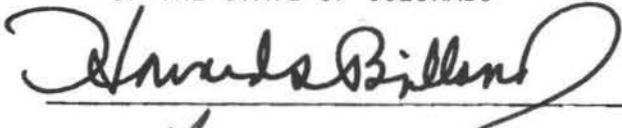
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


O R D E R

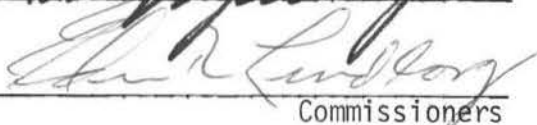
THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
F. L. Brane)
Cherrelyn Furniture)
4295 South Broadway)
Englewood, Colorado 80110)

PERMIT NO. M-8490

January 19, 1971

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.

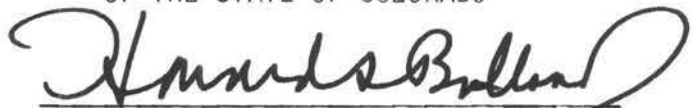
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


O R D E R

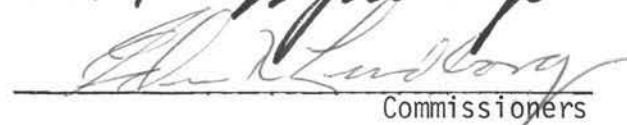
THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Errett H. Barnes)
Doing Business As)
Barnes Fruit Stand)
3367 G Road)
Clifton, Colorado 81520)

PERMIT NO. M-9477

January 19, 1971

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.

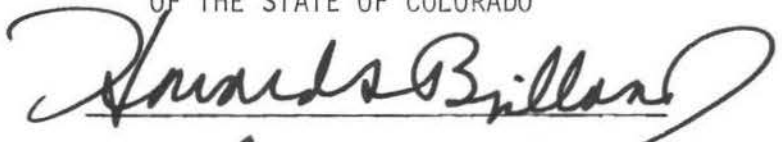


The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
David and Pauline Laufer)
1607 Lemay)
Fort Collins, Colorado 80521)
-----)

PERMIT NO. M-9639

January 19, 1971

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.

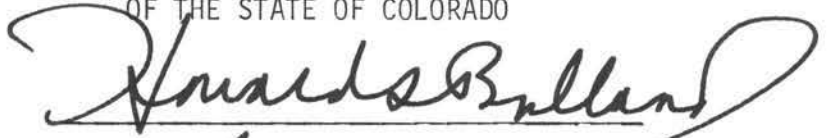
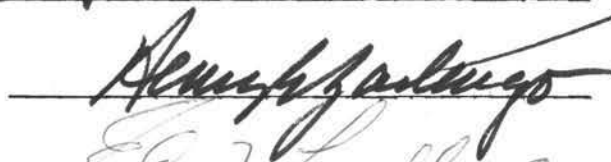
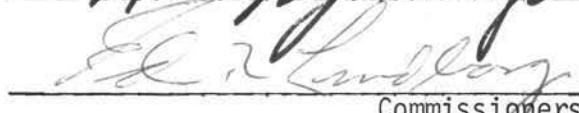
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76708)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
M F and Melia K. Cottrell)
Doing Business As)
Cottrell-Brookfield Carpets)
7095 West 38th Avenue)
Wheatridge, Colorado 80033)

PERMIT NO. M-9682

January 19, 1971

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.

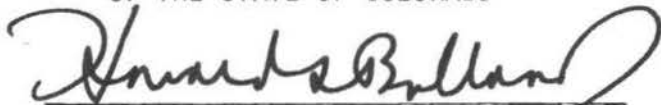
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

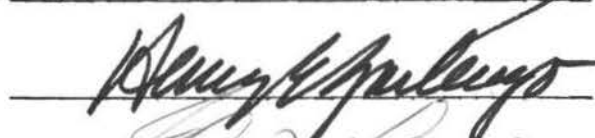
O R D E R

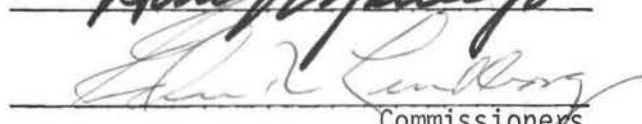
THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 20, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
John and Lester Parker)
Doing Business As)
Parker's Trucking Company)
2839 East 14th Street)
Pueblo, Colorado 81001)

PERMIT NO. M-10066

January 19, 1971

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.

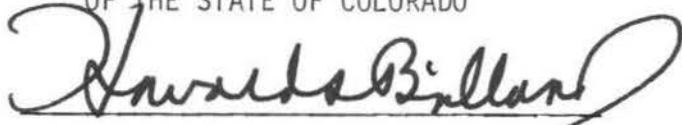


The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 8, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No.76710)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Lowell McCormick)
Doing Business As)
C. L. McCormick Oil Company)
P O Box 633)
Delta, Colorado)

PERMIT NO. M-11418

January 19, 1971

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.

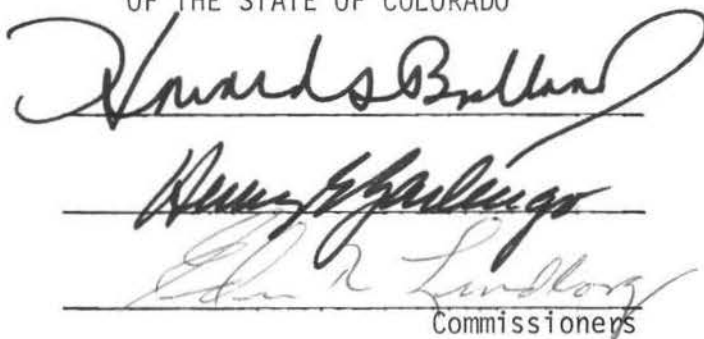
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.

js

(Decision No. 76711)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Everett E. Schooler)
2013 Payton Circle)
Colorado Springs, Colorado 80907)
)

PERMIT NO. M-14019

January 19, 1971

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.

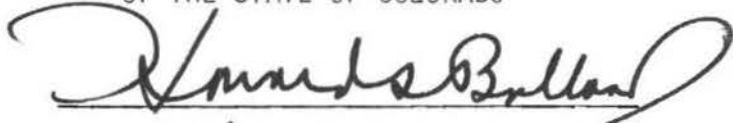
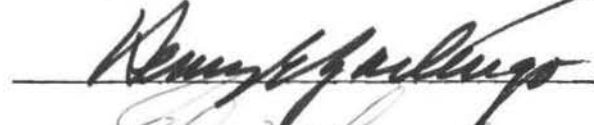
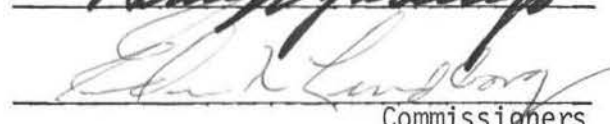
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 16, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1971.
js

(Decision No. 76712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PHILLIPS TRUCKING COMPANY, A COLO-)
RADO CORPORATION, 95 STATE AVENUE,)
ALAMOSA, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-3016,)
PENDING THE DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 24735-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 19, 1971

The above-entitled application under CRS 1963, 115-6-20(2),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Permit No. B-3016
to the above-named Transferee.

It further appearing, That failure to grant temporary approval
may result in destruction of, or injury to, the Applicants or interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted tempo-
rary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

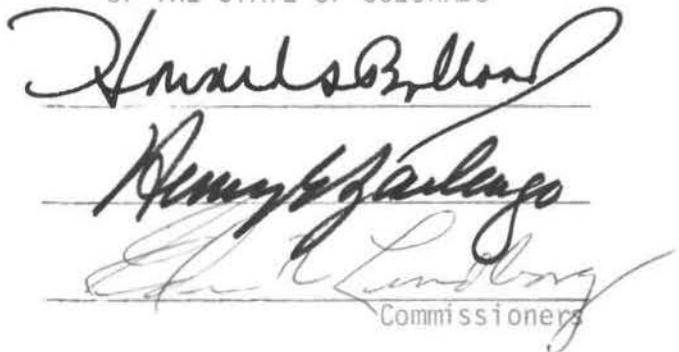
It is further ordered, That the service provided for in the
Order shall not be commenced until all requirements have been met and
Transferee has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971.

vjr

(Decision No. 76712)
January 19, 1971

APPENDIX

Application No. 24735-PP-Transfer-TA

Phillips Trucking Company
95 State Avenue
Alamosa, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED -- 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER -- Contract

SERVICE AUTHORIZED:

Temporary approval to operate under Contract Carrier Permit No. B-3016 with authority as follows:

"Transportation of

Farm supplies

Between all points within the following-described area: Beginning at a point ten (10) miles due east of Center, Colorado, on Colorado Highway 112; thence north ten (10) miles; thence west seventeen (17) miles; thence south twenty (20) miles; thence east to the Alamosa-Rio Grande County Lines; thence north along said county line to Colorado Highway No. 112; thence east along Colorado Highway No. 112 to point of beginning and from Monte Vista and Alamosa, Colorado, on the one hand to points in said area on the other hand.

RESTRICTION: All transportation performed under this permit shall be restricted to the use of one piece of equipment."

(Decision No. 76713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR A. RICE, DOING BUSINESS AS)
"ART'S MOBILE HOMES," 2485 U.S.)
6-50, P. O. BOX 2046, GRAND JUNCTION,)
COLORADO, FOR EMERGENCY TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3642 and 3642-I,)
PENDING THE DETERMINATION OF THE AP-)
PLICATION TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 24424-Transfer-ETA
ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

January 19, 1971

The above-entitled application under CRS 1963, 115-6-20(4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of Pub-
lic Convenience and Necessity PUC No. 3642 and 3642-I to the above-named
Transferee.

It further appearing, That there is an immediate and urgent
need for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emer-
gency temporary approval may result in the destruction of, or injury to,
such carrier or carrier properties sought to be acquired, or to interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary approval.

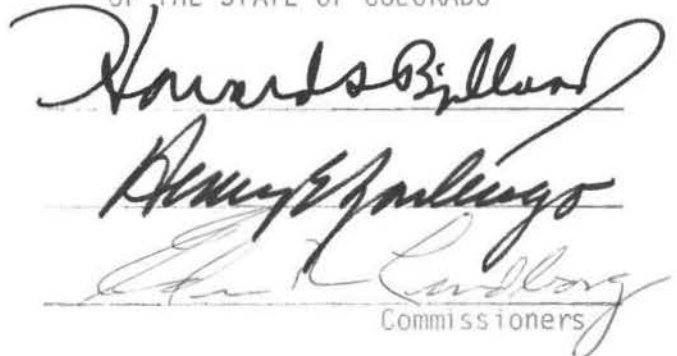
It is ordered, That Arthur A. Rice, doing business as "Art's
Mobile Homes," 2485 U.S. 6-50, P. O. Box 2046, Grand Junction, Colorado,
be, and is hereby, granted emergency temporary approval for a period of
fifteen (15) days commencing January 19, 1971, to operate under

Certificate of Public Convenience and Necessity PUC No. 3642 and 3642-I; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PHILLIPS TRUCKING COMPANY, A COLO-)
RADO CORPORATION, 95 STATE AVENUE,)
ALAMOSA, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 1818)
AND 1818-I, PENDING THE DETERMINA-)
TION OF THE APPLICATION TO ACQUIRE)
SAID CERTIFICATE.)

APPLICATION NO. 24591-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 19, 1971

The above-entitled application under CRS 1963, 115-6-20(2),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of Pub-
lic Convenience and Necessity PUC No. 1818 and 1818-I to the above-
named Transferee.

It further appearing, That failure to grant temporary approval
may result in destruction of, or injury to, the Applicants or interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted tempo-
rary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

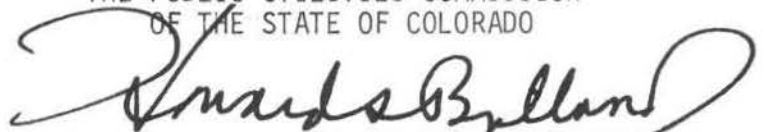

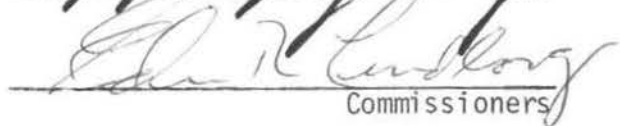
It is further ordered, That the service provided for in the Order
shall not be commenced until all requirements have been met and Transferee
has received notice in writing from the Commission that compliance has
been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971.
vjr

(Decision No. 76714)
January 19, 1971

APPENDIX

Application No. 24591-Transfer-TA

Phillips Trucking Company
95 State Avenue
Alamosa, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 1818 and 1818-I with authority as follows:

"Transportation -- on call and demand -- of

(1) Farm supplies, farm equipment and emigrant moveables

Between all points within a fifteen (15) miles radius of LaJara, Colorado, on the north, west, and east of the State line on the south and the remaining portion of Alamosa County on the one hand and points of the State of Colorado on the other.

(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."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PHILLIPS TRUCKING COMPANY, A COLO-)
RADO CORPORATION, 95 STATE AVENUE,)
ALAMOSA, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
801, PENDING THE DETERMINATION OF)
THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 24590-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 19, 1971

The above-entitled application under CRS 1963, 115-6-20(2),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of Public
Convenience and Necessity PUC No. 801 to the above-named Transferee.

It further appearing, That failure to grant temporary approval
may result in destruction of, or injury to, the Applicants or interfere
substantially with their future usefulness in the performance of adequate
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted tempo-
rary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

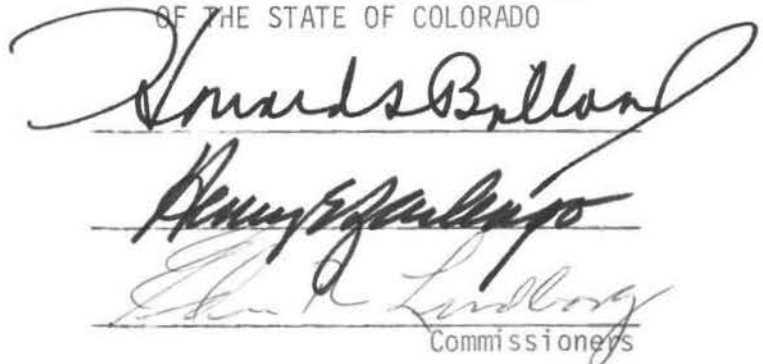
It is further ordered, That the service provided for in the
Order shall not be commenced until all requirements have been met and
Transferee has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
19th day of January, 1971.
vjr

(Decision No. 76715)
January 19, 1971

APPENDIX

Application No. 24590-Transfer-TA

Phillips Trucking Company
95 State Avenue
Alamosa, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER -- Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 801 with authority as follows:

"Transportation -- on call and demand -- of

Farm products (including livestock), farm supplies, farm equipment, and used household goods and furniture

Between farms and ranches within a 50-mile radius of Alamosa, Colorado, from and to said points, to and from all points in the State of Colorado.

RESTRICTION: This Certificate is restricted against the transportation of commodities other than farm products (including livestock) between towns located on the line of any scheduled motor vehicle common carriers serving the area."

(Decision No. 76716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	
EASTERN COLORADO UTILITY COMPANY,)	
EADS, COLORADO, TARIFFS, COLORADO)	<u>INVESTIGATION AND SUSPENSION</u>
PUC NO. 1, FOURTH REVISED SHEET)	
NO. 2, FOURTH REVISED SHEET NO. 4,)	<u>DOCKET NO. 670</u>
AND SECOND REVISED TITLE SHEET.)	

January 20, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 9, 1970, under Advice Letter No. 3, the Eastern Colorado Utility Company, by its president George D. Crow, filed certain tariff revisions to become effective February 1, 1971, unless suspended by the Commission. The revised tariff sheets are as follows:

Colorado P.U.C. No. 1 - Gas

<u>Colo. P.U.C. Sheet Number</u>	<u>Title of Sheet</u>	<u>Cancels Colo. P.U.C. Sheet Number</u>
Fourth Revised No. 2	General Gas Service	Third Revised No. 2
Fourth Revised No. 4	General Gas Service	Third Revised No. 4
Second Revised Title Sheet	Schedule of Rates for Gas	First Revised Title Sheet

The purpose of this tariff filing is to increase all gas rates ten percent (10%). This filing was made in accordance with the Rules of Practice and Procedure of this Commission under Rule 18 A 2. This rule provides that all customers affected by the proposed increase be notified at least thirty (30) days prior to the effective date of the new rates. The Company having complied with said rule, the Commission received protests.

Protests were filed by the Town of Deer Trail, the Town of Kit Carson, a group of customers located in Sheridan Lake and a customer in Byers, Colorado.

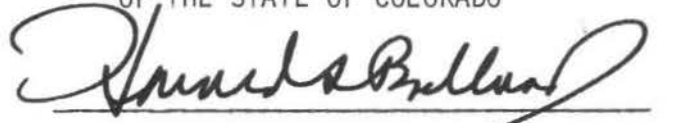
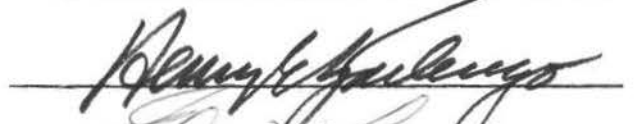

In view of the above protests, this Commission has decided to suspend the effective date of the tariff filing for a period of 120 days, or until further order of this Commission; and that the matter of the rate increase proposed by the Company be the subject matter of a hearing at the time and place set forth in the Order herein.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of the proposed increase of gas rates, filed by the Eastern Colorado Utility Company accompanying its Advice Letter No. 3, be, and hereby is, suspended until June 1, 1971, unless otherwise ordered by this Commission.
2. The tariff sheets involved in the suspension are:
Fourth Revised Sheet No. 2 - General Gas Service
Fourth Revised Sheet No. 4 - General Gas Service
Second Revised Title Sheet - Schedule of Rates for Gas.
3. A hearing on the proposed increase in rates to be held at the District Court Room, Courthouse, in Eads, Colorado, on February 23, 1971 at 9:00 A.M.
4. A copy of this Order be served on:
George D. Crow, President, Eastern Colorado Utility Company
A. H. Steiner, Mayor, Town of Kit Carson
Carl Kroh, Mayor, Town of Deer Trail
John J. Lefferdink, Esq., Lamar, Colorado,
and all customers who filed written complaints with the Commission.
5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of January, 1971.
hbp

(Decision No. 76717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LIND & HILL SCENIC COLORADO TOURS,)
INC., DOING BUSINESS AS "AA TOURS,")
8162 LA PLACE COURT, WESTMINSTER,)
COLORADO.)

PUC NO. 77
PUC NO. 191
PUC NO. 193

January 20, 1971

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 under the corporate name and style of American Limousine Service, Inc., doing business as "AA Tours", in the conduct of operations under PUC No. 77, PUC No. 191 and PUC No. 193.

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.

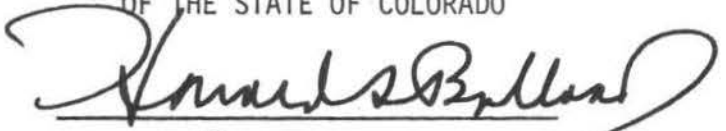
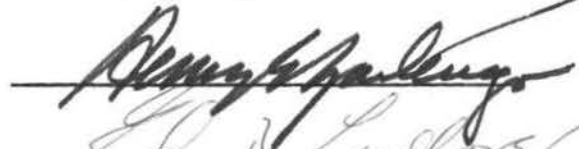

O R D E R

THE COMMISSION ORDERS:

That Lind & Hill Scenic Colorado Tours, Inc., doing business as "AA Tours," be, and hereby is, authorized to conduct operations under the corporate and style of American Limousine Service, Inc., doing business as "AA Tours," in the conduct of operations under PUC No. 77, PUC No. 191 and PUC No. 193, 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 20th day of January, 1971.
js

(Decision No. 76718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WASTE TRANSPORT CO., A COLORADO)
CORPORATION, 3703 WEST 80TH DRIVE,)
WESTMINSTER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24691

January 20, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 7, 1970, the above-styled application was filed with this Commission seeking authority for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire. On December 9, 1970, notice of the filing of the within application was made by the Commission.

On December 22, 1970, William Andrew Wilson, Esq., filed a Notice of Protest on behalf of Arvada Rubbish Removal Co., Englewood-Littleton-Arapahoe Rubbish Removal, Inc., Mountain View Rubbish Removal Co., Wheatridge Disposal Service, Decker Trash Disposal Corp. No 2, Freddies Rubbish Removal, Best-Way Disposal, B & W Disposal Serv., Aurora Ash & Trash Co., Aurora F & S Sanitary Carriers, Robert A. Grove, Broomfield Rubbish Removal, "VAN"ish Rubbish Removal, Decker Disposal, Inc., A & F Trash Disposal, Alex Gerlach, D. R. Hart, Lakewood Disposal Co., Commerce Refuse Disposal, Inc., Brite'n Best Rubbish Service, A & A Hauling Service, A & B Rubbish Removal, Arrow Rubbish Removal, Brandt Disposal, Capital City Disposal, Ginther Rubbish Removal,

Strassheim Rubbish Removal, Ash & Trash Disposal, and Monarch Disposal, to the above-entitled application.

On January 15, 1971, William Andrew Wilson, Esq., on behalf of the above-named Protestants, filed a Withdrawal Of Protest.

The Commission finds that the Withdrawal Of Protest should be permitted to be granted.

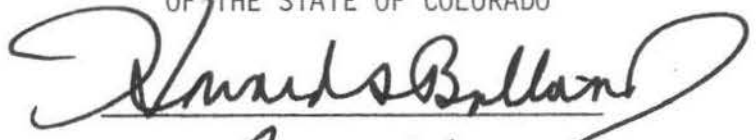


O R D E R

THE COMMISSION ORDERS THAT:

1. The Withdrawal Of Protest filed by the Protestants as above set forth in the Statement and Findings of Fact be, and hereby is, granted.

2. 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 20th day of January, 1971.
js

(Decision No. 76719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CALVIN B. EGLI, 400 SOUTH DEPEW)
STREET, DENVER, COLORADO.)

PUC NO. 3303

January 21, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Calvin B. Egli, the above-named certificate-holder, requesting authority to do business under the trade name and style of Calvin B. Egli, doing business as "Cal's Hauling Service," in the conduct of operations under PUC No. 3303.

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.

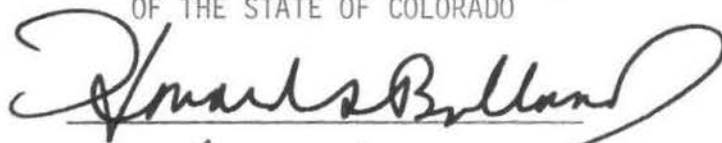


O R D E R

THE COMMISSION ORDERS:

That Calvin B. Egli be, and hereby is, authorized to conduct operations under the trade name and style of Calvin B. Egli, doing business as "Cal's Hauling Service," in the conduct of operations under PUC No. 3303, 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 21st day of January, 1971.
js

(Decision No. 76720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE PIKES PEAK AUTOMOBILE COMPANY,)
P. O. BOX 2378, COLORADO SPRINGS,)
COLORADO.)

PUC NO. 7968

January 20, 1971

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 under the assumed name, or trade name, of The Pikes Peak-Intermountain Transportation Company, a division of The Pikes Peak Automobile Company, in the conduct of operations under PUC No. 7968.

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.

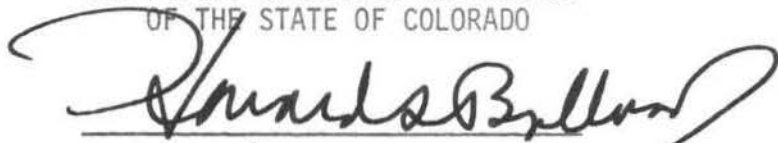


O R D E R

THE COMMISSION ORDERS:

That the Pikes Peak Automobile Company be, and hereby is, authorized to conduct operations within the State of Colorado under the assumed name, or trade name, of The Pikes Peak-Intermountain Transportation Company, a division of The Pikes Peak Automobile Company, in the conduct of operations under PUC No. 7968, 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 20th day of January, 1971.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
INTERMOUNTAIN LIVESTOCK EXPRESS, INC.,)
DOING BUSINESS AS "ILX," P. O. BOX 308,)
SCOTTSBLUFF, NEBRASKA 69361, FOR AUTH-)
ORITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO TRYON AND TRYON, INC., DOING)
BUSINESS AS "ILX," P. O. BOX 514,)
609 EAST 27TH STREET, SCOTTSBLUFF,)
NEBRASKA 69361.)

PUC NO. 7669-I--Transfer

January 20, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Intermountain Livestock Express, Inc., doing business as "ILX," was granted a certificate of public convenience and necessity, being PUC No. 7669-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. 7669-I to Tryon and Tryon, Inc., doing business as "ILX," a Nebraska corporation, Scottsbluff, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

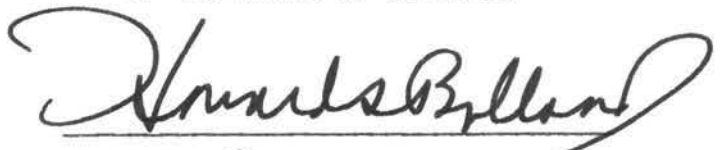

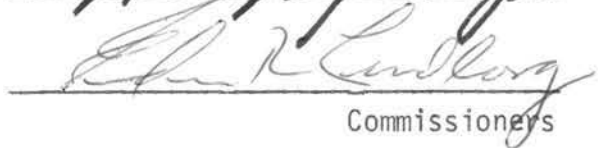
O R D E R

THE COMMISSION ORDERS:

That Intermountain Livestock Express, Inc., doing business as "ILX," be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 7669-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Tryon and Tryon, Inc., doing business as "ILX," a Nebraska corporation, Scottsbluff, Nebraska, 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 20th day of January, 1971.
hbp

(Decision No. 76722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACOB HENKEL, JR., 6830 OLIVE)
STREET, COMMERCE CITY, COLORADO.)

PERMIT NO. B-3738

January 20, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Jacob Henkel, the above-named permit holder, requesting authority to do business under the name of Jacob Henkel, in the conduct of operations under Permit No. B-3738.

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.

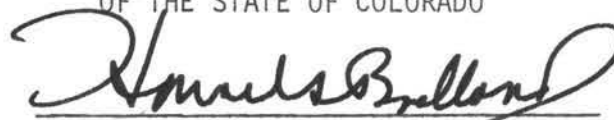
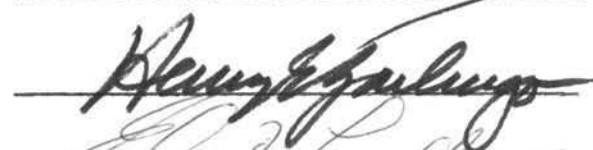
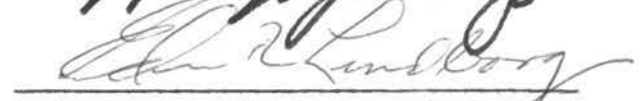
O R D E R

THE COMMISSION ORDERS:

That Jacob Henkel, Jr., be, and hereby is, authorized to conduct operations under the name of Jacob Henkel, in the conduct of operations under Permit No. B-3738, 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 20th day of January, 1971.

hbp

(Decision No. 76723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KEIM TRANSPORTATION, INC.)
420 NORTH 6TH)
ROUTE #2, BOX #3)
SABETHA, KANSAS 66534)

PUC NO. 5671-I

January 20, 1971

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.

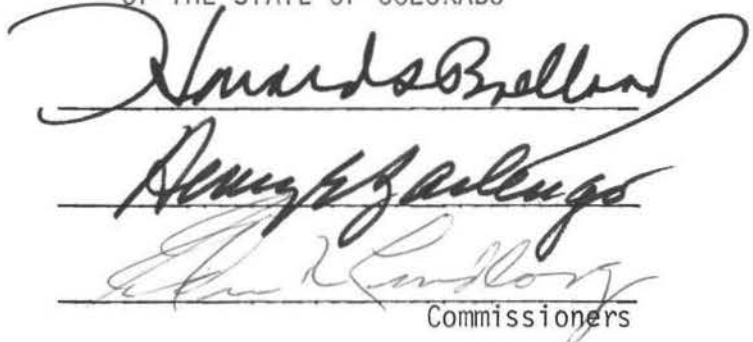
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 10, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 20th day of January, 1971.
vjr

(Decision No. 76724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ORVE J. TROYER)
710 FIRST STREET)
MILFORD, NEBRASKA 68405)

PUC NO. 6132-I

January 20, 1971

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.

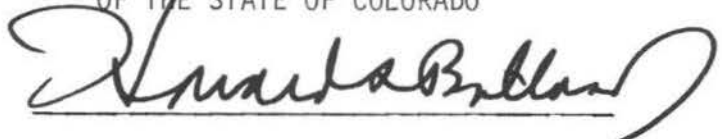

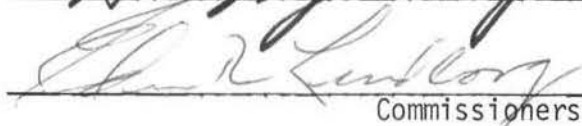
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 19, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of January, 1971.
vjr

(Decision No. 76725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD H. ODOM)
ROUTE 1, BOX 15)
CORTEZ, COLORADO 81321)

PERMIT NO. B-7442

January 20, 1971

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.

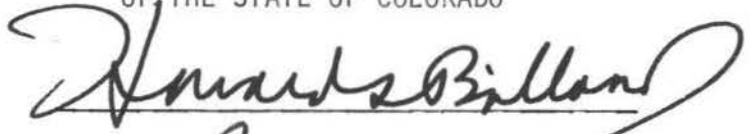


The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of January, 1971.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 7368 AND PUC NO. 7368-I.)

APPLICATION NO. 24353-Extension

SUPPLEMENTAL ORDER

January 21, 1971

Appearances: William F. Schenkein, Esq., Denver,
Colorado, for Applicant;
Edward T. Lyons, Jr., Esq., Denver,
Colorado, for Rio Grande Motor Way,
Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 21, 1970, the Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On January 5, 1971, the Commission by Decision No. 76579 stayed the matter by an interim order.

On January 19, 1971, Applicant, by and through its attorney William F. Schenkein, filed with the Commission a request for an extension of time within which to file exceptions to the Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript by the reporter.

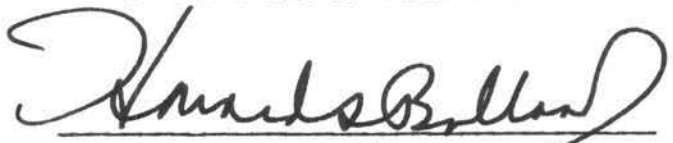

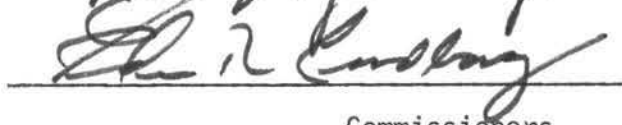
The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

The Applicant, Ephraim Freightways, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1971.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DIVISION OF HIGHWAYS - STATE OF)
COLORADO FOR AUTHORITY TO INSTALL)
AUTOMATIC FLASHING LIGHT SIGNALS)
SUPPLEMENTED WITH AUDIBLE WARNING)
DEVICE ON STATE HIGHWAY NO. 44)
(104TH AVENUE) AND THE EXISTING)
GRADE CROSSING OF THE BURLINGTON)
NORTHERN INC. MAINLINE TRACK AT)
MILEPOST 529.96 IN ADAMS COUNTY,)
COLORADO.)

APPLICATION NO. 24648

January 21, 1971

S T A T E M E N T

BY THE COMMISSION:

On November 5, 1970, the Division of Highways of the State of Colorado (Division) filed its application in accordance with the rules of this Commission, seeking approval for installation of automatic flashing light signals and bell at the highway-railroad grade crossing as noted above.

Other explanatory material as submitted with the instant application includes:

Exhibit A: Copy of portion of Burlington Northern Inc., Barr, Colorado Station Map to show location of Colorado Highway No. 44 and crossing at Railroad Milepost 529.96.

Exhibit B: Burlington Northern Inc. drawing to show wiring diagram and location for proposed signals.

With reference to the instant application and other investigation data of the Commission, it appears that Colorado Highway No. 44 at the instant crossing coincides with the portion of 104th Avenue in Adams County extending east from Colorado Boulevard to a connection with State Highway No. 2 at two miles south of the Barr Lake Overpass.

104th Avenue is used as an east-west connecting route to and from State Highway No. 2 and extends westerly through Thornton and Northglenn to a connection with Federal Boulevard about 6½ miles north of the Denver city limits and thence to join Sheridan Boulevard.

The rail crossing of State Highway No. 44 at MP 529.96 is made on an angle of 48° with a single track of the Burlington Northern Inc., Denver-Chicago main line that extends northeasterly out of Denver via Hudson and Fort Morgan, Colorado. At 265 feet east of the crossing, Colorado Highway No. 44 intersects with Colorado No. 2 which also parallels the rail line.

In recent years the new residential developments in Adams County of Thornton (13,000 population) and Northglenn (20,000 population) have also resulted in an increasing use of 104th Avenue as a main thoroughfare. Average traffic now amounts to 650 vehicles per day with permitted speed of 35 miles per hour on the west side crossing approach. Rail traffic over the crossing averages 14 trains daily, including three scheduled passenger train movements. Speeds are variable up to 60 miles per hour for freights and 79 miles per hour for passenger trains.

In the instant highway project the existing protection of reflectorized crossbuck signs at the crossing is to be replaced by installation of automatic flashing light signals and a bell. No additional right of way is required for the protection improvement, and no abutting properties are affected. The standard curbside signal units as proposed will include an additional pair of flasher lights on the west side signal mast. The added lights will be directed toward the north in order to provide warning for southbound traffic on a gravel county road which extends northward from Colorado No. 44 and is adjacent to the west side railroad right-of-way line.

The work to be done and the expenses therefor are covered in Agreement dated October 7, 1970 by and between the Division of Highways and Burlington Northern Inc. Copy of said Agreement shall be made

available to the Commission as a late-filed exhibit when fully signed and validated. Subject Agreement provides that Burlington Northern Inc. will be reimbursed for ninety percent (90%) of all expenses it incurs incidental to installation of proposed grade crossing protection devices, paid in accordance with the current Federal and State rules and regulations applicable thereto. The Burlington Northern Inc. is participating to the extend of ten percent (10%) of the initial cost. Preliminary estimates of total cost for materials, labor and engineering amount to \$18,069. Maintenance, repair and operation of the protection devices at said grade crossing shall be and remain the responsibility of Burlington Northern Inc.

In further review of the proposal, the Commission forwarded a copy of the application to interested parties, including the Board of Adams County Commissioners, to ascertain if any other action was desirable. Reply by the Adams County Traffic Engineer has been received to the effect that Adams County is in favor of the proposed flashing light signal installation.

After consideration of the instant proposal, it is the belief of the Commission that effectiveness of automatic signal protection is accepted by the utility and the public agencies involved herein. We note also that in addition to the general trend of increased residential growth in Adams County, there has also been expanding commercial development in the local area along the Union Pacific and Burlington rail lines north-easterly from Denver and Commerce City. There have been new installations of stock feeding yards, feed grinding plants, improved warehousing for produce shipments, facilities for gasoline and fuel oil distribution, mobile housing installations, new sales outlets and manufacturing operations.

Meanwhile, there has also been new development of the nearby Interstate Route 80-S, and related adjustments in use of the connecting highways. Traffic over the 104th Avenue crossing now involves movements of private vehicles, farm trucks, over-the-road transport trucks for grains, gasoline and other fuel trucks. It should be noted that the crossing

location is on high ground and open terrain, offering clear visibility of approaching trains. There is necessity for eastbound vehicles on Colorado Highway No. 44 to stop at the intersection with State Highway No. 2 some 186 feet east of the track. For westward traffic, turning movements must also be made from State Highway No. 2. Hence, in order to meet the changing conditions, it appears that installation of the safety devices as requested herein will be in the public interest.

It is therefore the belief of the Commission that the proposed signal installation is compatible with the public interest; and the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement by reference is made a part hereof.

That public safety, convenience and necessity require the installation and approval of flashing light signals and a bell at the grade crossing of State Highway No. 44 (104th Avenue), over Burlington Northern Inc., Alliance Division main line track at Milepost 529.96, near Barr in Adams County, Colorado.

That the authority sought in the instant application should be granted by initial decision of the Commission since due and timely execution of its functions imperatively and unavoidably so requires.

O R D E R

THE COMMISSION ORDERS:

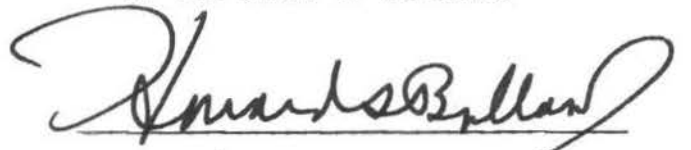

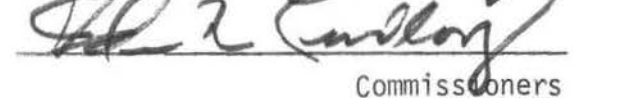
That Applicant, Division of Highways - State of Colorado, be, and it hereby is, granted authority and approval for the installation, operation and maintenance of flashing light signals and a bell at the grade crossing of State Highway No. 44 (104th Avenue), over Burlington Northern Inc., Alliance Division main line track at Milepost 529.96, near Barr in Adams County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices, shall be as indicated in the preceding Statement and Agreement; said Agreement to be accepted as a late-filed exhibit herein. Statement, Agreement and Location Exhibits are by reference made a part hereof.

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

This Order shall become effective forthwith as the initial decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1971.

hbp

(Decision No. 76728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

KEITH LOWARY)
P. O. BOX 972)
ABERDEEN, SOUTH DAKOTA 57401)

AUTHORITY NO. 7661-I
CASE NO. 2525-H-Ins.

- - - - -

- - - - -
January 21, 1971
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1970 , 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.

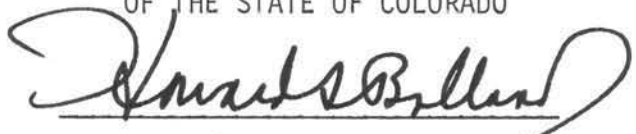

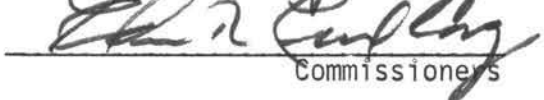
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1971

(Decision No. 76729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THACKER BROS. TRANSPORTATION, INC.,)
1600 ELIOT, DENVER, COLORADO, TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
A-16.)

APPLICATION NO. 24108-PP-Extension

January 22, 1971

Appearances: John H. Lewis, Esq., Denver, Colorado,
for Applicant;
James F. Pamp, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 29, 1970, Decision No. 74816 was issued by the Commission, it being the Recommended Decision of Examiner Christian O. Igenbergs. On June 5, 1970, Thacker Bros. Transportation, Inc., Applicant, by and through its attorneys, filed a motion for an order setting aside said Decision No. 74816 and to disregard said Decision. On the same date, Applicant by letter requested an extension of time to file exceptions until at least ten (10) days after determination of the said motion which, if granted, would have eliminated the necessity of filing exceptions. On June 25, 1970, by Decision No. 75201, the said motion was denied. On July 16, 1970, by Decision No. 75393, the Commission extended the time for filing exceptions to the Recommended Decision of Christian O. Igenbergs until July 26, 1970.

On July 24, 1970, Applicant, by and through its attorney Roger Sollenbarger, filed Exceptions to the Recommended Decision of Examiner Christian O. Igenbergs.

Upon consideration of the record in the above-entitled application, including the Recommended Decision and Order by Examiner Christian

O. Igenbergs, and it appearing that the Exceptions filed on July 24, 1970 do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions;

WHEREFORE, and good cause appearing therefor;

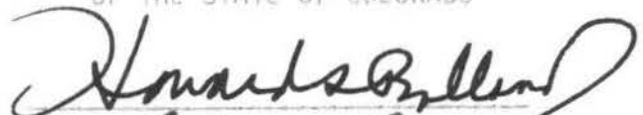

We find, that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Igenbergs being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions of Applicant Thacker Bros. Transportation, Inc., be, and hereby are, overruled and denied.
2. The Recommended Decision and Order by Examiner Christian O. Igenbergs, being Decision No. 74816, dated April 29, 1970, be, and hereby is, affirmed and adopted as our own.
3. The Recommended Decision and Order of Examiner Christian O. Igenbergs be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof.
4. This Decision and Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

Dated at Denver, Colorado,
-2- this 22nd day of January, 1971.

hJ

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent to the majority decision.

It is my opinion that the Recommended Decision of the Examiner, Decision No. 74816, should be set aside and the Commission enter its decision granting the application herein.

The Examiner finds as fact:

1. That Applicant holds Permit No. A-16 for the transportation of freight between Denver and Pueblo, Colorado, and intermediate points, and from and to said points to and from Greeley, Fort Collins and Gunnison, over U.S. Highway No. 85 between Severance and Denver, Colorado, etc., etc.;
2. That said authority "has been continually operated in the past and is presently in good standing with the Commission";
3. That by its application "Applicant seeks authority to extend operations as a contract carrier by motor vehicle under Permit No. A-16 to allow it to serve Pueblo West, Colorado, as an off-route point in conjunction with its already existing authority" which point is some seven miles west of Pueblo, Colorado;
4. That "Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein";
5. That "within the next ten (10) years, Pueblo West, Colorado, is expected to expand and become a town of some fifty thousand (50,000) inhabitants.";
6. That "there is a need for transportation services between Pueblo and Pueblo West, Colorado, and such need will continue to grow."

This latter finding of fact of a "need" by the Examiner would be contradictory to any finding that the present common carrier service is adequate, or that the proposed operation of the Applicant will impair

the efficient public service of any authorized motor vehicle common carrier or carriers adequately serving the same territory over the same general highway route or routes.

The Examiner further finds that it is "the intention of the Applicant to satisfy these needs," but fails to realize that the Applicant seeks to satisfy these needs by a contract carrier operation in conjunction with its already existing contract carrier authority rather than as a common carrier.

In Finding No. 10 the Examiner makes a finding that the Applicant will conduct its operations "in whole or in part between substantially fixed points or over established routes, under contracts with more than one person or corporation and by making repeated or periodical trips." By taking this finding of fact in conjunction with the wording of Chapter 115-9-1 (4) (b) CRS 1963, as amended, which reads, to wit:

"The fact that any such person carries on his operations either in whole or in part between substantially fixed points or over established routes, or under contracts with more than one person, or by making repeated or periodical trips, shall be prima facie evidence that such person is a motor vehicle carrier and subject to the provisions of this article."

the Examiner reaches the conclusion that by Applicant's own testimony Applicant establishes a prima facie case that it, in fact, intends to serve as a common carrier and not as a contract carrier.

This conclusion on the part of the Examiner makes the erroneous assumption that the Applicant, if the contract carrier authority is granted, intends to operate illegally as a common carrier, which conclusion is, of course, unreasonable. He disregards the other evidence in the record overcoming the prima facie evidence to which the statute refers.

The Examiner quotes the foregoing statute and quotes from the case of McKay vs. PUC [104 Colo. 402, 91 P.2d 965 (1939)], which quote from the McKay case itself ends with the statement by the court that the carrier so operating "... is prima facie a motor vehicle common carrier.

That rule of evidence, however, is not conclusive; it is only presumptive and may be overcome by other evidence."

There is ample evidence in the record that the Applicant has been and is a contract carrier in good standing and therefore knows the law and rules and regulations of the Commission appertaining to it and that it intends to operate as a contract carrier. Thus, it is obvious that the prima facie evidence is amply rebutted and overcome when the findings of fact by the Examiner himself and the evidence in the record are considered.

There is nothing in the law, statutory or otherwise, that holds that a contract carrier cannot have more than one customer or cannot operate over regular routes or between fixed points.

As a matter of fact, the law itself in 115-11-2 (b) provides:

"Class A private carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini; or to a fixed terminus or termini."

Such operation, of necessity, contemplates the "making repeated or periodical trips." What is significant is whether or not it actually operates as a contract carrier having the proper type of contracts with the shippers it serves and otherwise complies with the law relating to contract carriers, which the Applicant, in any case, must do to legally operate under the authority.


Commissioner

(Decision No. 76730)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH T. ZOLINE, DOING BUSINESS AS)
"TELLURIDE TRANSFER COMPANY,")
TELLURIDE, COLORADO, FOR AUTHORITY)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
60 TO TELLURIDE TRANSFER COMPANY,)
A COLORADO CORPORATION, TELLURIDE,)
COLORADO.)

APPLICATION NO. 24668-Transfer

ORDER OF THE COMMISSION

January 22, 1971

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

It appearing, That by Order of the Commission dated November 25, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as ~~may~~ have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Joseph T. Zoline, doing business as "Telluride Transfer Company," Telluride, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 60 to Telluride Transfer Company, a Colorado corporation, Telluride, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 60 shall read and be as follows, to wit:

"Transportation of

passengers and express

between Telluride and Tomboy Mines, San Miguel County, Colorado.

Freight generally except ore and concentrates by motor vehicle on schedule

from and to Grand Junction, Montrose and Delta to and from Fall Creek and Telluride and points intermediate Fall Creek and Telluride,

without the right to serve locally between Grand Junction and Placerville and the occasional transportation of high grade concentrates in truck-load lots from Telluride to Leadville.

Freight

from point to point within a radius of 50 miles of Telluride, Colorado;

PROVIDED, that no freight excepting used household goods and used mining machinery shall be transported between towns in competition with Rio Grande Motor Way, Inc., or any other established line haul carrier,

nor shall any service be rendered to Alta Mine in competition with the established rights of Peterson and Porterfield of Telluride,

nor shall any service be rendered which shall directly conflict with the authority heretofore granted to C. E. Deering of Silverton, Colorado, or Fellin Brothers of Ouray.

General freight on call and demand

from and to points within a radius of 50 miles of Telluride, Colorado, to and from points in the State of Colorado,

PROVIDED, HOWEVER, that under this extension no freight excepting used household goods and used mining machinery may be transported between towns in competition with the Rio Grande Motor Way, Inc., or Theobald Truck Line, or any other established line haul common carrier,

nor shall any service be rendered in competition with Peterson Truck Line of Telluride, C. E. Deering of Silverton, or Fellin Brothers of Ouray,

and provided, also, that any shipments from Denver to Telluride district shall be only such as are deemed emergency shipments.

Transfer from PUC 888 the following: transportation of freight

over the highways and between points described as follows:

Beginning at the junction of State Highways 62 and 145 and at the town and place known as Old Placerville, in San Miguel County, to the City of Telluride, including all points intermediate on said Highway 145,

PROVIDED, HOWEVER, that this transfer is confined to line haul rights and does not cover any portion of its call and demand or rover's certificate and does not exclude transferor from rendering service to the town of Placerville.

General freight

to the mines and mills at Old Ophir, Butterfly and Matterhorn from the depot at Ophir Loop, Colorado,

and ores and concentrates

from said mines and mills at or near Old Ophir, Butterfly and Matterhorn to said railroad depot at Old Ophir.

Passengers and their baggage

between the town of Telluride and the mines and mills in the vicinity of Pandora, Colorado.

Transportation on schedule, of passengers, together with their baggage,

between Telluride, Colorado, and Ophir Loop, Colorado, and between Telluride and Matterhorn, Colorado;

and transportation in charter service, on Sundays, only, of

passengers,

limited to charter parties of not less than ten persons, between Telluride and Trout Lake, Colorado.

(1) Passengers, baggage and express,

between Telluride, Colorado, and Placerville, Colorado, on schedule.

(2) Passengers in sight-seeing service in vehicles not to exceed 6-passenger capacity,

each originating and terminating in Telluride, Colorado, to all points, or combination of points, within a 25-mile radius of the town of Telluride, Colorado

Transportation of freight, generally, on schedule

between Grand Junction, Montrose, Delta, Fall Creek, and Telluride and points intermediate between Fall Creek and Telluride on the one hand, and Rico, Ophir Loop, Old Ophir, Matterhorn, and Trout Lake, and points intermediate between Rico and Telluride on the other hand.

By Decision No. 45521, March 29, 1956, transfers from this authority to Verl Hamilton:

Transportation of acid in bulk in tank trucks.

By Decision No. 45952, June 8, 1956: deletes and eliminates authority to transport: ore, ore concentrates, and coal, to and from Pandora, Colorado, for Telluride Mines, Inc., and Idarado Mining Company, their successors and assigns;

said certificate with respect to freight, generally, including ore and ore concentrates and coal, except as herein restricted, to be and remain in full force and effect."

It is further ordered, 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


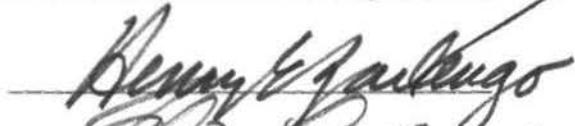

comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

It is further ordered, That 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.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 22nd day of January, 1971.
hj

(Decision No. 76731)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND ALLEN HOAR, ROUTE 1, BOX)
258, KERSEY, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24595-PP-Amended

ORDER OF THE COMMISSION

January 22, 1971

Appearances: Melvin Dinner, Esq., Greeley,
Colorado, for Applicant.

It appearing, That by Order of the Commission dated October 15, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Raymond Allen Hoar, Route 1, Box 258, Kersey, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

Farm products, livestock feed, and livestock bedding

Between all points within an area comprised of the Counties of Jackson, Larimer, Weld, Morgan, Logan, and Adams, State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the transportation of liquid bulk commodities in tank vehicles, livestock and dairy products.
- (b) To serving not more than ten (10) customers at any one time";

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




It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That 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 22nd day of January, 1971.
hj

(Decision No. 76732)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS BRADY HINES, JR., DOING)
BUSINESS AS "DAY & NIGHT TRANSIT)
CO.," 3075 FOREST STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24485-
Amended

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 21, 1971

Appearances: Clayton N. Johnson, Esq.,
Boulder, Colorado, for
Applicant.

PROCEDURE AND RECORD

Under date of August 4, 1970, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on August 25, 1970, was granted such temporary authority.

The Commission assigned No. 24485-Amended to the application for permanent authority.

On August 12, 1970, Boulder-Yellow Cab, Inc. filed a Protest to the granting of the above-entitled application.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver,

Colorado, on January 5, 1971, at 10 a.m. The hearing was held at the aforesaid time and place.

Protestant, Boulder-Yellow Cab, Inc., requested leave to withdraw from the proceeding and such leave to withdraw was granted by the Examiner.

Applicant requested permission to amend the application by adding to the application a request for the cancellation of Permit No. B-7373 presently held by Applicant, in the event the authority as requested is granted. The amendment, being restrictive in nature, was granted by the Examiner.

Thomas Brady Hines, Jr., James D. Wise, David M. Gaskin, Dorothy Grindeland, Dorothy Powell, Janice Wilson, and Carol Carter testified in support of the application. No person appeared at the hearing to protest the granting of the application.

Official notice was taken of the following documents on file with the Commission, to-wit: Financial Statement, Equipment List, and Map of area or routes.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual doing business as "Day & Night Transit Co."

2. Applicant in this matter proposes to operate as a public utility, as defined in Chapter 115, CRS 1963, as amended.

3. This Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

4. Applicant holds previously granted authority from this Commission, to-wit: Permit No. B-7373. Applicant requests that said Permit No. B-7373 be cancelled.

5. The application is not protested.

6. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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. There is a present and special need for the service as proposed by Applicant.

9. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

10. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Permit No. B-7373 presently held by Applicant should be cancelled.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Thomas Brady Hines, Jr., doing business as "Day & Night Transit Co.," 3075 Forest Street, Denver, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation -- on schedule -- of
Passengers

Between Denver, Colorado; Thornton, Colorado; Northglenn, Colorado; and those unincorporated areas located within the County of Adams, State of Colorado, commonly known as Western Hills, Sherrelwood, and Valley-Hi, on the one hand, and I.B.M. Corporation plant sites located within the County of Boulder, State of Colorado, on the other hand.

RESTRICTION:

This Certificate is restricted to rendering transportation service for only employees of and/or persons conducting business with the I.B.M. Corporation;

and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. That Permit No. B-7373 be, and hereby is, cancelled.

3. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

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

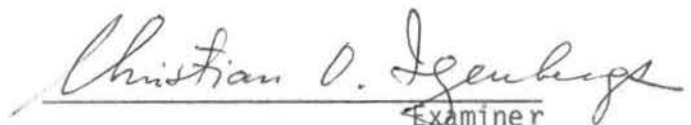
5. That this Order is subject to compliance by Applicant with all present and future laws and rules and regulations.

6. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file

exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hj

(Decision No. 76733)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

DENTON R. ELLARD DBA)
ELLARD OIL COMPANY)
BOX 368)
BOISE CITY, OKLAHOMA 73933)

AUTHORITY NO. 6238-I
CASE NO. 2521-H-Ins.

January 21, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

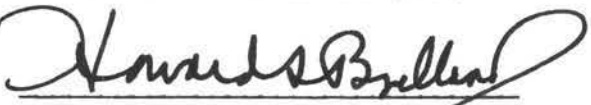


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1971 .

(Decision No. 76734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

DENTON R. ELLARD DBA
ELLARD OIL COMPANY
Box 368
Boise City, Oklahoma 73933

AUTHORITY NO. M 15492

CASE NO. 6434-M-Ins.

January 21, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

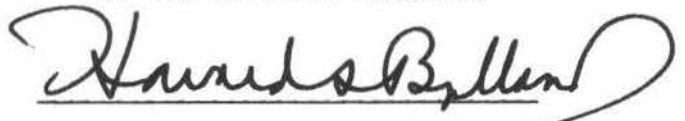


The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of January, 1971

(Decision No. 76735)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

GERALD R. SOUTH)
BOX 1076)
CORTEZ, COLORADO 81321)

PUC NO. 6448

January 21, 1971

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.

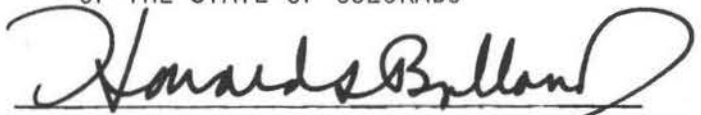
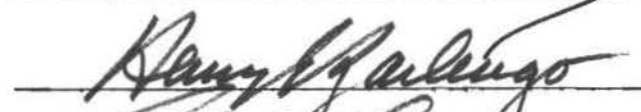
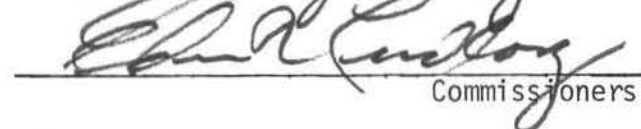
O R D E R

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 January 31, 1971 to and including July 31, 1971.

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 21st day of January, 1971.
hbp

(Decision No. 76736)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LELAND MAX BERRINGER, 707½)
MARTIN, BURLINGTON, COLORADO)
80807.)

PERMIT NO. A-7488

January 22, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit holder requesting authority to do business under the trade name and style of Leland Max Berringer, doing business as "Star Route Contractor," in the conduct of operations under Permit No. A-7488.

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

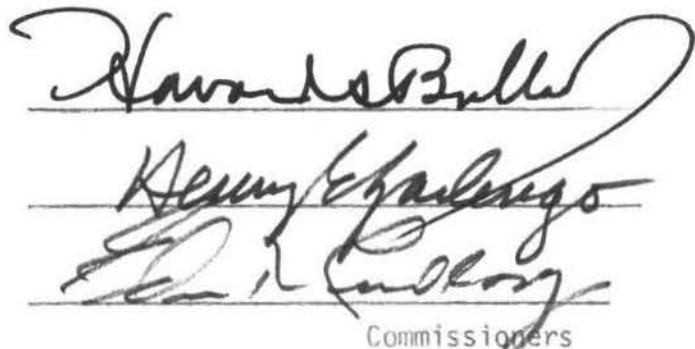
O R D E R

THE COMMISSION ORDERS THAT:

Leland Max Berringer be, and hereby is, authorized to conduct operations under the trade name and style of Leland Max Berringer, doing business as "Star Route Contractor," in the conduct of operations under Permit No. A-7488, 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 22nd day of January, 1971.
hbp

(Decision No. 76737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
BURGER'S EXPRESS, INC., DOING)	
BUSINESS AS "BURGER'S EXPRESS	)	<u>PERMIT NO. B-532</u>
& TRANSFER, INC.," 5541 CENTRAL,)	
BOULDER, COLORADO 80302.)	

January 22, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit holder requesting authority to change the assumed name, or trade name, from Burger's Express, Inc., doing business as "Burger's Express & Transfer, Inc.," to Burger's Express, Inc., doing business as "Boulder Valley Transfer, Inc.," in the conduct of operations under Permit No. B-532.

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.

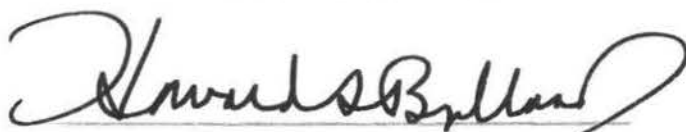
O R D E R

THE COMMISSION ORDERS:

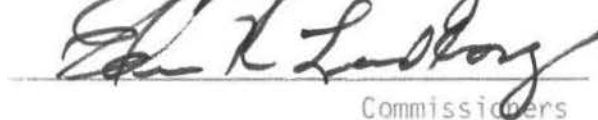
That Burger's Express, Inc., doing business as "Burger's Express & Transfer, Inc.," be, and hereby is, authorized to conduct operations within the State of Colorado under the trade name of "Burger's Express, Inc.," doing business as "Boulder Valley Transfer, Inc.," in the conduct of operations under Permit No. B-532, 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 22nd day of January, 1971.
hbp

(Decision No. 76738)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN H. OSBORNE, DOING BUSINESS AS)	
"OSBORNE TRUCKING COMPANY," 1008)	
SIERRA DRIVE, RIVERTON, WYOMING 82501,	)	<u>PUC NO. 7104-I - Transfer</u>
FOR AUTHORITY TO TRANSFER INTERSTATE)	
OPERATING RIGHTS TO OSBORNE TRUCKING)	
COMPANY, INC., 1008 SIERRA DRIVE,)	
RIVERTON, WYOMING 82501)	

January 22, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, John H. Osborne, doing business as "Osborne Trucking Company," was granted a certificate of public convenience and necessity, being PUC No. 7104-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. 7104-I to Osborne Trucking Company, Inc., "a Wyoming corporation, Riverton, Wyoming.

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.


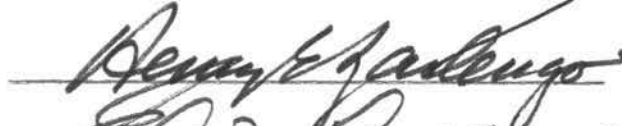
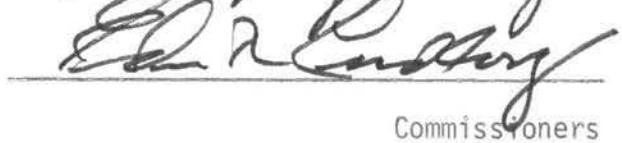
O R D E R

THE COMMISSION ORDERS:

That John H. Osborne, doing business as "Osborne Trucking Company," be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 7104-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Osborne Trucking Company, Inc., a Wyoming corporation, Riverton, Wyoming, 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 22nd day of January, 1971.
hbp

(Decision No. 76739)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	<u>PUC No. 556</u>
WELCO MILK LINES, INC., 801 IDAHO)	
STREET, EVANS, COLORADO 80620.)	<u>PERMIT NO. B-600</u>
- - - - -	

- - - - -
January 22, 1971
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Welco Milk Lines, Inc., a Colorado corporation (Debtor), owner and operator of Certificate of Public Convenience and Necessity PUC No. 556 and Contract Carrier Permit No. B-600, herein seeks authority to encumber said Certificate and Permit to the First National Bank of Greeley, Colorado (Secured Party), to secure payment of the indebtedness in the sum of \$225,000 in accordance with certain terms and conditions as set forth in Applicant's petition.

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



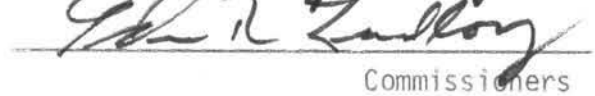
O R D E R

THE COMMISSION ORDERS:

That the authority as herein sought to encumber Certificate of Public Convenience and Necessity PUC No. 556 and Contract Carrier Permit No. B-600, in the amount of \$225,000 will be approved by the Commission upon the filing of copies of the Security Agreement and Financing Statement, properly executed by and between said parties in accordance with the statutory provisions of the Uniform Commercial Code.

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 January, 1971.
hbp

(Decision No. 76740)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

THE J. B. HUNT CO., INC.)
P. O. BOX 201)
BENTONVILLE, ARKANSAS 72712)

AUTHORITY NO. 7648-I

CASE NO. 2554-H-Ins.

January 22, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971 , 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.

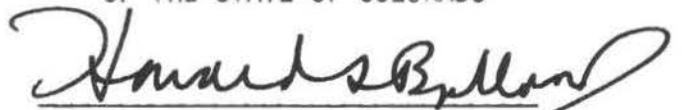
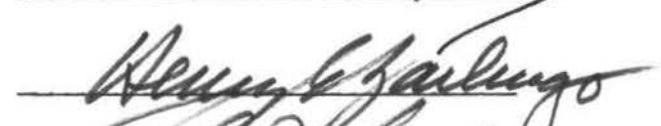

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1971 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL)
INVESTIGATION OF ALL COMMON AND)
CONTRACT CARRIERS ENGAGED IN THE)
BUSINESS OF TRANSPORTING ASHES,)
TRASH, WASTE, RUBBISH AND GARBAGE)
RE: THE FILING OF TARIFFS AND)
ANNUAL REPORTS.)
-----)

CASE NO. 1585

IN THE MATTER OF A GENERAL)
INVESTIGATION OF ALL COMMON AND)
CONTRACT CARRIERS ENGAGED IN THE)
BUSINESS OF TRANSPORTING ASHES,)
TRASH, WASTE, RUBBISH AND GARBAGE)
RE: THE DESIGNATION OF SPECIFIC)
AREAS WITHIN WHICH DUMPS AND DISPOSAL)
SITES MUST BE LOCATED.)
-----)

CASE NO. 5453

January 25, 1971

STATEMENT AND FINDINGS

BY THE COMMISSION:

The Public Utilities Act of the State of Colorado and the rules and regulations adopted pursuant to such Act, provide for regulation of Motor Vehicle Carriers, including, but not limited to Regulation of Rates and Charges (Article 3); Service and Equipment (Article 4); and Extension (Article 5).

Section 4 of Article 9 of said Act contains the statement "Motor Vehicles used in transporting ashes, trash, waste, rubbish, and garbage, in general service to the public" (Common Carrier).

Section 2 of Article 11 of said Act contains the statement "but this article shall apply to motor vehicles used for transporting ashes, trash, waste, rubbish and garbage."

The Commission, by Decision No. 47010, dated December 21, 1956, relieved motor vehicle common carriers of ashes, trash and other refuse materials, also garbage, from filing tariffs and annual reports.

The aforementioned Decision No. 47010 did not relieve the Contract Carriers of ashes, trash, waste, rubbish, and garbage from the requirement of filing tariffs.

In CRS 115-11-5 (3) Contract Carriers are required to keep on file at all times, schedules showing rates, charges and collections, collected or enforced, or to be collected or enforced.

The existing authorities of Ash and Trash Carriers are restricted to disposal sites, within certain designated areas.

The disposal of trash, and other refuse, is becoming a problem of grave concern for the public and those City, County and State Officials who are responsible for and concerned with pollution control, and

The existing disposal sites are being filled at a rapidly accelerating pace, causing new disposal sites to be opened which may be outside of the area designated in the carrier's authority.

It is the finding of the Commission that the absence of the requirement of Common Carriers of ashes, trash, waste, rubbish and garbage to file tariffs of rates and annual reports may result in unjust or unreasonable charges in violation of CRS 115-3-1; discrimination, in violation of CRS 115-3-2, or preference or prejudice in violation of CRS 115-3-6; that the contract carriers of ashes, trash, waste, rubbish and garbage may be in violation of the law for failure to have tariffs of rates on file with the Commission and, that interruptions of service may be caused by the closing of existing disposal sites and the opening of new disposal sites which may be outside of the area designated in the carrier's authority.

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 there be, and there is hereby instituted, a general investigation of all Common and Contract Carriers authorized to operate under jurisdiction of the Public Utilities Commission of the State of Colorado, for the transportation of ashes, trash, waste, rubbish and garbage.

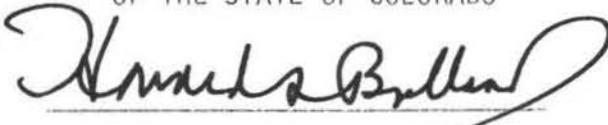
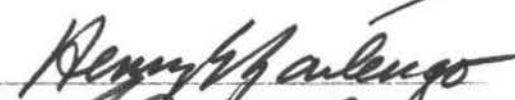

3. That such investigation shall include, but not be limited to, determination of the need for the filing of tariffs, and the form that such tariffs should take if they are found to be necessary; the need for the filing of Annual Reports and the form and detail required therein; the need for designating, in the authorities, the area within which the dumps and disposal sites must be located, and the possibility of eliminating such designated areas from existing authorities.

4. That all Common and Contract Carriers by motor vehicle authorized to transport ashes, trash, waste, rubbish and garbage be, and they hereby are, made respondents in this proceeding.

5. That this General Investigation shall be set for hearing in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado at 10 a.m., on the 7th day of April, 1971.

6. That all respondents who wish to be heard in this matter are hereby directed to be present in the Hearing Room at the time and date designated herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
25th day of January, 1971. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
YELLOW CAB, INC., 3455 RINGSBY COURT,)
DENVER, COLORADO, FOR AN ORDER OF)
THE COMMISSION DETERMINING THAT A)
PROPOSED ARRANGEMENT BETWEEN YELLOW)
CAB, INC., AND CERTAIN OF ITS DRIVERS)
BY WHICH SAID DRIVERS WILL OWN THEIR)
OWN TAXICABS AND OPERATE SAID TAXI-)
CABS UNDER YELLOW CAB, INC. CERTIFI-)
CATES OF PUBLIC CONVENIENCE AND)
NECESSITY, DOES NOT VIOLATE RULE 16)
OF THE COMMISSION'S RULES AND REGU-)
LATIONS GOVERNING COMMON CARRIERS;)
OR IN THE ALTERNATIVE, FOR AN ORDER)
OF THE COMMISSION PURSUANT TO RULE)
41 EXEMPTING SAID PROPOSED ARRANGE-)
MENT FROM RULE 16.)

APPLICATION NO. 24421-Waiver

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 27, 1971

Appearances: Walter M. Simon, Esq.,
Denver, Colorado, for
Applicant.

Issac H. Kaiser, Esq.,
Denver, Colorado, for
Independent Drivers Association
of Denver.

Girts Krumins, Esq.,
Denver, Colorado, for
the Staff of the Commission.

Oscar E. Franz, Denver,
Colorado, of the Staff of the
Commission.

PROCEDURE AND RECORD

On May 28, 1970, Yellow Cab, Inc. (hereinafter also referred to as "Applicant" or "Company") filed the above-entitled application requesting the issuance of an Order by this Commission determining that Rule 16 of the Rules and Regulations Governing Common Carriers by Motor

Vehicle of this Commission does not apply to a certain arrangement between Applicant and the Independent Drivers Association of Denver (hereinafter also referred to as "Union"). The Agreement provides, inter alia, that not more than 50 of the taxicab drivers of Applicant, instead of continuing as employees or lessees of Applicant, would purchase their own taxicabs and place said taxicabs in the service of Applicant under its Certificates of Public Convenience and Necessity. In the alternative, Applicant prays for an Order of this Commission exempting the above-described arrangement from compliance with the provisions of Rule 16, pursuant to Rule 41 of the Rules and Regulations Governing Common Carriers by Motor Vehicle.

The Commission assigned Docket No. 24421-Waiver to the application.

No protests or petitions for intervention in the above-entitled matter were received by this Commission.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 12, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Jerry C. Wilson, Executive Vice-President and General Manager of Yellow Cab, Inc. and Checker Cab, Inc.; Jack Kaufman, Steward of the Union; Ben A. Stone, Jr., Secretary-Treasurer of the Union; and Ronald Von Dollen, Business Agent of the Union, testified in support of the application. No person appeared at the hearing in opposition to the granting of the application.

Exhibits numbered 1 and 2 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission, to-wit: Certificates of Public Convenience and Necessity PUC No. 2204, and PUC No. 2204-I.
3. On January 20, 1970, Applicant entered into an Agreement with the Union, which said Agreement presently governs the relationships between the Company, the individual drivers and the Union. Article 27 of said Agreement entitled "Owner-Drivers" provides as follows, to-wit:

"Section 1. It is agreed that the Company may have in effect at any time during the effective period of this agreement, not to exceed fifty (50) Owner-Driver agreements, on a seniority basis, which said agreements will be entered into with the drivers. It is noted that the terms of this agreement will be substantially as follows:

Section 2. The Company would purchase for the Owner-Driver a fully-equipped Checker automobile with the necessary optional equipment at fleet price. The Company would sell it to the Owner-Driver on a conditional sales contract, the automobile on a thirty-six (36) month basis plus currently available bank interest rates.

Section 3. The Owner-Driver would be required to purchase a \$50.00 collision, fire and theft insurance policy in an amount equal to the value of the vehicle plus radio and meter value, naming the Company as a co-insured.

Section 4. The Company would furnish the necessary radio and meter and maintenance of this equipment to the Owner-Driver.

Section 5. The Company would furnish telephone and radio dispatching services to the Owner-Driver.

Section 6. The Company will make available Company approved charge accounts and the Owner-Driver may present the charge vouchers to the Company for redemption in cash or may apply the charge voucher amounts toward his car payment or service fees.

Section 7. The Owner-Driver would be required to have his State inspections made by the Company so that the Company could have the opportunity to inspect the condition of the automobile.

Section 8. The Owner-Driver would agree to keep his vehicle in good condition, reasonable wear and tear excepted.

Section 9. The Company would furnish all liability insurance necessary to cover the operation of the Owner-Driver's vehicle.

Section 10. The use of the Owner-Driver's vehicle for any activity other than participation in the cab business and the personal transportation of the Owner-Driver is prohibited.

Section 11. The Owner-Driver's car payment would be determined by dividing thirty-six (36) months into the fleet price of the vehicle plus applicable interest, as outlined above; the payment to be due and payable on the first day of each month until paid.

Section 12. On a weekly basis, the Owner-Driver would pay Fifty Dollars (\$50.00) per week on a day-to-day basis for the services furnished to the Owner-Driver by the Company.

Section 13. Owner-Drivers may purchase their gasoline on a daily basis from the Company taxicab pumps at the current posted price; however, they are not required to do so.

Section 14. Owner-Drivers would not be required to carry advertising signs on their cabs; however, should they desire to do so the Company reserves the right to sell the advertising and use the type signs prescribed and split the net amount on a fifty-fifty basis with the Owner-Driver after applicable expenses.

Section 15. As a consideration for the Owner-Driver arrangement, the Owner-Driver's seniority would be frozen in the Master Seniority List of the Company and he would not accumulate seniority during the time he participated as an Owner-Driver.

Section 16. The Owner-Driver may determine his daily starting time and number of days he will work. His Herdic license and trip sheet will be held until he picks it up, on a daily basis.

Section 17. The Owner-Driver would abide by all applicable Public Utilities Commission rules, city ordinances and applicable Company rules.

Section 18. The Owner-Driver would not be required to put his cab on the line; however, should he decide to do so he must make it available during one of the regular predetermined shifts and the Company would assign the driver its regular prescribed methods and procedures.

Section 19. For each shift in which Owner-Driver car is put on the line and driven by the Company assigned driver, the Owner-Driver would pay the Company Five Dollars (\$5.00). The Company would collect the difference between the \$5.00 and the regular lease services in effect at the time and pay this amount to the Owner-Driver.

Section 20. The Owner-Driver will be responsible for the necessary repairs to his vehicle. Any work done by the Company for the Owner-Driver on his vehicle will be paid for at the time the work is completed at regular commercial rates.

Section 21. It would be required that the Company's name and phone number be placed on the Owner-Driver vehicle in a similar fashion as a Company-owned vehicle; however, the Owner-Driver could, if so desired, add his name above the name of the Company on the vehicle.

Section 22. All drivers shall be under the protection of the Union security clause of this contract.

Section 23. In the event Owner-Driver's car is out of service, he shall be eligible to go under the regular leasing plan elsewhere in this contract.

Section 24. A driver may only own one (1) car, but nothing shall prevent a partnership of drivers from owning a car."

4. Pursuant to the provisions of the Agreement described in Finding of Fact No. 3, supra, the Company and the Union have agreed upon and formulated a further Agreement to be entered into and executed by the Company and any individual Owner-Driver (Exhibit No. 1). This latter Agreement has not yet been put into effect pending a determination by this Commission of the subject matter in the within proceeding.

5. By the subject application, Applicant prays for an Order of this Commission determining that Rule 16 of the Rules and Regulations Governing Common Carriers by Motor Vehicle as promulgated by this Commission does not apply to the proposed arrangement as described in Findings of Fact No. 3 and 4, supra, or, in the alternative, for an Order pursuant to Rule 41 of the aforesaid Rule exempting said proposed arrangement from compliance with the provisions of Rule 16.

6. This Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

7. Rule 16 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, promulgated by this Commission, provides as follows, to-wit:

"No Common Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these Rules, under his or its certificate, without first having obtained the consent of the Commission, in writing. Any Common Carrier permitting any person, firm, or corporation to operate vehicles under his or its certificate, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user."

8. As admitted by counsel for Applicant in his opening statement at the hearing, the Agreement between the Company and the Union is an attempt to create a new legal relationship between Applicant and its drivers whereby the drivers would become independent contractors

(individually or as two co-partners) instead of continuing as employees or lessees. Moreover, although at the present time not more than 50 drivers would be allowed to avail themselves of the privilege to become Owner-Drivers (Exhibit No. 2), it is clear that this number could change in the future and such change would be presumably upward in the number of Owner-Drivers. In fact, counsel for Applicant, in his closing argument at the hearing, specifically asked that the application be granted subject to change in the number of Owner-Drivers from time to time.

9. The proposed arrangement by the Company, the Union, and the Owner-Drivers, either individually or as co-partners, violates Rule 16 of this Commission. (See Finding of Fact No. 6, supra .)

10. Applicant failed to sustain the burden of proof that public convenience and necessity requires or would require that this Commission exempt the aforesaid arrangement from compliance with Rule 16.

11. The granting of the application is not in the public interest.

DISCUSSION

The issue before the Commission can be stated as follows:

A. Does the proposed arrangement of Applicant to authorize Owner-Drivers violate the provisions of Rule 16, and

B. In the event it is determined that said arrangement does indeed violate Rule 16, does public convenience and necessity require that Applicant be exempted from compliance with the provisions of Rule 16 insofar as the arrangement and use of Owner-Drivers is concerned?

The first part of the issue before the Commission can be answered by reference to the appropriate statutory provisions and the language of the Rule itself.

Section 115-4-1, CRS 1963, as amended, reads as follows, to-wit:

"Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, proper, adequate, or sufficient rules, regulations, practices, equipment, facilities, service, or methods to be observed, furnished, constructed, enforced, or employed and shall fix the same by its order, rule, or regulation. The commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility, and upon proper tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules." (Emphasis supplied)

The Examiner takes particular notice of the last sentence of the Statute quoted. The language of the Statute is mandatory and it is obvious that a common carrier of passengers by taxicab cannot deviate from the prescribed Rules of this Commission without permission. The next step is to establish whether the arrangement proposed by Applicant is in fact a deviation from Rule 16. Rule 16, promulgated by this Commission in accordance with Section 115-2-9, CRS 1963, as amended, is equally clear and unequivocal. (See Finding of Fact No. 7, supra, quoting the Rule,) Unless specifically permitted by the Commission, no common carrier by motor vehicle shall permit any other person, firm, or corporation to operate any vehicles under his or its certificate. An exception is contained in the Rule with respect to the operation of emergency vehicles but that provision is not germane to the issue at hand. Moreover, consent by this Commission is needed to lease equipment and the authority (certificate) itself. The two exceptions described here are the only ones now in lawful existence. Any other deviations or exceptions are prohibited. Here we are confronted with just such a prohibited situation: Owner-Drivers would operate their taxicabs under the aegis of

the authority granted to Applicant, not as lessees or employees, but as individuals or as partnerships acting in their capacity as independent contractors. The argument of Applicant that such an arrangement has existed in the City and County of Denver in the past can be accorded no weight in view of the clear language of Rule 16. If such an arrangement has indeed existed, then it was in effect either prior to the promulgation of Rule 16 or, if concurrent, clearly in violation of said Rule. Illegal operations do not accrue or mature into a legal right.

The Examiner further notes that the proposed Agreement between the Company and the Owner-Drivers, being in violation of the aforesaid Rule 16, further conflicts with Rule III of the Rules and Regulations Governing the Operations of Taxicabs. The Agreement permits an Owner-Driver to operate his taxicab for 11 hours on any shift whereas Rule III prohibits a taxicab driver to work more than 10 hours in the aggregate in any 24-hour period.

Having established that the proposed arrangement is clearly in violation of Rule 16 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, we now must determine whether public convenience and necessity requires that Applicant (and the Owner-Drivers) be exempted from compliance with the provisions of said Rule. The issue can also be stated in a different way:

Will the general public be served in a manner consistent with the convenience and necessity of the said public in the event the proposed arrangement were approved?

The Examiner has carefully studied Applicant's Exhibit No. 1 and finds the following elements that need to be considered:

1. The Agreement provides that the owner of a taxicab may place such cab in the service of the Company to be operated under the Company's certificates of public convenience and necessity and, after making specified payments, retain all fares and charges resulting from such operation. (Page 1 of Exhibit No. 1.)

This places the Company in the position of a taxicab-service broker instead of continuing as a carrier with all the attendant control over its cabs and drivers.

2. Paragraph 1 (pp. 1 and 2) of the Agreement provides:

"The number of day shifts per week that Owner is so required to place his taxicab in the service of the Company may be reduced by special arrangement with the Company made in advance. Company agrees to make such special arrangement if it is compatible with Company's obligations under its certificates of public convenience and necessity, of which fact Company shall be the sole judge."

The language of the Agreement makes the Applicant Company the sole judge of the Company's obligations under its certificates of public convenience and necessity and therefore usurps the function of the Commission to regulate taxicab service to the public.

3. Subparagraph (c) of the Agreement (page 2) provides:

"To pay to Company the sum of \$50 per week for each week that Company operates Owner's taxicab under Company's certificates of public convenience and necessity. Said \$50 shall be paid by paying \$10 at the end of each of the first five working shifts of each week. If Owner elects to drive more than five shifts in any week, no further payment shall be required. If, pursuant to a special arrangement made in advance, Owner drives less than five shifts in any week, Owner shall be obligated to pay Company only \$10 per shift for each shift driven. If, for reasons clearly beyond Owner's control, advance arrangements to drive less than five shifts in any week have not been made, the daily payment shall apply."

This language raises a grave doubt with regard to the regulation of taxicab rates. Just how can the Commission establish just and reasonable

rates for taxicab services based on this arrangement? Although it is recognized that this is not a rate case, we cannot close our eyes to the complications which can easily ensue if this arrangement is approved. Would rates then be based on the Applicant's cost of providing a kind of brokerage service plus some undetermined amount for the Owner-Driver? It is highly questionable that the Commission could obtain reasonably accurate financial statements from the Owner-Drivers and, if so, rate-making would be uncertain at best and perhaps even approach the illusory.

4. Paragraph 3 (page 4) of the Agreement provides:

"Owner shall be permitted to work any day of the week he desires, to start his shift at any time he elects, and to drive either a straight shift or a split shift; provided, however, that no Owner shall operate his taxicab as a common carrier under Company's certificates of public convenience and necessity for more than eleven (11) hours on any shift."

This clearly weakens the control of the Applicant over its drivers by transferring the choice of the time and place of taxicab service to the Owner-Drivers. It can easily be seen that the Owner-Driver could elect to drive mainly during the lucrative hours or what is commonly called in the industry "peak hours" and thus confront the general public with a shortage of taxicabs during other times. Applicant moreover requests that the authority to employ Owner-Drivers be granted as an "open-end" arrangement. Conceivably, as stated above, this could lead to a situation where all drivers would be Owner-Drivers. Competition among Owner-Drivers for the service during the more lucrative hours could play havoc with the taxicab service in this town and such a situation would definitely not be consistent with public convenience and necessity.

5. Paragraph 9 (page 6) of the Agreement provides:

"Owner may, at his option, make his taxicab available to a driver-lessee working the opposite shift. If Owner elects to do so, the taxicab will be assigned to a driver-lessee on the same basis and under the same procedure that it would be assigned if it were a Company owned taxicab. Company will collect the regular cab-lease payment from the driver-lessee using the taxicab, plus its regular gasoline charge. Company will retain the sum of \$5 out of the cab-lease payment, and will remit the balance to Owner."

This arrangement permits an Owner-Driver to let his cab to a third party under a lease arrangement. To let carrier equipment to a third party without Commission approval is prohibited under Rule 14 of the Rules and Regulations of this Commission.

While it is true that common carriers by taxicab are exempted from compliance with the provisions of Rule 16 (Rule II of the Rules and Regulations Governing the Operation of Taxicabs), it is equally true that the exemption pertains to the obligations of carriers and their relationship to drivers-lessees, not the relationship between two non-carriers such as an Owner-Driver and a Lessee-Driver of the Applicant company.

6. Paragraph 14 (page 8) of the Agreement provides:

"Nothing in this Agreement shall be construed as a restriction on the right of Owner to use his taxicab for personal purposes when it is not being operated in the service of Company under Company's certificates of public convenience and necessity. 'Personal purposes', as used in this paragraph, shall not be deemed to include operating said taxicab under a certificate of public convenience and necessity owned by any other person, firm or corporation, and such operation is expressly forbidden while this Agreement is in effect."

Although Applicant presented some evidence at the hearing concerning the control by the Company over the Owner-Drivers and the use of their cabs when not at work on a legitimate shift, the evidence so presented did not prove conclusively that such control would be at all times sufficiently effective.

The Commission has ruled in a similar situation in Re Motor Vehicle Operations of T. L. Tucker (Decision No. 63185, Case No. 5270, 1964), which ruling was affirmed by the Supreme Court of the State of Colorado in PUC, et al. vs. T. L. Tucker (445 P2d 901; 1968). Although camouflaged as a leasing arrangement, Tucker was employing Owner-Drivers in several different parts of the State. The Commission found that this arrangement was in violation of Rule 16. The language of the Commission in Decision No. 63185, although pertaining to a livestock hauler, is still pertinent and applies to the facts in the instant proceeding. On page 8 of the said Decision, the Commission states:

"In the case before us, Tucker was apparently leasing equipment from his lessor-agents. In truth and in fact, however, Tucker was actually leasing or 'farming out' his authorities from the Commission on a percentage bases. A similar situation (sic) appears to have existed in connection with the issuance of emergency letters under Tucker's authority. Tucker, in effect, was leasing carrier authority, retaining for himself an over-riding royalty. If such a concept should be recognized by the Commission, Tucker could himself perform the functions of the Commission by granting new carrier authority throughout the State. He could set up motor carrier operations in every city and county of the State by leasing out his authority. Such action could and would disrupt the entire transportation system as now operating in the State of Colorado."

The Tucker case is supported by similar or related Commission Decisions (Vide Decisions No. 58162, No. 62695, No. 71313).

None of the Decisions cited or referred to purport to find that public convenience and necessity requires Owner-Drivers to operate in a manner identically or similar to the arrangement proposed by Applicant here. There are a few narrowly restricted situations which permit owner-operators to be employed under a lease arrangement in order to alleviate a recurrent emergency situation. Thus, Decision No. 58162 permits some livestock haulers to employ owner-operators during certain critical periods of the business cycle of the cattle industry but the permission to do so is extremely narrowly outlined and a carrier who owns

the authority retains direction, domination, and control of the facilities and the drivers at all times (See, in particular, Decision No. 62695).

Another difficulty may arise, as the Examiner sees it, if the proposed arrangement were to be approved by the Commission, with respect to insurance to be kept in accordance with Rule 18 of the Rules and Regulations Governing Common Carriers by Motor Vehicle. Without going into detail, suffice it to say at this time, that presently, in accordance with the Rule, it is the duty of the carrier to keep public liability and property damage insurance in effect. The proposed arrangement seems to envision a split insurance setup with the Owner-Drivers carrying part of the burden to insure. The proposed arrangement appears to needlessly complicate the present clear-cut insurance requirements in accordance with Rule 18.

A final discussion should be had with regard to the investment of capital funds for the procurement of equipment when viewed in the light of the proposed arrangement. It goes without saying that the Company would not need to invest nearly as much capital in taxicabs if the Owner-Drivers were the title owners of the vehicles they drive. To carry the thought a step further, we should again consider the requested "open-end" nature of the proposed arrangement. As stated above, it is quite conceivable that in the long run all or nearly all of the drivers of Applicant would attain the status of Owner-Drivers. Obviously, then, Applicant's only investment, under such circumstances, would be in office and dispatching apparatus and service, perhaps some maintenance equipment and shops, gas pumps, and similar ancillary facilities. Should that come to pass, what then would Applicant be if not a taxicab-service broker, pure and simple, directing in some way, yet to be determined, an array of Owner-Drivers as independent contractors.

Who would be the true public utility rendering taxicab service to the general public under the circumstances? The Examiner, after evaluating all of the aforesaid and having carefully considered the evidence in this case, is of the opinion that, if the arrangement as proposed by Applicant were allowed to come to fruition, the Commission should seriously consider cancelling Applicant's Certificates of public convenience and necessity to render services in taxicab operations and substituting therefor a series of individual certificates to be held by the Owner-Drivers.

In summation, based on all the evidence of record, the Examiner cannot find that public convenience and necessity requires that the proposed arrangement between Applicant and the Union, as outlined in Applicant's prayer, should be approved and exempted from compliance with the provisions of Rule 16.

Where applicable, those matters set forth in this Discussion are made a part of and included in the Findings of Fact, supra.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact and discussions, it is concluded that:

1. Application No. 24421-Waiver should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

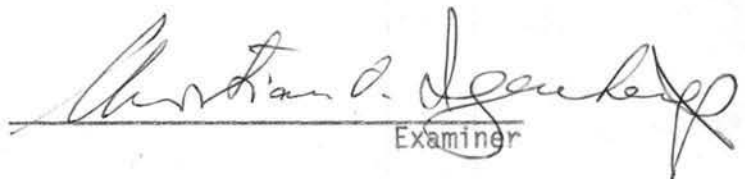
1. That Application No. 24421-Waiver, being an application by Yellow Cab, Inc., 3455 Ringsby Court, Denver, Colorado, for an Order of the Commission determining that a proposed arrangement between Yellow Cab, Inc., and certain of its drivers by which said drivers will own their own

taxicabs and operate said taxicabs under Yellow Cab, Inc. certificates of public convenience and necessity, does not violate Rule 16 of the Commission's Rules and Regulations Governing Common Carriers; or in the alternative, for an Order of the Commission pursuant to Rule 41 exempting said proposed arrangement from Rule 16, be, and hereby is, denied.

2. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF FINANCIAL DATA REQUIRED
FROM REGULAR ROUTE SCHEDULED MOTOR VEHICLE
COMMON CARRIERS OF PROPERTY FOR USE BY
THIS COMMISSION IN STUDIES OF CARRIER
REVENUE REQUIREMENTS

CASE NO. 1585

January 22, 1971

STATEMENT AND FINDINGS

BY THE COMMISSION:

The Commission in previous Decisions required the scheduled regular route common carriers of property by motor vehicle to collect certain data and to make traffic studies of various types to assist the Commission in making studies of the carriers' revenue needs and in determining whether the rates and charges of the carriers are just and reasonable.

In continuation of this policy, the Commission finds that certain additional information should be required from the Class I and Class II scheduled Regular Route Motor Vehicle Common Carriers of Property. The Annual Reports being submitted by the Class I and Class II Carriers include Schedule 9009 (Class I) and Schedule 909 (Class II) entitled "Contracts and Agreements - Affiliated Companies." In addition to the information required therein, the Commission will require balance sheets, income statements and reconciliation of earned surplus for all individuals or business entities reported on said schedules (9009 or 909).

In addition, each of the Respondent Carriers, as designated herein, shall complete the "Business Questionnaire" attached hereto as Appendix "A".

All of the information required herein shall be completed and filed with the Annual Report Forms on or before March 31, 1971.

The Class I and Class II Carriers hereinafter designated as
Respondent Carriers are:

Ephraim Freightways, Inc.
Goldstein Transportation & Storage, Inc.
North Eastern Motor Freight, Inc.
Rio Grande Motor Way, Inc.
Westway Motor Freight, Inc.
Bethke Truck Lines
Overland Motor Express, Inc., d/b/a
Boulder-Denver Truck Line
Denver-Laramie-Walden Truck Line, Inc.
Denver-Limon-Burlington Transfer Co.
Denver-Loveland Transportation, Inc.
Edson Express, Inc.
Miller Bros., Inc.
North Park Transportation Company

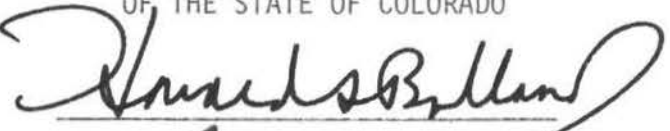
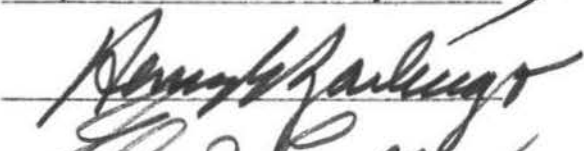

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings be, and they are hereby,
made a part hereof.
2. That the Class I and Class II scheduled Motor Vehicle
Common Carriers of Property listed in the Statement and Findings herein
be, and they are hereby, made Respondents.
3. That the Respondent Carriers, as designated herein, shall
file with the Commission the following additional information in
connection with, and as a part of, their Annual Reports, on or before
March 31, 1971:
 - (a) Balance Sheets, Income Statements, and Reconciliation of
Earned Surplus for all individuals or business entities
reported in Schedule 9009 (Class I) and 909 (Class II)
of the Annual Report.
 - (b) The "Business Questionnaire" attached hereto as Appendix
"A", with all questions answered.
4. That jurisdiction hereof is hereby retained and the
Commission may enter such further and additional Order or Orders as in
its judgment may be just and proper.

5. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
22nd day of January, 1971. av

APPENDIX "A"

1970 Business Questionnaire

1. PUC No. _____
2. Exact name of Carrier: _____
3. Address: _____

4. Type of Business - Individual ☐ Partnership ☐ Corporation ☐
5. Basis of reporting taxes - Cash ☐ Accrual ☐
6. If reporting as a corporation are you a tax option corporation?
Yes ☐ No ☐
7. Are your accounting records and the annual reports to the Colorado Public Utilities Commission kept and prepared according to Title 49, Chapter X, Part 1207, of the Code of Federal Regulation (ICC Uniform System of Accounts)? Yes ☐ No ☐
8. Is an inventory of stationery and printed matter taken yearly and included within the total of account 1170 - Prepayments (Specifically Account 1175 - Prepaid Stationery and Printed Matter)?
Yes ☐ No ☐
9. Is the cost of tires and tubes for revenue equipment at the time of original application to vehicles charged to Account 1170 - Prepayments (Specifically Account 1176 - Prepaid Tires and Tubes)?
Yes ☐ No ☐
10. Is the value of tires and tubes furnished by the vendor with newly acquired revenue equipment charged to Account 1170 - Prepayments (Specifically Account 1176 - Prepaid Tires and Tubes)?
Yes ☐ No ☐
11. If your answers to questions 9 and 10 were "No", were the tires and tubes charged directly to Account 4160 - Tires and Tubes - Revenue Equipment, or other appropriate expense accounts? Yes ☐ No ☐
If "no", were they capitalized with the vehicle? Yes ☐ No ☐
12. If your answers to questions 9 and 10 were "yes", were the tires and tubes charged to this account prorated on the mileage basis?
Yes ☐ No ☐ If "no" what basis was used for proration?

- 12(a) Are tires and tubes leased or rented for use in operations?
Yes ☐ No ☐ If "yes" give the annual consideration paid.

13. Is an inventory taken yearly of materials and supplies? Yes ☐ No ☐

14. Are the following inventories maintained in the material and supply account:

Drums and Containers: Yes ☐ No ☐

Tools : Yes ☐ No ☐

Repair Parts : Yes ☐ No ☐

Fuel : Yes ☐ No ☐

Tires and Tubes : Yes ☐ No ☐

Oil and Lube : Yes ☐ No ☐

Construction Material: Yes ☐ No ☐

Reusable Material : Yes ☐ No ☐

Scrap : Yes ☐ No ☐

15. Is any land leased for operations? Yes ☐ No ☐ If "yes" give the annual consideration paid. _____

16. Are any structures leased or rented for use in operations? Yes ☐ No ☐ If "yes" give the annual consideration paid _____

17. Are any revenue equipment units leased or rented for use in operations?

Yes ☐ No ☐ . If "yes" have you made full disclosure of details in Schedule 4270 - Purchased Transportation, Page 45 of Annual Report - including applicable division between payroll and equipment rents in case of rent with drivers. Yes ☐ No ☐

18. Do you maintain a shop and garage? Yes ☐ No ☐ . If "yes" are the following services performed in your shop and garage:

Servicing: Yes ☐ No ☐

Maintenance: Yes ☐ No ☐

Overhauls: Yes ☐ No ☐

Repairs of Wrecked Units: Yes ☐ No ☐

Wrecker Service: Yes ☐ No ☐

19. Is any furniture or office equipment leased? Yes ☐ No ☐ . If "yes" give the annual consideration paid _____

20. Are franchises, permits, consents or certificates carried on the books at actual cost? Yes ☐ No ☐ . If "no" give the basis at which items are carried: _____

21. Are depreciation charges reflected in the records on the straight-line method? Yes ☐ No ☐ . State the average life used for writing off value of property: _____

(See next page)

Structures _____ years.

New Revenue Equipment _____ years.

Used Revenue Equipment _____ years.

Service cars and Equipment _____ years.

Shop and Garage Equipment _____ years.

Furniture and Office " _____ years.

Other Equipment _____ years.

22. Are officers' salaries and expenses prorated to duties performed in the course of operations? Yes ☐ No ☐

23. Are any lands, structures or revenue equipment rented or leased to affiliates or outside persons or organizations? Yes ☐ No ☐
If the answer is "yes", give the annual consideration received:

Lands _____

Structures _____

Revenue Equipment _____

24. Are any of your facilities or administrative services used jointly with other carriers? Yes ☐ No ☐ . Are any of your facilities or administrative services used in non-carrier operations? Yes ☐ No ☐
If "yes" to either question, was the consideration received or value of service used as a deduction to operating expenses? Yes ☐ No ☐
State the amount of consideration received or the value of service involved in joint use: _____

25. If you maintain shop and garage services, do you perform work for outside parties or in non-carrier operations? Yes ☐ No ☐
If "yes" was the consideration received or value of service used as a deduction to operating expenses? Yes ☐ No ☐ . State the amount of consideration received or the value of service involved in this portion of the shop and garage operations _____.

26. If a corporation, was the capital stock issued for cash? Yes ☐ No ☐
If "no", state basis of issuance valuation, such as services, equipment, contribution, personal notes, etc.: _____

27. If you maintain a reserve for uncollectible accounts, are additions made to this reserve on the basis of actual disputed accounts. Yes ☐ No ☐ . If "no", what basis is used for addition to the reserve. _____

28. If you maintain a reserve for cargo loss and damage claims, are additions made to this reserve on the basis of actual claims filed? Yes ☐ No ☐ . If "no", what basis is used for addition to the reserve? _____

29. Is cash on the balance sheet stated at the reconciled amount which includes all deposits in transit and all checks and drafts which have been transmitted to payees. Yes ☐ No ☐ . If "no", state the difference in presentation such as issued checks presented as liability with offset as additional cash, or unissued checks reducing cash, etc. _____

If this question is answered, state the amount by which the cash figure is distorted. _____

30. Are any items other than new construction included within the account unfinished construction? Yes ☐ No ☐ . If "yes" state the amounts involved in the following classifications:

- (1) Rebuilding Property _____
(2) Substitution Property _____
(3) Replacement Property _____

31. Are any investments specifically set aside to provide a fund for the replacement of units of depreciable property? Yes ☐ No ☐ . If "yes" state units to be replaced and amount of funds invested: _____

32. Have dividends been declared and not paid as of the end of the calendar year? Yes ☐ No ☐ . If "yes" state the amount of unpaid dividends involved: _____

33. Are any portions of your insurance expense self-insurance entries? Yes ☐ No ☐ . If "yes" state what coverage is self-insured and basis of expense charge. _____

34. Are your books and records audited by an independent firm of Certified Public Accountants? Yes ☐ No ☐ . If "yes" does the firm render an audit report with full opinion? Yes ☐ No ☐

35. Does your Company operate a law department? Yes ☐ No ☐ . If "no" do you retain an outside firm of lawyers to do your legal services? Yes ☐ No ☐ .

36. Does your Company have a management services consulting firm retained for providing of general management, supervision, purchasing, financial or other general services? Yes ☐ No ☐

37. If charges are made in your accounts to regulatory expenses, give the actions which incurred the expense and the amount of consideration involved.

38. Give the amount of cash overages or shortages in your operations for the current fiscal year.

Overage _____ Shortage _____

39. Are bonuses paid to either officers or employees after the end of the year and charged to the prior year's operations?
Yes ☐ No ☐ . If the answer is "yes", state the basis on which the bonus amounts were determined:

Officers _____

Employees _____

I hereby certify that I have examined the above questions and answers and that they are true and complete to the best of my knowledge and belief.

Signature of preparer if
other than Officer or
Owner

Date

Signature of Officer
or Owner

Date

(Decision No. 76744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JERRY MONOAH HARRIS)
DOING BUSINESS AS HARRIS)
TRUCKING)
108 Miriam Drive)
Grand Junction, Colorado 81501

PUC NO. B-7407

January 25, 1971

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.

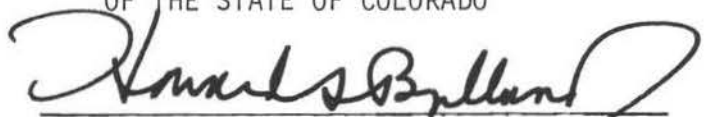

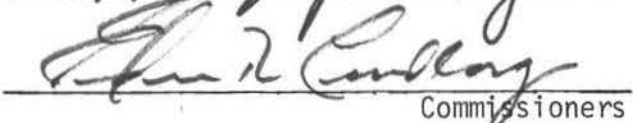
O R D E R

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 December 24, 1970 to and including June 24, 1971.

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 25th day of January, 1971.
hbp

(Decision No. 76745)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
W. R. HILL)
413 South Park Street)
Cortez, Colorado 81321)

PERMIT NO. B-6461

January 22, 1971

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.

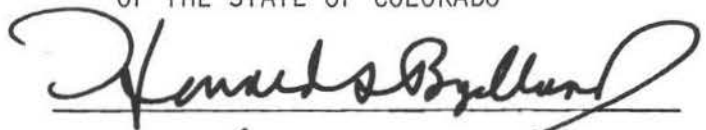
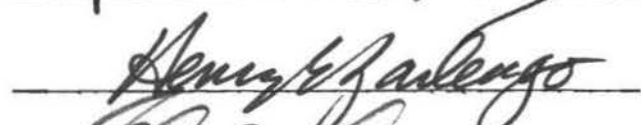
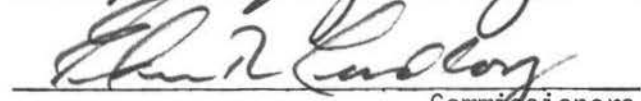
O R D E R

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 January 23, 1971 to and including July 23, 1971.

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 22nd day of January, 1971.

hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

APPLICATION NO.
24361-Extension

APPLICATION NO.
24362-Extension

APPLICATION NO.
24363-Extension

APPLICATION NO.
24364-Extension

APPLICATION NO.
24365-Extension

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 26, 1971

Appearances: Walter M. Simon, Esq., Denver,
Colorado, for Applicant.
Isaac H. Kaiser, Esq., Denver,
Colorado, for Independent Drivers
Association of Denver.
Richard D. Gilson, Esq., Denver,
Colorado, for Cabs, Inc., doing
business as "Dollar Cab Line,"
operating as "Zone Cabs," Protestant.
Theodore M. Smith, Esq., Denver,
Colorado, for Local Union No. 775,
International Brotherhood of Teamsters,
Chauffeurs, Warehousemen, and Helpers
of America, Protestant.
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.
Oscar E. Franz, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

Under date of May 22, 1970, Applicant filed the above-entitled applications with this Commission for authority to extend operations as a common carrier by motor vehicle as specifically set forth in said applications.

The Commission assigned Docket No. 24361-Extension, Docket No. 24362-Extension, Docket No. 24363-Extension, Docket No. 24364-Extension, and Docket No. 24365-Extension to the respective applications and gave notice on May 27, 1970, to all interested persons, firms, or corporations of the filing of the applications.

The following protests were filed: On June 10, 1970, a Protest of Cabs, Inc., doing business as "Dollar Cab Line," operating "Zone Cabs"; on June 15, 1970, a Protest of Local Union No. 775, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. On May 28, 1970, Denver-Colorado Springs-Pueblo Motorway, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; American Bus Lines, Inc.; Continental Bus System, Inc. (Rocky Mountain Lines Division); Continental Bus System, Inc.; and Continental Central Lines, Inc. filed a Petition to Intervene in the above-captioned proceedings. On June 2, 1970, by Decision No. 75034, the Commission granted the Petition to Intervene by the aforesaid carriers.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on these applications and, after due and proper notice to all interested persons, firms, or corporations, set the herein matters for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 12, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Intervenors Denver-Colorado Springs-Pueblo Motorway, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; American Bus Lines, Inc.; Continental Bus System, Inc. (Rocky Mountain Lines Division); Continental Bus System, Inc.; and Continental Central Lines, Inc. did not appear at the hearing.

The above-captioned applications were heard on a joint record.

Jerry C. Wilson, Executive Vice-President and General Manager of Yellow Cab, Inc. and Checker Cab, Inc.; Ben A. Stone, Jr., Secretary-Treasurer of the Independent Drivers Association of Denver; and Jack Kaufman, Steward of the said Association, testified in support of the applications.

George Sellens, Manager of Zone Cab Company, testified for Protestant Cabs, Inc., doing business as "Dollar Cab Line," operating "Zone Cabs". Protestant Local Union No. 775 and the Staff of the Commission presented no evidence.

Exhibits numbered 1, 2, 3, 4, 5, 6, 7, and 8 were tendered and admitted into evidence.

Official notice was taken by the Examiner of Commission Decisions No. 74880 and No. 75234.

The Examiner granted leave to file the following briefs: Protestants to file on or before December 3, 1970, and Applicant on or before December 14, 1970. The Briefs were duly and timely filed with this Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado

Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. Applicant presently holds authority from this Commission under Certificates of Public Convenience and Necessity PUC No. 2204 and PUC No. 2204-I in the name of Yellow Cab, Inc., which reads as follows, to-wit:

"Transportation -- by taxicab -- of

(1) Passengers and their personal baggage

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, and to and from said area, from and to all points in the State of Colorado.

(2) Packages, parcels, baggage, messages, letters, papers, and documents

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado.

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

From the area within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, to all points in the State of Colorado.

RESTRICTIONS:

(A) Items (2) and (3) of this Certificate are restricted as follows:

(1) Restricted against transportation of items that exceed fifty (50) pounds;

- (2) Each delivery from point of origin to point of destination shall be charged as though one passenger was transported in addition to the extra charge made for leaving the vehicle to pick up or deliver such item;
- (B) Item (3) is restricted to one shipment per cab.
- (C) All operations under this Certificate shall be limited to the use of two hundred twelve (212) cabs.
- (4) 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."

Applicant further holds Certificates of Public Convenience and Necessity PUC No. 2378 and PUC No. 2378-I in the name of Checker Cab, Inc., which read as follows, to-wit:

"Transportation -- by taxicab -- of

- (1) Passengers and their personal baggage

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, and to and from said area, from and to all points in the State of Colorado.

- (2) Packages, parcels, baggage, messages, letters, papers, and documents

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado.

- (3) Packages, parcels, baggage, messages, letters, papers, and documents

From the area within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, to all points in the State of Colorado.

RESTRICTIONS:

- (A) Items (2) and (3) of this Certificate are restricted as follows:

- (1) Restricted against transportation of items that exceed fifty (50) pounds;
- (2) Each delivery from point of origin to point of destination shall be charged as though one passenger was transported in addition to the extra charge made for leaving the vehicle to pick up or deliver such item;

- (B) Item (3) is restricted to one shipment per cab.
- (C) All operations under this Certificate shall be limited to the use of one hundred eleven (111) cabs.
- (4) 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."

Both authorities are operated concurrently by Yellow Cab, Inc. Certificates of Public Convenience and Necessity PUC Nos. 1223, 1529 and 2450 have been consolidated with and included as part of Certificates PUC Nos. 2204 and 2378 respectively by Commission Decision No. 75234, dated June 29, 1970, and are no longer in existence.

3. Applicant herein prays for an order of this Commission extending its authorities, PUC No. 2204, PUC No. 2204-I, PUC No. 2378, and PUC No. 2378-I, to use taxicabs having a rated seating capacity of eight passengers, including the driver.

Neither of the above-described authorities contains a provision limiting Applicant's taxicabs to any number of passengers but such limitation is contained in one of the older Decisions underlying the present authorities, namely, Decision No. 46036, dated June 18, 1956, which restricts Applicant to the use of taxicabs with a rated seating capacity of not more than five passengers and a driver. In conformity with the said Decision No. 46036, Applicant, at the present, is therefore limited to the use of taxicabs with a rated seating capacity of not more than five passengers and a driver.

4. This Commission has jurisdiction over said Applicant and the subject matter of these proceedings.

5. Applicant purchases taxicabs which are manufactured in such a manner that the taxicab, when loaded to capacity, can carry a driver and two passengers in the front and five passengers in the rear compartment: three on the rear seat and two on jump seats.

6. To enhance the safety of the driver, especially when carrying fares at nighttime, Applicant is currently installing stout glass partitions between the front and the rear compartments on top of the rear edge of the front seat.

7. At the present, in order to comply with its authority, Applicant has the two jump seats removed and the front seat moved somewhat to the rear before a newly purchased taxicab is put into service to the public.

8. The cost of the taxicab is the same regardless of the fact whether it is delivered to Applicant with or without the two jump seats.

9. The front and the rear seats are equipped with seat belts. The jump seats are not.

10. When both the rear seat and the jump seats are fully occupied, the distance between the heads of the passengers sitting in the jump seats and the glass partition is no more than six inches to one foot. Under the same circumstances, the five passengers in the rear compartment are in close proximity to each other and in a somewhat cramped position without a possibility for the passengers in the rear seat to brace themselves with their feet against the back of the front seat.

11. The current load factor of Applicant's taxicab hauls both in Denver and in Boulder is 1.2 passengers per load.

12. Applicant failed to establish by competent evidence that the taxicab-riding public in the subject area (primarily the City and County of Denver) does indeed require the use of two additional jump seats. No traffic studies were introduced and no testimony by the public was presented.

13. The present or future public convenience and necessity does not require the granting of the subject applications.

14. The granting of the subject applications is not in the public interest.

DISCUSSION

The issue before the Commission can be stated as follows:

Does public convenience and necessity require that Applicant be authorized to use two additional jump seats in its taxicabs in service to the general public?

As stated in the Findings of Fact, supra, Applicant did not present any traffic studies at the hearing nor did it present testimony of the public using taxicabs that there exists a present or future need to increase the hauling capacity of the taxicabs presently in service by Applicant. An officer of the Applicant company admitted at the hearing that no such traffic studies had been made and, therefore, nobody really knew whether there was a great need, a need, or any need at all. The present load factor of Applicant's taxicabs in the Denver area is 1.2 passengers per haul. This indicates that the great majority of taxicabs haul normally only one passenger, sometimes two, and very rarely more than that number. Moreover, Applicant, at present, does have authority to load more than five passengers in its taxicabs in the City of Boulder, Colorado. If Applicant's argument that the increased loading capacity of taxicabs would reduce the number of the taxicabs on the streets in Denver and thus enhance traffic safety and reduce air pollution should hold true, then the load factor in Boulder would consequently have to be higher. The fact is, however, that Boulder has the same load factor as Denver, namely, 1.2 passengers per haul. Thus, the argument of Applicant is reduced to a mere speculation not supported by actual proven facts.

With regard to air pollution, it has to be conceded that if a lesser number of taxicabs were to use the streets of Denver, this may then be a factor reducing air pollution in some degree. Since Applicant would be increasing its total seating capacity by a substantial percentage if these applications were granted, then, of course, it follows that the cab fleet of Applicant should be reduced accordingly. Such a reduction would reduce pollution. At the same time, a reduction in the number of taxicabs Applicant is authorized to use in the service to the general public would obviously be contrary to the wishes and desires of Applicant and it is also

doubtful that it would serve the needs of the taxicab-riding public in any useful way.

Applicant's witness Wilson testified that the approval of increased load capacity of taxicabs would facilitate group riding, especially from Stapleton Airport in Denver, and to and from conventions or athletic gatherings. The same witness further testified that this arrangement of so-called group riding, which admittedly at the present is only in the thinking, not planning, stage, might result in lower fares to the individual taxicab riders. Such reasoning is getting close to multiple loading which is prohibited under Rule VII of the Rules and Regulations Governing the Operations of Taxicabs, as promulgated by this Commission. The said Rule appears to be very much in point and deserves further attention. The second and third paragraphs of the Rule are, therefore, quoted here as follows, to-wit:

"No operator or driver of any taxicab shall engage in the multiple loading of passengers, except at depots upon the arrival of trains, at bus stations upon arrival of buses, at air-fields upon arrival of planes, and to and from sporting events, conventions, and other events where there is a mass assemblage of passengers seeking transportation, and during storms and in extreme emergencies and from specially designated home stands; provided, however, that at these places the passenger, or passengers, already in the taxicab offer no objection.

"No operator or driver of any taxicab shall carry in such cab more passengers than the manufacturer's rated capacity. Provided, however, only one passenger may be carried in the front seat, unless the rear seat is full to capacity, and the front seat is sixty (60) inches or more in width, in which case two passengers may be carried in the front seat, and provided further, that children under six (6) years of age, and sitting on a passenger's lap, shall not be counted as passengers."

The Examiner calls attention of the Commission to the second paragraph of Rule VII as quoted above. The Rule already grants Applicant authority to engage in multiple loading of passengers at railroad depots, at bus stations, at airfields, and to and from sporting events, conventions, and other events where there is a mass assemblage of passengers seeking transportation, during storms and in extreme emergencies and from specially designated home stands with the consent of the passenger or passengers

already in the taxicab. The testimony by Applicant's witness Wilson that on some unspecified occasions more than five passengers desire to board a taxicab when they move to one or more destinations as a group is vague in the extreme, unsupported by any other evidence, and can be accorded no weight. It has to be concluded, therefore, that Applicant has not shown by competent evidence that its existing facilities are inadequate so as to permit the authorization of new and additional facilities [Western Colorado Power Company v. PUC, 159 Colo. 262, 411 P2d 785, 791 (1966)].

This brings us to another question or issue which has to be determined here. Is the extension as applied for truly an extension of existing authority or is it, in truth and fact, a request for the grant of authority to perform a new service?

By basing its request for the extension of authority upon an express intent to carry multiple passengers from the airport, Applicant is, in fact, attempting to secure permission to render services which are similar, if not identical, to limousine service. There is an essential difference between taxicab service and limousine service in that a passenger or passengers in a taxicab have the exclusive use of the vehicle they are riding in and normally proceed between one starting point to one specified destination, whereas passengers in limousine service proceed from one or several starting points to multiple destinations. Naturally, a passenger or passengers riding in a taxicab will pay a higher fare than passengers riding in a limousine. The arrangement proposed by Applicant in its "group-riding", which is, in fact, multiple loading, involves multiple destinations and is therefore so closely approaching limousine service as to be nearly identical. (Vide Airport Limousine Service, Inc. v. Cabs, Inc., 447 P2d 978 Colo., 1968). It has to be noted, moreover, that due to their lack of comfort and convenience, additional jump seats are not the answer to provide limousine service, even if that matter could properly be considered here and a need for such service had been shown.

Another aspect to be considered is the seating capacity of Applicant's total number of taxicabs. An overall increase in the seating capacity

of the taxicab fleet of Applicant would result if these applications were to be granted. No need for such an increase was shown at the hearing. Under the circumstances, should the applications be granted, this Commission would of necessity have to consider a reduction in the number of taxicabs Applicant is allowed to use in its service to the general public.

Still another factor to be considered is safety. The distance between the heads of the jump seat-riding passengers and the glass partition between the front and rear compartments is less than a foot. The jump seats are not equipped with seat belts or shoulder restraints. By no stretch of the imagination could it be said that the proposed arrangement would be as safe as the present seating of taxicab passengers. Denver is a metropolitan city and traffic, especially in the downtown area, to and from which a great number of the taxicab passengers are destined, is extremely heavy. In the case of an accident or a sudden stop, the passengers in the jump seats are accorded scant protection as compared to the present arrangement of passengers in taxicabs.

The conclusion to be arrived at is inescapable: No necessity for the proposed addition of the jump seats was proven at the hearing and, as far as convenience is concerned, the arrangement would be inconvenient rather than convenient to the taxicab-riding public.

Where applicable, those matters set forth in this Discussion are made a part of and included in the Findings of Fact, supra.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact and discussion, it is concluded that:

1. Applications No. 24361-Extension, No. 24362-Extension, No. 24363-Extension, No. 24364-Extension, and No. 24365-Extension should be denied.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

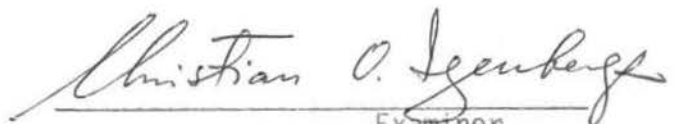
1. That Applications No. 24361-Extension and No. 24362-Extension, being applications of Yellow Cab, Inc., 3455 Ringsby Court, Denver, Colorado, for an extension of authority under PUC No. 1223, PUC No. 2204, and PUC No. 2204-I authorizing operation of taxicabs having a seating capacity of eight passengers, including the driver, be, and hereby are, denied.

2. That Applications No. 24363-Extension, No. 24364-Extension, and No. 24365-Extension, being applications of Checker Cab, Inc., Owner, and Yellow Cab, Inc., Lessee, 3455 Ringsby Court, Denver, Colorado, for an extension of authority under PUC No. 1529, PUC No. 2378, and PUC No. 2450 authorizing the operation of taxicabs having a seating capacity of eight passengers, including the driver, be, and hereby are, denied.

3. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hj

(Decision No. 76747)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CURNOW TRANSPORTATION COMPANY,)
3445 FOX STREET, DENVER, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23588-PP

SUPPLEMENTAL ORDER

January 25, 1971

Appearances: Donald K. Smith, Esq., Sterling,
Colorado, for Applicant;
John P. Thompson, Esq., Denver, Colorado,
for Denver-Laramie-Walden Truck Line, Inc.;
Denver-Loveland Transportation, Inc.; and
J. B. Montgomery, Inc., Protestants;
Frederick T. Berhenke, Esq., Denver, Colorado,
for Don Ward, Inc., Protestant;
Leslie R. Kehl, Esq., Denver, Colorado, for
North Eastern Motor Freight, Inc.; Goldstein
Transportation and Storage, Inc.; Frederic
A. Bethke, doing business as "Bethke Truck
Lines"; Bulk Transporters, Inc.; North Park
Transportation Co.; Groendyke Transport, Inc.;
Ward Transport, Inc.; Ruan Transport Corporation;
and Petco, Inc. of Colorado, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1970, Hearing Examiner Robert L. Pyle, pursuant to the provisions of CRS 1963, 115-6-9 (2), as amended, transmitted to the Commission the record and exhibits in the proceeding in Application No. 23588-PP, together with his recommended decision (No. 76151) containing his findings of fact and conclusions thereon with the recommended order or requirement.

On January 15, 1971, Applicant, by and through its attorney, Donald K. Smith, filed exceptions to the recommended decision (No. 76151). Such exceptions attacked certain of the findings of fact made by the hearing examiner. Applicant did not file a transcript. CRS 1963, 115-6-13 (4) provides as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provision, it must be presumed that the basic findings of fact of the hearing examiner are complete and accurate.

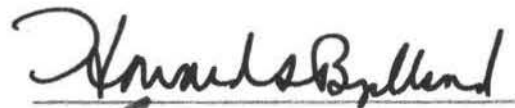
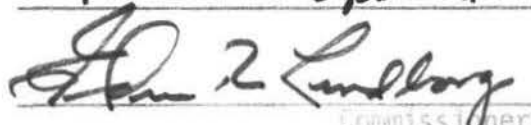
The Commission has now reconsidered the matter and has determined that the exceptions filed herein by Applicant, Curnow Transportation Company, should be overruled and denied and that the recommended decision (No. 76151) of Hearing Examiner Robert L. Pyle should be adopted as the Decision and Order of the Commission.

O R D E R

THE COMMISSION ORDERS THAT:

1. The exceptions filed herein by Applicant, Curnow Transportation Company, be, and hereby are, overruled and denied.
2. The Recommended Decision No. 76151 of Hearing Examiner Robert L. Pyle, be, and hereby is, adopted in its entirety as the Decision of the Commission.
3. This Decision shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

Dated at Denver, Colorado,
this 25th day of January, 1971.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent to the within Supplemental Order, as I disagree with many of the conclusions in Recommended Decision No. 76151, and in particular with the "Discussion and Comments" therein.


Commissioner

Dated at Denver, Colorado,
this 25th day of January, 1971.
hbp

(Decision No. 76748)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL LIMOUSINE SERVICE, INC., 1421)
COURT PLACE, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24122-Tem-
porary Authority

ORDER DENYING MOTION AND PETITION
FOR RECONSIDERATION OF TEMPORARY
AUTHORITY

January 25, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1971, the Commission by Decision No. 76628, granted temporary authority to Applicant for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire.

On January 18, 1971, Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus Sytem, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., and Continental Central Lines, Inc., by and through their attorney John R. Barry, filed a Motion to Reopen and Reconsider Decision No. 76628.

On January 20, 1971, Little Percent, Inc. ("Little Percent") and Aspen Cab Service Company ("Aspen Cab"), throught their attorney David E. Driggers, filed a Petition for Reconsideration of Order Granting Temporary Authority.

Upon reconsideration, the Commission states and finds that Motion filed by John R. Barry, Esq., and the Petition filed by David E. Driggers, Esq., should be denied as set forth in the Order following.

O R D E R



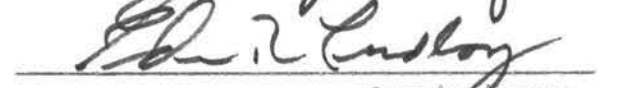
THE COMMISSION ORDERS THAT:

The Motion to Reopen and Reconsider Decision No. 70628, filed on January 18, 1971, by the above-named protestants as set forth in the Statement hereinabove, be, and hereby is, denied.

The Petition for Reconsideration of Order Granting Temporary Authority, filed on January 20, 1971, by the above-named protestants as set forth in the Statement hereinabove, be, and hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of January, 1971.
hbp

(Decision No. 76749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, DONALD J. SEBERN, T.W.)
RINKER, TED P. RINKER, KENT D. SEBERN,)
AND LEONARD L. DeLUE, INDIVIDUALLY AND)
AS TRUSTEE AND EXECUTOR OF THE ESTATE)
OF ELEANOR L. DeLUE, DOING BUSINESS AS)
"ARMORED MOTORS SERVICE," 970 YUMA STREET,)
DENVER, COLORADO, FOR TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-958.)

APPLICATION NO. 24706-PP-Extension-TA

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, DONALD J. SEBERN, T.W.)
RINKER, TED P. RINKER, KENT D. SEBERN,)
AND LEONARD L. DeLUE, INDIVIDUALLY AND)
AS TRUSTEE AND EXECUTOR OF THE ESTATE)
OF ELEANOR L. DeLUE, DOING BUSINESS AS)
"ARMORED MOTORS SERVICE," 970 YUMA STREET,)
DENVER, COLORADO, TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-958 AND PERMIT NO.)
B-958-I.)

APPLICATION NO. 24706-PP-Extension

January 26, 1971

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 17, 1970, Applicants filed with the Commission the above-captioned applications. On December 23, 1970, notice of the filing of the within applications was made by the Commission.

By Decision No. 76646, dated January 12, 1971, the Commission denied the temporary authority sought. On January 15, 1971, Applicants filed a Petition for Reconsideration of said Decision No. 76646, and on January 15, 1971, by Decision No. 76680, said Decision No. 76646 was set aside and held for naught and temporary authority was granted.

On January 15, 1971, Applicants, by and through their attorney Herbert M. Boyle, requested the Commission to substitute Wells Fargo Armored Service Corporation as the applicant due to the fact that the applications were filed subsequent to the time applicants had transferred all of their authority

in the State of Colorado to Wells Fargo Armored Service Corporation and that Wells Fargo Armored Service Corporation is presently providing the service in Colorado.

The Commission states and finds that the request of Applicants is proper in all respects and that Motion to Substitute Parties should be granted.

O R D E R

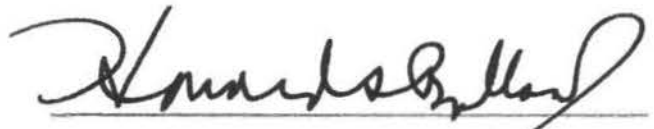
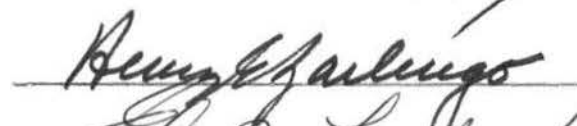

THE COMMISSION ORDERS THAT:

1. The Motion to Substitute Parties in Applications No. 24706-PP-Extension-Temporary Authority and No. 24706-PP-Extension, be, and hereby is, granted.

2. The Applicant in the above-entitled applications shall be Wells Fargo Armored Service Corporation.

3. 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 26th day of January, 1971.
hbp